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Torquay, Devon TQ1 3DR
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Tuesday, 1 December 2015

Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **Rosetor Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 10 December 2015** commencing at **4.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steve Parrock'.

Steve Parrock
Chief Executive

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

A prosperous and healthy Torbay

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

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01803 207012

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

Meeting of the Council Agenda

1. **Opening of meeting**

2. **Apologies for absence**

3. **Minutes**

To confirm as a correct record the minutes of the meeting of the Council held on 22 October 2015.

(Pages 5 - 12)

4. **Declarations of interests**

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

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

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

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

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

5. **Communications**

To receive any communications or announcements from the Chairman, the Mayor, the Overview and Scrutiny Co-ordinator or the Executive Director of Operations and Finance.

6. **Members' questions**

To respond to the submitted questions asked under Standing Order A13.

(Pages 13 - 14)

7. **Notice of motions**

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

- (a) Notice of Motion on Council Functions Decision Making Structure

(Page 15)

- (b) Notice of Motion Boundary Review (Page 16)
8. **Licensing Act 2003 'Draft Statement of Principles 2016-2021' (Licensing Policy)** (Pages 17 - 72)
To consider the submitted document on the above policy framework document.
9. **Gambling Act 2005 'Statement of Principles 2016' (Gambling Policy)** (Pages 73 - 122)
To consider the submitted report on the above policy framework document.
10. **Formal Adoption of the Torbay Local Plan** (Pages 123 - 228)
To consider the submitted report on the above policy framework document.
11. **Torquay Gateway (Edginswell) Masterplan Supplementary Planning Document** (Pages 229 - 326)
To consider the submitted report on the above policy framework document.
- The remaining items will be discussed from 5.30 p.m. due to public interest in some of these items.**
12. **Covenant Protecting Churston Golf Club from Development - Call-In** (Pages 327 - 343)
To consider the submitted report in response to the call-in of the Mayor's decision on a covenant protecting Churston Golf Club from Development and consider making recommendations to the Mayor.
13. **Transitional Funding for the English Riviera Tourism Company** (Pages 344 - 350)
To consider the submitted report on proposals for transitional funding for the English Riviera Tourism Company following the recent 'no' vote for the proposed Torbay Retail and Tourism Business Improvement District.
14. **Claylands** (Pages 351 - 365)
To consider the submitted report on a proposal to redevelop Council owned land known as 'Claylands' using a combination of Council and Local Enterprise Partnership Funding.
15. **Reduction of Energy Consumption and Carbon Emissions** (Pages 366 - 381)
To consider the submitted report on proposals to further reduce energy consumption and carbon emissions within highway street lighting.
16. **Joint Health and Wellbeing Strategy** (Pages 382 - 407)
To consider the submitted report on the above policy framework document and the recommendations of the Health and Wellbeing Board.
17. **Torbay's Housing Strategy 2015-2020** (Pages 408 - 537)
To consider the submitted report on the above policy framework

document and the recommendations of the Overview and Scrutiny Board.

- 18. Proposed Council Tax Support Scheme 2016/17** (Pages 538 - 552)
To consider the submitted report on the Council Tax Support Scheme for 2016/17.
- 19. Torbay Council Annual Pay Policy Statement and Review of Pensions Discretions** (Pages 553 - 574)
To consider the submitted report setting out the draft Annual Pay Policy Statement, review of Pensions Discretions and associated changes to the terms of reference for the Employment Committee.
- 20. Council Tax Base 2016/17** (Pages 575 - 580)
To consider a report on the above.
- 21. Capital Plan Update - 2015/16 Quarter 2 and Mayor's proposals for Capital Plan revisions for budget process 2016/2017** (Pages 581 - 607)
To note the Capital Plan update report for 2015/16 under the Authority's agreed budget monitoring procedures and consider the Mayor's proposals for Capital Plan revisions for the budget process 2016/17.
- 22. Revenue Budget Monitoring 2015/16 - Quarter Two** (Pages 608 - 614)
To note the report setting out the projected outturn for the Council's Revenue Budget for 2015/16 as at the end of Quarter 2.

Note

An audio recording of this meeting will normally be available at www.torbay.gov.uk within 48 hours.

- 23. Formal Adoption of the Torbay Local Plan**



Minutes of the Council

22 October 2015

-: Present :-

Chairman of the Council (Councillor Hill) (In the Chair)
Vice-Chairwoman of the Council (Councillor Brooks)

The Mayor of Torbay (Mayor Oliver)

Councillors Amil, Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, King, Kingscote, Lang, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Stockman, Stocks, Stubley, Sykes, Thomas (D), Thomas (J), Tyerman and Winfield

75 Opening of meeting

The meeting was opened with a prayer by the Chaplain's representative, the Father Gorran Chapman.

76 Apologies for absence

Apologies for absence were received from Councillors Stringer and Tolchard.

77 Minutes

The Minutes of the meeting of the Council held on 24 September 2015 were confirmed as a correct record and signed by the Chairman.

78 Declarations of interests

There were no declarations of interests made at the meeting.

79 Communications

There were no communications or announcements.

80 Order of Business

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable agenda Item 10 (Referendum of the Future Forms of Governance) to be considered before Item 7 (Notice of Motion – Future Forms of Governance).

81 Members' questions

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

Verbal responses were provided at the meeting. Supplementary questions were then asked and answered in respect of questions 1, 2 and 4.

82 Transfer of PLUSS to a Community Interest Company

The Council considered the submitted report on a proposal for the Council to relinquish its ownership of PLUSS to enable it to convert to a Community Interest Company. Members noted that following the decision of the Council on 5 December 2013 to dispose of PLUSS to Turning Point, this did not proceed as Turning Point withdrew from the negotiations. The submitted report updated Members on the current position and a way forward for PLUSS. The decision to relinquish ownership of PLUSS was subject to the other three local authority owners also agreeing.

It was proposed by Councillor Parrott and seconded by Councillor Stocks:

- (i) that the Council relinquishes its ownership of PLUSS to enable PLUSS to convert to a Community Interest Company;
- (ii) that Council notes that its approval in (i) above is subject to the other three local authority owners approving a report in the same terms as this submitted report; and
- (iii) that the Assistant Director of Corporate and Business Services be authorised to sign all documents necessary in order to facilitate the process of the Council relinquishing its ownership of PLUSS and PLUSS converting to a Community Interest Company.

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

83 Treasury Management Mid-Year Review 2015/16

Members received the submitted report on a mid-year review of Treasury Management activities during the first part of 2015/16 and the recommendations of the Audit Committee. It was noted the Treasury function aimed to support the provision of Council services through the management of the Council's cash flow, debt and investment operations.

It was proposed by Mayor Oliver and seconded by Councillor Mills:

- (i) that the Treasury Management decisions made during 2015/16 the first part of 2015/16 as detailed in the submitted report be noted; and

- (ii) that the Prudential and Treasury Indicators as set out in Appendix 2 of the submitted report be noted.

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

- (iii) that the Annual Investment Strategy be varied to allow diversification of the investment portfolio into higher risk investments, initially on an experimental basis, and approve investment in one or both of the following instruments:
- peer to peer lending – with overall investment of £100,000; maximum individual loan amount of £1,000; maximum loan term of five years; and limited to credit ratings 'A+', 'A' and 'B'; and
 - The Local Authorities Property Fund.

On being put to the vote, the amendment was declared carried.

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

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

84 Referendum on Future Forms of Governance

Following the resolution of the Council on 23 July 2015 to hold a referendum on its future form of governance, Members considered the submitted report on the outcome of a consultation exercise and the different forms of governance.

It was proposed by Councillor Lang and seconded by Councillor Excell:

- (i) that the Council considers the results of the consultation exercise, and having regard to the outcome of the consultation, confirms it wishes to proceed with a referendum on its future form of governance to be held in May 2016;
- (ii) that, the question on the form of governance to be included in the referendum, will be as follows:

How would you like Torbay Council to be run?

By a Mayor who is elected by voters. This is how the Council is run now.

OR

By one or more committees made up of elected councillors. This would be a change from how the Council is run now.

- (iii) that the Assistant Director – Corporate and Business Services be authorised to prepare and publicise proposals on the form of governance to be included in the referendum, in accordance with legislation and in consultation with the Mayor and Group Leaders.

An amendment was proposed by Councillor Thomas (D) and seconded by Councillor Tyerman:

- (ii) that the question to be asked in the referendum is as follows:

"How would you like Torbay Council to be run?

By a Mayor who is elected by voters. This is how the council is run now.

Or

By a leader who is an elected councillor chosen by a vote of the other elected councillors. This would be a change from how the council is run now."

At the request of the Chairman, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Cunningham, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Stockman, Sykes, Thomas (D), Thomas (J), Tyerman and Winfield (17); Against: The Mayor and Councillors Amil, Brooks, Carter, Darling (M), Darling (S), Doggett, Excell, Haddock, King, Lang, Manning, Mills, Morris, Parrott, Stocks and Stubley (17); Absent: Councillors Tolchard and Stringer (2). Therefore, in accordance with Standing Order A19.2, the Chairman used his casting vote, he voted for the amendment and declared the amendment carried.

The substantive motion (the original motion (i) and (iii) with amended (ii)) was then before Members for consideration.

At the request of the Chairman, a recorded vote was taken on the substantive motion. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Cunningham, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Stockman, Sykes, Thomas (D), Thomas (J), Tyerman and Winfield (17); Against: The Mayor and Councillors Amil, Carter, Darling (M), Darling (S), Doggett, Excell, Haddock, King, Lang, Manning, Mills, Morris, Parrott, Stocks and Stubley (16); Abstain: Councillor Brooks (1); Absent: Councillors Tolchard and Stringer (2). Therefore the substantive motion was declared carried.

85 Notice of Motion - Future Forms of Governance

In light of the Council decision in Minute 84, the Chairman advised that the matter had been dealt with and therefore the Notice of Motion stood withdrawn.

86 Lease of Office Premises for Brixham Children's Centre/SWIFT Practise Base (Mayoral Decision)

The Council considered the following recommendation to the Mayor.

It was proposed by Councillor Parrott and seconded by Councillor Morey:

that Children Services be granted a 21 year lease from Torbay Economic Development Company of the vacant unit at Brixham Enterprise Centre, Rea Barn Road, Brixham TQ5 9DF for use as accommodation for the Brixham Children's Centre.

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

The Mayor considered the matter at the meeting and the record of his decision, together with further information, is attached to these Minutes.

Chairman

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Record of Decisions

Lease of Office Premises for Brixham Children's Centre/SWIFT Practise Base

Decision Taker

Mayor on 22 October 2015

Decision

That Children Services be granted a 21 year lease from Torbay Economic Development Company of the vacant unit at Brixham Enterprise Centre, Rea Barn Road, Brixham TQ5 9DF for use as accommodation for the Brixham Children's Centre.

Reason for the Decision

To enable Brixham Children's Centre to move to new accommodation.

Implementation

This decision will come into force and may be implemented on 4 November 2015 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Brixham Children's Centre offers a variety of supportive services to young families in the area. Earlier this year the centre was forced to vacate its premises at Furzesham Primary School to enable the school to address its rising pupil numbers and an ongoing works programme due to the condition of the building.

The submitted report set out details of alternative premises identified at Brixham Enterprise Centre.

The Mayor considered the recommendations of the Council made on 22 October 2015 and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options explored are set out in the submitted report.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

27 October 2015

Signed: _____
Mayor of Torbay

Date: 27 October 2015

Agenda Item 6

Meeting of the Council

Thursday, 10 December 2015

Questions Under Standing Order A13

Question (1) by Councillor Darling (M) to the Executive Lead for Planning, Transport and Housing (Councillor King)	<p>Traders around Torquay Harbour have contacted me concerned that the new Torquay Harbour side coffee Kiosk continues to operate when planners only issued a limited permission this summer.</p> <p>Why is it still operating? Should a new site be found for such a business, will it be open for tender?</p>
Question (2) by Councillor Doggett to the Executive Lead for Planning, Transport and Housing (Councillor King)	<p>Torbay has a target of achieving 50% recycling by 2020. I understand that we have hovered around the 45% level of recycling in recent years. What action plan is in place to achieve this target?</p>
Question (3) by Councillor Darling (S) to the Executive Lead for Planning, Transport and Housing (Councillor King)	<p>In a report to Council in 2010 the key benefits of undertaking the establishment of the JVCo were identified as follows:</p> <ul style="list-style-type: none">• outcome based service delivery to meet the needs of customers;• utilisation of "real time" reporting and mobile technology to improve the offering to customers;• an improved waste solution for Torbay residents which means a significant improvement in recycling rates and a reduction in waste going to landfill;• a waste solution which exceeds current and projected waste performance targets;• introduction of food waste collection rounds;• an improved Household Waste and Recycling Centre in Paignton;• an improved recycling offering in terms of Bring Banks;• creation of local job opportunities;• creation of local opportunities for apprentices, graduates and the long-term unemployed;• reduction in carbon emissions;• estimated savings of £10.1m over ten years;• fixed prices on ordered services;• investment in new equipment and plant;• development of a multi-skilled workforce that is more responsive to customer needs;• opportunity for JVCo to grow as a local business and aid the local economy as it expands in the future;• establishment of a company that can deal with "peaks and troughs" by

	<p>trading externally on a regional basis;</p> <ul style="list-style-type: none">• access to national and regional supply chains that will drive down costs for the Authority; and• investment in training for JVCo and Authority staff. <p>In light of the above outcomes can you please advise on, why the regional trading goal has not been achieved?</p>
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Council Meeting, 10 December 2015

Notice of Motion – Council Functions Decision-making Structure

The Council, at its meeting on 22 October 2015, resolved to hold a referendum to consider changing its current governance structure.

Following this decision, there has been concern and confusion that some of the current Committees appointed by the Council will be disbanded. It is for the Council to determine how it discharges those functions (e.g. Planning, Licensing, Harbours, Audit) which are reserved to the Council under both the Mayoral and Leader models of governance.

Therefore, this Council resolves:

that the committees as set out in Schedule 4 – Terms of Reference, of the Council's Constitution remain in place until May 2019.

Proposed by Councillor Thomas (D)
Seconde by Councillor Ellery

Council Meeting, 10 December 2015

Notice of Motion – Electoral Review of the Number of Councillors for Torbay Council

The Council notes that the last Electoral Review for Torbay Council was carried out in 2001. Since that time there has been:

- a continuous reduction in the number of staff resulting in a reduction from 1455 full time equivalent staff in March 2010 to 890 full time equivalent staff in October 2015;
- a number of significant changes in the way the Council operates, in particular the establishment of the:
 - Integrated Care Organisation for adult social care and health and
 - proposed transfer of Children’s Services into the ICO
 - the development of the Torbay Development Agency and continuation Torbay Coast and Countryside Trust
 - commissioning of services such as the contract with TOR2; and
 - the growth of academy schools in Torbay which have left only a residual Local Education Authority function.

The change to the way the Council now operates means that there is reduced engagement for Councillors as many of the operational decisions are made outside of the Council chamber.

Therefore, this Council resolves:

that the Assistant Director of Corporate and Business Services be requested to develop a business case for submission to the Local Government Boundary Commission for England requesting an electoral review to reduce the number of Councillors in Torbay to come into effect from May 2019.

Proposed by Councillor S Darling
Seconded by Councillor C Carter



Meeting: Council

Date: 10 December 2015

Wards Affected: All

Report Title: Licensing Act 2003 'Draft Statement of Principles 2016-2021' (Licensing Policy)

Is the decision a key decision? Yes

When does the decision need to be implemented? 7 January 2016

Executive Lead Contact Details: Robert Excell, Executive Lead for Community Services, (01803) 207579, robert.excell@torbay.gov.uk

Supporting Officer Contact Details: Steve Cox, Environmental Health Manager (Commercial) (01803) 208025, steve.cox@torbay.gov.uk

1. Proposal and Introduction

1.1 In accordance with Section 5 of the Licensing Act 2003, the Council, as Licensing Authority, is required to adopt a Statement of Licensing Policy every five years. The Council's current Policy was adopted 14 December 2010 and took effect 7 January 2011. It is now time to re-adopt a Statement of Licensing Policy (hereinafter referred to as the "Statement of Principles 2016-2021") to have effect from 7 January 2016 through to 6 January 2021. The draft Policy can be found at Appendix 2 to this report.

2. Reason for Proposal

2.1 To meet the statutory requirement laid out in the Licensing Act 2005.

3. Recommendation(s) / Proposed Decision

3.1 That the Licensing Policy Statement of Principles 2016 set out in Appendix 2 to the submitted report be approved.

Appendices

Appendix 1 Supporting Information and Impact Assessment

Appendix 2 Draft Licensing Policy Statement of Principles 2016-2021

Appendix 3 Cumulative Impact Area (CIA) Crime Analysis

Appendix 4 Responses from consultation on Draft Statement of Principles 2016-2021

Background Documents

The following resources and documents were used to compile this report:

- 1 Licensing Act 2003
<http://www.legislation.gov.uk/ukpga/2003/17/contents>
- 2 Torbay Council's Licensing Statement of Principles 2011 - 2016.
<http://www.torbay.gov.uk/index/yourbusiness/licensing/alcohollicences.htm>
- 3 Revised Guidance issued under section 182 of the Licensing Act 2003: March 2015.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf

Supporting Information and Impact Assessment

Service / Policy:	Gambling Act 2005 Statement of Principles and Licensing Act 2003 Statement of Principles
Executive Lead:	Robert Excell
Director / Assistant Director:	Fran Hughes

Version:	1.0	Date:	3 rd November 15	Author:	Steve Cox
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Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>Both the Licensing Act and the Gambling Act have statutory requirements to produce a policy 'Statement of Principles', that lay out the way the Council will implement the two Acts.</p> <p>The Licensing Act 2003 lays out a licensing process for the sale or supply of alcohol, regulated entertainment and late night refreshment.</p> <p>The Gambling Act 2005 lays out a licensing process for all forms of gambling, by way of licence, permit or notification.</p> <p>Hereafter called policies.</p>
2.	<p>What is the current situation?</p> <p>The two current policies, expire in January 2016 so by them being agreed by Full Council in December, they can be published by the required statutory dates.</p> <p>They have both been through 12 weeks public consultation, the detail of which is laid out with the draft documents.</p>
3.	<p>What options have been considered?</p> <p>There is only one option as this is laid out in statute.</p>
4.	<p>How does this proposal support the ambitions and principles of the Corporate Plan 2015-19?</p> <p>The Licensing and Gambling Statements of Principles 2016 between them support all five of the Corporate Plan targets by either protecting children and vulnerable adults from some aspects of the two industries or by supporting a</p>

	<p>better future for Torbay.</p> <ul style="list-style-type: none"> • Protecting all children and giving them the best start in life. • Promoting healthy lifestyles across Torbay. • Working towards a more prosperous Torbay. • Ensuring Torbay remains an attractive and safe place to live, visit and work. • Protecting and supporting vulnerable adults.
<p>5.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>Everyone who runs a business for gambling, for the sale or supply of alcohol, (so including social clubs), provides entertainment or late night refreshment (with some exemptions) is affected by one or both of these policies.</p> <p>The vast majority of the public will also use such premises or have the potential be affected by their activities.</p> <p>The consultation is aimed at reaching as many of these people as possible.</p>
<p>6.</p>	<p>How will you propose to consult?</p> <p>Details are covered in the two draft policies.</p>

Section 2: Implications and Impact Assessment

7.	<p>What are the financial and legal implications?</p> <p>Statutory function, so there are legal implications if the policies were not agreed, and this could potentially undermine the power of the Licensing Authority to make the decisions it currently makes, which could have financial implications.</p> <p>Apart from the cost of staff time and resources for the review of these policies, there are no other financial implications.</p>
8.	<p>What are the risks?</p> <p>See above.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>No</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Some data regarding the Cumulative Impact Area (CIA), which puts a presumption of refusal for applications within the zone (see Licensing Act 2003 policy for the area in question) in relation to crime and disorder. This data shows an increase in crime and disorder for violence against the person, so the Police would like to retain the CIA so it is included within the policy.</p> <p>In practice this only restricts vertical drinking establishments unless they can show they will not affect crime and disorder.</p>
11.	<p>What are key findings from the consultation you have carried out?</p> <p>Very little response.</p>
12.	<p>Amendments to Proposal / Mitigating Actions</p> <p>None</p>

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups These two policies are not new, but are reviews of the existing policies. There are some small changes only. Therefore there should be no real change or impact on anyone that there isn't already under the existing policies. However small changes within the Gambling Act (GA05) do have some positive impacts potentially.		
	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	GA05 – Requirement for local area risk assessments, so gambling business need to evaluate local risk. The policy is amended to incorporate this.		X (LA03)
People with caring Responsibilities			X
People with a disability			X
Women or men			X
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			X
Religion or belief (including lack of belief)			X
People who are lesbian, gay or bisexual			X
People who are			

	transgendered			X
	People who are in a marriage or civil partnership			X
	Women who are pregnant / on maternity leave			X
	Socio-economic impacts (Including impact on child poverty issues and deprivation)			X
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	GA05 – Requirement for local area risk assessments, so gambling business need to evaluate local risk. The policy is amended to incorporate this.		X (LA03)
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	Ability to deliver services within the Night Time Economy to prevent crime and disorder and public nuisance are under strain due to a reduction in resources.		
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	Ability to deliver services within the Night Time Economy to prevent crime and disorder and public nuisance are under strain due to a reduction in resources from the Police, which compounds our own reductions.		

Torbay Council's Statement of Principles 2016-2021

Licensing Act 2003

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The 'Licensing Statement of Principles 2016-2021 was ratified and adopted by Full Council on 10 December 2015.

Torbay Council's Statement of Principles 2016-2021

Introduction

Torbay Council is designated as a 'Licensing Authority' for the purposes of the Licensing Act 2003.

This document is Torbay Council's "Statement of Principles", made under Section 5 of the Licensing Act 2003, and has effect for the period of 7 January 2016 to 6 January 2021.

Torbay is a popular well-established holiday destination situated on the South Devon Coast, on the South West peninsular of England. It has a population of over 130,000 which can increase to over 200,000 in the summer months.

The area comprises of the three towns of Torquay, Paignton and Brixham, and is known for its mild climate, picturesque harbours, coves and beaches, and is home to numerous tourist attractions.

Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR

www.torbay.gov.uk

MAP of TORBAY



This Statement of Principles is set out in the following sections:

- Section 1** The Guiding Principles that will direct the Council in making its Licensing decisions
- Section 2** Primary considerations when an application is made.
- Section 3** Considerations when an application is heard by a Licensing Committee
- Section 4** The Council's rationale for issuing licences.
- Section 5** The role and influence of representations.
- Section 6** The way in which the Council will communicate and enforce requirements.

If you require this document in another format please call 01803 208 025 or email licensing@torbay.gov.uk.

STATEMENT OF PRINCIPLES

This Statement of Principles applies to the regulation of the following licensable activities at premises, vessels and member's clubs:

- (i) the sale by retail of alcohol;
- (ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- (iii) the provision of regulated entertainment to the public, to club members or with a view to profit;
- (iv) The supply of hot food and/or hot drink between 23:00 and 05:00.

This fourth Statement is made following consultation with:

- a) The Chief Officer of Devon and Cornwall Police
- b) The Chief Officer of Devon and Somerset Fire and Rescue Service
- c) The Director of Public Health
- d) Residents and businesses of Torbay
- e) Bodies representing businesses
- f) Holders of Premises Licences and Club Premises Certificates
- g) Bodies representing existing registered clubs
- h) Bodies representing holders of existing premises licences and personal licences
- i) Torbay and Southern Devon Health & Care NHS Trust
- j) Torbay Council: Children's Services
- k) Torbay Council: Planning, Environmental Health and Highways Authorities
- l) The Torbay Safer Communities Partnership
- m) The Maritime and Coastguard Agency
- n) Faith groups via Torbay Interfaith Forum and the Street Pastors
- o) Torbay Development Agency
- p) English Riviera Tourism Company
- q) Tor Bay Harbour Authority

The aim of this Statement is to secure the safety and amenity of residential and business communities whilst facilitating a sustainable entertainment and cultural industry. In adopting this Statement, Torbay Council recognises both the needs of residents and those businesses not covered by the provisions of the Licensing Act 2003 (the "Act") to live and operate in a safe and healthy environment and the important role that well run licensed premises play in the local economy and in contributing to vibrancy of the Bay. To achieve this aim, the Council is committed to working in continued partnership with nominated Responsible Authorities under the Act, local businesses, and members of the licensed trade, residents and visitors to the Bay to promote the licensing objectives as set out in this Statement.

SECTION 1 - The Guiding Principles that will direct the Council in making Licensing decisions

1.1 The Council, as the Licensing Authority, has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives set out below:

**The Prevention of Crime and Disorder;
Public Safety;
The Prevention of Public Nuisance; and
The Protection of Children from Harm.**

1.2 The Council will treat each Licensing Objective with equal importance.

1.3 While this “Licensing Statement of Principles” sets out a general approach to making licensing decisions, it does not ignore or is inconsistent with provisions in the Act. The Statement does not undermine the right of any individual to apply under the terms of the Act for a variety of permissions or to have any such application considered on its individual merits.

1.4 This Statement of Principles” does not override the right of any person to make Representations on an application or to seek a Review of a licence or certificate where a provision has been made for them to do so in the Act.

1.5 Where an application is made and there are no relevant Representations, the application will be granted subject only to conditions reflecting the operating schedule and any mandatory conditions. Where there are relevant Representations, the Licensing Authority, will grant the application unless it is necessary to refuse it or impose a condition in order to promote one or more the Licensing Objectives. Conditions imposed will be reasonable and proportionate

1.6 In recognition of its responsibilities under Section 17 of the Crime and Disorder Act 1998, and within the strategic aims of the Safer Communities Torbay Strategic Assessment, the Council will do all that is reasonable to prevent crime and disorder in Torbay.

1.7 The Council recognises its responsibilities to individuals under the European Convention on Human Rights, set out by the Human Rights Act 1998, and its statutory role as a Licensing Authority to fulfil the duties and responsibilities vested in it.

- 1.8 The Council is also cognisant of its responsibilities to individuals under the Equality Act 2010, to have regard to the elimination of unlawful discrimination and its duty to promote equality of opportunity regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This Act replaces previous legislation (such as the Race Relation Act 1976, Disability Discrimination Act 1995).
- 1.9 The Council is committed to achieving good outcomes for children, young people and their families. Children of all ages need to be kept safe from harm and safeguarding is about making sure that they are protected from all kinds of harm, not only physical and sexual but also psychological, emotional and moral harm. Where there is a risk it is important that steps are taken to keep children safe and the Licensing Authority will have regard to this when considering applications under the Licensing Objectives.
- 1.10 The Council is aware that effective licensing can only be achieved by recognising the value of all contributions. The Licensing Authority strongly supports inclusivity and working in partnership with the Police and other Responsible Authorities, local businesses, performers, local people, professionals involved in child protection and all others who can contribute positively to the successful promotion of the four Licensing Objectives. The Licensing Authority encourages membership of local schemes such as NiteNet, Pub watch or StoreNet and values the contribution such schemes make to the fulfilment of the Licensing Objectives.
- 1.11 The Council's licensing decisions will be taken within the context of all strategies to which it is a signatory and will have regard to the potential impact its decisions may have on those strategies, providing these are not contradictory to the requirements of the Licensing Act 2003.
- 1.12 The Council considers that its licensing decisions can be a key factor in the control of anti-social behaviour. Whilst accepting that it will not use licensing conditions to control anti-social behaviour by individuals once they are away from the licensable premises or place and beyond the direct control of the licensee it does as a matter of policy expect every holder of a licence issued under this Act to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the vicinity of their Premises. They will require licence holders to demonstrate that they have taken and intend to take appropriate action in this respect. Any conditions attached to licences will be within the control of the individual licensees and others in possession of relevant authorisations, and will primarily focus on the direct impact of the activities taking place at the Licensed Premises on members of the public living, working or engaged in lawful activity in the area concerned.

- 1.13 The Council will not adopt blanket Policies of zoning to fix the trading hours of Licensed Premises. However, where it is necessary to promote one or more of the Licensing Objectives, the Licensing Authority will attach conditions to the Premises Licence to control a Premises' trading hours. Such conditions will be imposed where there is supporting evidence to demonstrate necessity.
- 1.14 The Council is satisfied, having been advised by and provided with supporting data from Devon and Cornwall Police that the night time leisure economy is on occasions subject to crime and disorder problems which can lead to noise disturbance in some residential and commercial accommodation areas. Therefore the Council has as part of this Policy included a Special Saturation Policy (otherwise known as a Cumulative Impact Policy) where an application for a new Licence, or variation of an existing Licence, would normally be refused, where it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in the area. This Special Saturation Policy will apply to all Premises in the areas designated in Appendix 1 to this Policy, when the sale of alcohol is proposed and relevant Representations are received from a Responsible Authority or an Interested Party and are upheld as relevant following a hearing.
- 1.15 Premises which are permitted to provide sales of alcohol for consumption off the Premises may be subject to conditions that limit trading hours and restrict types and minimum quantities of alcohol where either the Premises or the area in which the Premises intends to trade, are known to be a focus for disorder and disturbance. A decision to impose such conditions will be subject to a relevant Representation being received and where there is supporting evidence to demonstrate necessity.
- 1.16 In the case of age classifications for films, the Policy of the Council is to follow the recommendations of the British Board of Film Classification for most purposes, whilst retaining the right to allocate a classification of its own to a particular film or to modify the advisory information proposed for use in connection with that film or the mechanism proposed for communicating that information.
- 1.17 Any necessary decisions in relation to planning legislation will be made completely independently of those made in respect of Licensing Act applications.
- 1.18 The Council's Licensing Committee will receive regular reports on decisions made by Officers under the provisions of the scheme of delegation so that it maintains an overview of the general situation.

1.19 The Council will actively encourage a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays. Premises specifically catering for young people in a safe, alcohol-free environment should be encouraged and promoted for the wider cultural benefit of the community in Torbay. The Council will seek to monitor the impact of licensing on the provision of regulated entertainment and particularly on live music and dancing in Torbay. Some departments within Torbay Council have obtained Licences for specified public open spaces and Premises so that the benefit of any Licence granted can be conveyed by the licence-holding department to authorised entertainers and performers within the event site. The Council's Licensing Committee will consider such applications from an entirely neutral standpoint. It will also consider carefully any Representation that the licensing regime is adversely affecting the provision of live music and dancing as regulated entertainments in Torbay and will only impose restrictions that are necessary, proportionate and reasonable as licensing conditions.

1.20 The Council recognises that proper integration with local crime prevention, planning, transport, tourism and cultural strategies is essential to assist in the reduction of public disorder and disturbances. The Council will ensure that future local transport plans reflect the need to disperse people from town centres swiftly and safely, particularly late at night, so as to avoid concentrations which may produce disorder and disturbance.

1.21 The Council recognises that licensing in so far as it seeks:

- a) To control the physical safety of people using a location, does not seek to control public health, which is subject to other controls.
- b) To protect children, includes their protection from moral, psychological and physical harm.

1.22 The Council is against the use of illegal drugs, or psychoactive substances (otherwise known as 'legal highs') and recognises the importance of the Home Office document 'Safer Clubbing'. It does aim through the licensing process to:

- a) **Prevent** drug dealing in Licensed Premises.
- b) **Minimise** drug availability and their use.
- c) **Safeguard** all the public attending events by requiring, through imposition of appropriate licence conditions, the provision of a secure and safe environment for such events to take place.

- 1.23 The Council recommends that all applicants seeking to supply alcohol should have had regard to, 'The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.
- 1.24 The Council is aware that clear enforcement protocols for licensing and associated activities are essential and will work closely with the Police, Fire and other partners and through its Safety Advisory Group to establish and review Protocols that ensure an efficient deployment of Police, Council Officers and others engaged in enforcement of licensing and other relevant legislation, in order to ensure that resources are targeted at problem and high risk Premises and events.
- 1.25 This Statement of Principles will be reviewed at least once in every five years by the Council. The Special Saturation Policy will also be kept under review by the Council and considered at least five years after the initial adoption or sooner in the Council requires it, to see whether it has the effect intended and is still needed.

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SECTION 2 - Primary considerations when an application is made

The Licensing Authority will:

- 2.1 Deal with all applications within the statutory timescales.
- 2.2 Where relevant representations are received, consider each application:
 - a) on its own merits,
 - b) in accordance with the Act, any subsequent amendments and supporting Regulations,
 - c) with regard to Guidance issued under Section 182 of the Act,
 - d) under the terms of this Policy.
- 2.3 Expect the Applicant to submit an Operating Schedule that properly addresses the impact their application may have on their neighbours or their surrounding communities, to ensure that each of the relevant Licensing Objectives is promoted. This is particularly relevant in the following circumstances.
 - (i) Crime and disorder arising out of the night time economy;
 - (ii) Noise from patrons and regulated entertainment where Premises are in close proximity to residential properties and have later opening times;
 - (iii) Public safety matters for higher risk activities and one-off events; and
 - (iv) Public safety matters arising out of unmanaged occupancy levels. (See Appendix 3 for further information)
- 2.4 Consider the specific proposals regarding the requested licensing hours. It is important to note that “opening hours”, the times when premises are open to the public, are not necessarily identical to the hours during which licensable activities may take place.
- 2.5 Recommend, in the case of applications for Premises Licences or Club Premises Certificates that the activity sought by the applicant has a lawful planning use. Where an application is submitted to permit licensable activities, the Applicant will need to be mindful of other restrictions that may affect the use of such a grant e.g. where a terminal hour has been set by planning permission for commercial use of the Premises. Where these hours are different to the licensing hours, it will be for the Applicant to ensure compliance with the earlier time’.
- 2.6 Expect Applicants to indicate whether or not the area to be licensed includes or comprises part of the public highway. This must be included on any plan submitted as part of an application. The Council supports a continental café culture which makes a positive contribution to the street-scene and to the

vitality of shopping and tourist areas bringing life, colour and interest on to the street. The Council may grant permission under Section 115E of the Highways Act 1980 for an applicant to use the public highway outside Premises for placing tables and chairs but the use of such an area will be subject to separate application, requirements and conditions under provisions of the Highway Act 1980.

2.7 Describe as '**Special Risk Entertainment**' events that incorporate any of the following activities for the entertainment or attraction of the public:

- a) hypnotism (as defined by the Hypnotism Act 1952);
- b) striptease, lap dancing or any similar performance (see note below *);
- c) the installation of strobe or laser equipment;
- d) the use of special effects such as pyrotechnics (Fireworks) or the introduction to any area occupied by the public of naked flame or any material, vapour, liquid, foam or novelty foodstuff;
- e) the use of any temporary structure or staged area;
- f) sporting events that carry higher than normal risks, e.g. cage fighting;

and expect details of any 'Special Risk Entertainment' to be provided and clearly specified in the submitted Operating Schedule.

* The Policing and Crime Act 2009 became law in November 2009, amending Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 so as to incorporate 'sexual entertainment venues' as sex establishments governed by the Act as amended. Torbay Council adopted the legislation in so far as it relates to sexual entertainment venues on the 2nd December 2010. Under the Act as amended, premises offering lap dancing or any live sexual performance or display of nudity on more than 11 occasions within a 12 month period or less than one month since the last performance will be required to obtain a sexual entertainment venue licence from the Council's Licensing Authority to authorise such activity. Torbay Council has drawn up a statement of Licensing Policy for Sex Entertainment Venues which was agreed by Licensing Committee on the 17th March 2011.

SECTION 3 - Additional considerations when an application is heard by a Licensing Committee

Where there are no relevant Representations, the application will be granted as applied for, subject to conditions which reflect the Operating Schedule and any mandatory conditions. Where there is a relevant Representation, the application will usually proceed to a contested hearing, following which the Licensing Authority may take such steps as are necessary to promote the Licensing Objectives. In considering the application, the Licensing Authority will have regard to the matters set out below. In order to reduce the risk of relevant Representations and the cost and delay of a contested hearing, Applicants are strongly recommended to consult with the relevant Responsible Authority, consider the matters set out below and incorporate them as necessary into their Operating Schedule

Where there have been relevant Representations the Licensing Authority will consider the content of any application with respect to the following matters:

3.1 THE PREVENTION OF CRIME AND DISORDER

- a) The adequacy of measures proposed to prevent **crime and disorder** and the history of any previous relevant enforcement action, particularly in relation to the use of the Premises for:
- (i) the sale and distribution of controlled drugs and the laundering of the proceeds of drugs crime;
 - (ii) the sale and distribution of illegal firearms;
 - (iii) the evasion of copyright in respect of pirated films and music;
 - (iv) the under-age purchase and consumption of alcohol;
 - (v) prostitution or for the sale of unlawful pornography;
 - (vi) use by organised groups of paedophiles to groom children;
 - (vii) the base for the organisation of criminal activity;
 - (viii) the organisation of racist activity or the promotion of racist attacks;
 - (ix) unlawful gambling;
 - (x) the sale of smuggled tobacco and alcohol.
- b) The measures the Applicant has taken or proposes to take to:-
- (i) **Prevent** the consumption or supply of illegal drugs and psychoactive substances (otherwise known as 'legal highs'), including a written drugs Policy, any entry and search procedures, the demonstration of a positive commitment to the deployment, when requested by the Police, of the Ion track Itemiser Drug Detection Machine at the Premises or event, and in respect of premise open after midnight with a capacity of 500 or more, the provision of a police drugs box and register.

- (ii) **Improve** security or public safety, for example by:
- using CCTV of an evidential standard which is continually monitored with recordings retained for 14 days;
 - the employment of specified numbers of SIA registered door supervisors for security duties and / or stewards for general public service or management, who shall be visible at all times and locations by means of clearly identifiable yellow reflective over-garments with the addition of personal arm band identification and
 - the adoption of a 'safe capacity' necessary for the **promotion** of public safety or the prevention of disorder on the premises.
- (iii) **Determine** whether other measures to prevent nuisance have been taken, such as the use of CCTV or the employment of SIA registered door supervisors.

Licence Holders should consider:

- (a) Recruiting SIA (**Security Industry Authority**) licensed door supervision staff from a company that is compliant with the requirements set out in the Security Industry Authority Approved Contactor Scheme (visit the SIA website www.sia.homeoffice.gov.uk for further information); and
- (b) What measures will be taken and what procedures are in place for licensees to check the SIA register of licensed door supervisors to ensure their Premises and patrons are only protected by door supervisors with an SIA licence. Torbay Council recommends the use of the SIA Company Licence Checker facility (visit the SIA website www.sia.homeoffice.gov.uk for further information).
- (iv) **Prevent** the use of glass bottles and drinking glasses being used as weapons and inflicting more serious harm during incidents of disorder. Consideration needs to be given to the location and style of the Premises/event, the times of opening, as well as features such as outside roof terraces, indoor sporting events, and televised sporting events.
- (v) **Facilitate** effective communications by means of text or radio pagers or other means to enable instant contact with local Police, CCTV

Monitoring Room or between Licensed Premises in a locality to warn of situations of disorder or potential disorder.

- (vi) **Demonstrate** a responsible approach to alcohol sales by ending alcohol sales by a time specified in the application that is some time before the Premises themselves are closed, and by not taking part in heavily 'discounted drinking' promotions. At the start of 2010, Parliament approved The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010. This attaches two conditions to all Premises Licences and Club Premises Certificates where alcohol is sold or supplied on the Premises (see Appendix 4).
- (vii) **Reduce** the risk of excessive alcohol consumption by providing and promoting reasonably priced soft drinks and, as required as a mandatory condition, to provide free drinking water at all bars (see Appendix 3). The provision of free potable (safe to drink) water is a mandatory condition (see Appendix 4).
- (viii) **Reducing** the risk of crime and disorder being caused by street drinkers, who are or appear to be alcohol dependant. This may be particularly relevant to Premises that are permitted to provide sales of alcohol for consumption off the Premises, which are located in areas where concerns about street drinkers have been identified by Responsible Authorities or within the area defined in the Cumulative Impact Policy. Such Premises may be required not to stock or sell high strength or types of cheap ciders, beers or lagers or to sell single unit items, i.e. cans that are split from an original multi pack or other such packaging.
- (ix) **Manage** the Premises safely by the provision of sufficient SIA registered door staff following a detailed risk assessment (see Appendix 3 for further information)
- (x) **Impose**, when necessary, a maximum allowable occupancy for an event, Premises or part or parts of Premises in the interests of public safety or for the prevention of crime and disorder.
- (xi) **Impose**, as appropriate, a requirement for the maintenance of a daily premises register of SIA registered door stewards (see Appendix 3 for further information)
- (xii) **Impose**, as appropriate, an incident log to record telephone calls, complaints and refusals for entry (see Appendix 3 for further information).

- (xiii) **Ensure** that the Premises Licence Holder or the Designated Premises Supervisor takes all reasonable steps to ensure that staff employed at the Premises are, trained so that they understand the requirements of both the Premises Licence/Club Premises Certificate and the broad provisions of the Licensing Act 2003.
 - (xiv) **Require** that all staff in premises selling alcohol after midnight shall be trained and hold, within three months of the commencement of their employment, BIIAB Level 1 Award in Responsible Alcohol Retailing.
 - (xv) **Require** where deemed necessary by a Responsible Authority premises selling alcohol after midnight shall use a breath box to randomly test and refuse entry to customers where it is believed that they are heavily intoxicated, and to randomly test customers within the premises to ensure that there is no excessive drunkenness.
 - (xvi) **Impose**, as appropriate, a requirement for a Policy to ensure that there is a safe area for leaving drinks when customers leave the Premises temporarily, e.g. to smoke.
- c) **Reduce** the likelihood of any violence, public disorder or Policing problems that may arise if a licence is granted.
 - d) Implementing the outcomes of consultations held by the Applicant, in respect of their application and submitted Operating Schedule, with the Devon and Cornwall Constabulary including any recommendations made by the Constabulary's Architectural Design Liaison Officer.
 - e) The expected attendance and participation at local licensing forums and high risk event meetings.

3.2 PUBLIC SAFETY

- a) The adequacy of measures proposed to deal with the **promotion of public safety** and in particular, the steps taken by, or the proposals of, the applicant to:
 - (i) **Assess** the risks to the public, staff and others associated with operating the Premises or event in accordance with their submitted Operating Schedule and measures implemented to reduce those risks.
 - (ii) **Provide** adequate facilities for people or performers with disabilities and to ensure their safety.

- (iii) **Ensure** that the number of people, staff and performers, present in the Premises or event can be safely evacuated in the case of emergency and that adequate access arrangements exist to permit the attendance of emergency vehicles, if required.
 - (iv) **Ensure** adequate staff training has been undertaken to deal with emergencies. To indicate the frequency that such training will be updated and the method of maintaining staff training records to demonstrate that regular training has taken place.
 - (v) Consultations with the Council's Officer responsible for the enforcement of Health and Safety legislation in respect of the application and the submitted Operating Schedule. It is the Policy of the Licensing Authority to not use its licensing powers to secure compliance with fire safety requirements, which arise from other legislation. However, in circumstances where fire safety inadequacies indicate that the Premises pose a risk to the health and safety of those who enter them and where specific fire safety enforcement does not provide a sufficient or sufficiently rapid remedy; the Licensing Authority will take appropriate steps to ensure that the risk is removed.
 - (vi) Maintain controlled entry to the Premises or event and establish the maximum number of persons who are occupying the Premises or event at any time (see Appendix 3 for further information).
 - (vii) **Determine** the views of the Maritime and Coastguard Agency, as the lead Authority with regard to all the Licensing Objectives, in the case of an application for a Premises Licence in respect of a passenger vessel.
- b) In preparing an Operating Schedule for large scale events, which would require a Premises Licence, the Applicant is expected to consider if appropriate the following guidance and publications:
- (i) Technical Standards for Places of Entertainment 2015 (ABTT, Chartered Institute of Environmental Health ,District Surveyors Association, Institute of Licensing) ISBN 978 1 904031 83 3
 - (ii) The Event Safety Guide (The Purple Guide) www.thepurpleguide.co.uk
 - (iii) Risk Assessment – A Brief guide to controlling risks in the workplace HSE INDG163

- (iv) The Guide to Safety at Sports Grounds, 5th edition (The Stationery Office, 2008) ISBN 13: 9780117020740
- (v) Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, Published: 2004 Revised 2009 ISBN 978-0-9544892-5-0

Guidance and advice from, Licensing Team, Town Hall, Castle Circus, Torquay TQ1 3DR. Tel: 01803 208025

3.3 THE PREVENTION OF PUBLIC NUISANCE

- a) The adequacy of measures proposed to deal with the **potential for nuisance** and in particular the steps taken by, or proposals of, the Applicant to:
 - (i) **Prevent** noise and vibration escaping from the Premises or open air sites, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
 - (ii) **Prevent** noxious fumes from causing a nuisance to occupants of nearby residential and commercial Premises or land.
 - (iii) **Prevent** disturbance from light arising from security devices, floodlighting, advertising lighting or any special effect lighting.
 - (iv) **Prevent** disturbance by patrons arriving at or leaving the Premises, or in the vicinity of the Premises, especially when smoking.
 - (v) **Prevent** disturbance by patrons using external smoking or beer garden areas from causing a nuisance to nearby neighbours.
 - (vi) **Prevent** queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises or otherwise manage the queue to prevent disturbance or obstruction.
 - (vii) **Consider** the cumulative effect from multiple one off events giving rise to nuisance.
 - (viii) **Ensure** that staff leave the Premises quietly.

- (ix) **Determine** whether taxis and private hire vehicles serving the Premises are likely to disturb local residents and people staying in holiday accommodation.
- (x) **Consider** whether routes to or from the Premises on foot or by car, or for service or delivery vehicles, pass residential Premises and holiday accommodation and if so, what effect does this have on such properties.
- (xi) **Improve** the management of the Premises following any previous or current enforcement action taken.
- (xii) **Determine** whether the Premises would result in increased refuse storage or disposal problems, or whether additional litter from or in the vicinity of the Premises could cumulatively cause public nuisance.
- (xiii) **Implement** where appropriate the outcomes of consultations held between the Applicant and Torbay Council's Licensing & Public Protection Team in respect of the application and submitted Operating Schedule.

3.4 THE PROTECTION OF CHILDREN FROM HARM

- a) The adequacy of measures proposed to protect children from harm and in particular the steps taken by, or proposals of the Applicant to protect children:
 - (i) **Where** there have been convictions or Fixed Penalty Notices against staff employed at the Premises for serving alcohol to minors, or at Premises with a reputation for under age drinking.
 - (ii) **Where** the supply of alcohol for consumption on the Premises is the exclusive or primary purpose of the services provided at the Premises.
 - (iii) **Where** there is a known association with drug taking or dealing.
 - (iv) **Where** there is a strong element of gambling on the Premises (e.g. jackpot machines).
 - (v) **Where** entertainment or services of an adult or sexual nature are provided.

- (vi) **Where**, in the case of Premises giving film exhibitions, the arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority itself.
 - (vii) **Where** children are employed without a work permit issued by Torbay Council.
- b) The steps the applicant has taken or proposes to:
- (i) **Clearly** state their intentions to manage the premises so as to protect children from harm.
 - (ii) **Limit** the hours when children may be present.
 - (iii) **Impose** age limitations, for those under 18 years, on attendance.
 - (iv) **Impose** age limitations, for those under 18 years, on employment.
 - (v) **Limit** or exclude children when “Special Risk Entertainments” are taking place.
 - (vi) **Limit** access by children to only parts of the Premises.
 - (vii) **Require** the presence of an accompanying adult.
 - (viii) **Fully exclude** persons under 18 years from the Premises when any or all licensable activities are taking place.
 - (ix) **Prevent the service of** alcohol to children under eighteen years, except in the limited circumstances allowed for by the law and when satisfied that proof of age has been adequately demonstrated.
- c) The Licensing Authority recommends that the only way to verify a young person’s proof of age is with reference to their:
- (i) Passport
 - (ii) Driving licence
 - (iii) Provisional driving licence
 - (iv) Proof of Age Standards Scheme (PASS) card
 - (v) Official Military identity card
- d) The Licensing Authority recommends that Premises that sell or supply alcohol adopt the Challenge 25 scheme.

- e) The Licensing Authority recommends that premises that sell or supply alcohol should ensure that staff are suitably trained in all aspects of age-related sales and that training is reviewed on a regular basis. The Licensing Authority also recommends that records of all staff training are kept for a period of 12 months and made available to a Responsible Authority on reasonable request and that the premises has a written Age Verification Policy, which is also made available to a Responsible Authority on reasonable request. All members of staff must read and sign to confirm their understanding of the Policy, in order to support compliance with the Mandatory Condition (see Appendix 3 for further information).
- f) The Licensing Authority supports the installation of ID Scanners in premises open after midnight that may attract underage drinkers.
- g) Clearly stated measures in the case of an emergency for controlling access and egress and ensuring the well-being of children where a regulated entertainment is specially presented for them. The Licensing Authority will normally require as a minimum the following arrangements:-
 - (i) An adult member of staff to be stationed in the vicinity of each of the exits from any level of the Premises, subject to there being a minimum of one member of staff per 50 children or part thereof (subject to (iv) below).
 - (ii) No child to be permitted in the front row of any balcony unless accompanied by an adult.
 - (iii) No standing to be permitted in any part of the auditorium during the performance.
 - (iv) At least one adult member of staff of each gender, when groups of mixed gender are present.
- h) Clearly stated measures where regulated entertainment is specially presented for under 18's in an existing Licensed Premises, Torbay Council will normally require as a minimum, the conditions found in appendix three (see Appendix 3 for further information).
- i) Where regulated entertainment includes child performers, the arrangements the Applicant proposes to ensure that the person responsible for the production has complied with Torbay Council's Children's Services requirements, as set out in their guidance 'Children in Entertainment'.

- j) Where a regulated entertainment is held specifically targeting children, the steps the Applicant proposes to demonstrate that the organisers of the event have ensured that their employees or other persons who will be responsible for supervising children have been submitted to the advanced disclosure mechanism operated by the Disclosure and Barring Service.

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SECTION 4 – The Licensing Authority’s rationale for issuing Premises Licences is to:

- 4.1 **Ensure**, whenever possible, that where progression of an application depends on both planning and licensing components, any formal consideration of the planning matters take place prior to determination of the licensing aspects.
- 4.2 **Ensure** that conditions are consistent with any Operating Schedule accompanying the application. Terms or conditions attached to Premises Licences will focus on matters that are within the control of individual licensees and others granted relevant permissions and will not duplicate requirements normally enforced by other regulatory regimes.
- 4.3 **Impose**, when appropriate, stricter conditions, limited hours and in some circumstances refuse types of regulated entertainment at Premises in close proximity to residential premises.
- 4.4 **Refuse** or limit types of regulated entertainment or impose early closing times where Applicants have not sufficiently demonstrated how they will protect residential premises in close proximity to their Premises, from public nuisance. (See Appendix 3 for further advice and information)
- 4.5 Impose, when necessary, conditions limiting the access of children to Licensed Premises solely for the prevention of harm to children.
- 4.6 Impose mandatory conditions, if the Premises Licence is to authorise the supply of alcohol. The relevant mandatory conditions can be found in appendix 4.
- 4.8 Impose as a mandatory condition where a Premises Licence is to authorise the exhibition of films:
 - a) **That** the admission of children to the exhibition of any film to be restricted in accordance with the age restrictions set by the British Board of Film Classification
 - b) **Except** in a case where the Licensing Authority has determined a classification of its own in relation to a particular film, in which case that classification will be adopted as a mandatory condition.
- 4.9 **Impose** conditions that will reasonably reflect the work plan of the Community Safety Partnership, Safer Communities Torbay, where these are necessary to promote the licensing objectives.

- 4.10 Impose**, where necessary, a requirement that individuals shall be present at the Premises to carry out security activity for the purpose of promoting the reduction in crime and disorder (i.e. door supervisors) or other stewarding or supervisory functions and that each individual so required to carry out a security activity shall be licensed by the Security Industry Authority. The Licensing Authority's Policy is that two door stewards must be employed for up to the first 100 people likely to be present in the premises, and thereafter one steward must be employed for each additional 100 people. This can, however, be altered subject to the Applicant demonstrating through a suitable and sufficient risk assessment, to the satisfaction of the Responsible Authorities, that a different ratio is appropriate. This risk assessment should take into consideration the duties required by the stewards, the layout of the premises and any key locations/flash points/pinch points within the premises that will require additional stewards.
- 4.11 Seek** to fulfil the Licensing Objectives by ensuring that only conditions relevant to those Objectives are attached to Licences and certificates and are tailored to the individual style and characteristics of the Premises and events concerned.
- 4.12 Seek** to promptly set before the Licensing Committee or Licensing Sub-Committee those applications that are fully made in accordance with this Policy, the Act and any other relevant regulations or guidance and to deal with licensing issues speedily, efficiently and in a cost effective manner by exercising the power of delegation to Officers for non-contentious issues.
- 4.13** The Council's Delegation Scheme, which will only normally be amended by Council during any review of this Statement of Principles, is set out in Appendix 2.

SECTION 5 - The role and influence of Representations:

The Licensing Authority:

- 5.1 Recognises the right of a person or a business to make Representations on an application and will consider such Representations unless it deems them to be frivolous or vexatious, or, as the Act permits in the case of an application for Review of a licence or certificate, if such representation is deemed frivolous, vexatious or repetitious in nature.
- 5.2 Will not accept a Review application arising from complaint by an interested party that is based on grounds similar to those raised within a period of twelve months, save in compelling and exceptional circumstances.
- 5.3 Expects those objecting to applications to help to provide information/evidence to support the assertion that the addition of the Premises' licensable activities would be likely to produce the claimed impact on the neighbourhood when considered against the four Licensing Objectives.
- 5.4 Recognises that Elected Councillors are now defined as Interested Parties and can make Representations in their own right, and not just on behalf of others, providing they are Members of the relevant Licensing Authority to which the application has been made.

SECTION 6 - The way the Licensing Authority will communicate and enforce requirements

- 6.1 **The Council** has a Licensing Committee comprising of 15 Members of the Council in order to discharge the functions of the Licensing Authority and a Licensing Sub-Committee comprising of any three Members of the Licensing Committee to discharge any function it directs that is exercisable by the Licensing Committee.
- 6.2 **A Chairperson** of the Licensing Committee will be elected at the first annual meeting of the Licensing Committee.
- 6.3 **The Council** will ensure that Members and Officers are appropriately trained to carry out their duties under the Act and in accordance with the Council's constitution. No Member of the Council shall sit upon the Licensing Committee or Sub-Committee unless they have received appropriate training.
- 6.4 **The Licensing Committee** recognises the Local Safeguarding Children Board or specified successor organisation as the competent body for the purposes of this Policy with regard to the protection of children from harm.
- 6.5 Adhere to the principles of The Regulators' Compliance Code (April 2014), which include:
- a) having clear standards
 - b) Carrying out their activities in a way that supports those they regulate to comply and grow
 - c) Provide simple and straightforward ways to engage with those they regulate
 - d) Regulating based on risk
 - e) Acting in a proportionate and consistent manner.
 - f) Share information securely with other regulators to better target resources
 - g) Ensure clear information, guidance and advice is available to help those they regulate, comply.
 - h) Demonstrating a clear complaints procedure for all licensing issues, recognising that all individuals have an absolute right to make representations or seek a review.
- 6.6 Publicise the Terms of Reference set down for its Licensing Committee.
- 6.7 Recognise enforcement as formal and informal actions including advice, information, monitoring, liaison, training and promotion of good practice and includes:
- a) **Actions** instituted by the Licensing Committee

- b) **Actions** taken by an Officer of the Council with the appropriate delegated authority to take such actions
 - c) **Actions** by an authorised Officer of a partner organisation with a statutory responsibility for a licensable Premises or activity.
- 6.8 Work with the Police and other enforcement agencies to support its Protocols:
'Licensing Act 2003 – Information Exchange' and
'Preventing the illegal supply of alcohol to persons under the age of 18 years'
- 6.9 **Work** in partnership with relevant agencies to develop effective and documented Protocols and working arrangements which allow for a 'lighter touch' where risks are perceived low, whilst higher risks situations may be specifically targeted in proportion to the risks identified.
- 6.10 **Comply** with the Code of Practice: Age Restricted Products, published by BIS/BRDO 2014, insofar as it relates to the test purchasing of alcohol by Trading Standards Officers and other agencies.
- 6.11 **In so far** as it is possible, avoid duplication of requirements with other regulatory agencies.
- 6.12 **Recognise** the Act as only one of the mechanisms available to regulate the leisure, hospitality and retail economy and to assist in the maintenance of public order in Torbay. Other influences and controls include: -
- a) **Planning** controls and the recognition that crime and disorder prevention should be designed into new developments.
 - b) **The designation** of public places where alcohol may not be consumed and the confiscation of alcohol may be enforced.
 - c) **Police powers** to close down Premises or temporary events for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise and the powers of Environmental Health Officers to close noisy Premises.
 - d) **Prosecution** of personal licence holders who sell alcohol to people who are drunk.

- e) **Powers of the Police**, Responsible Authorities or a local resident or business to seek a Review of a Premises Licence or Club Premises Certificate.
 - f) **Responsive** enhancement of public lighting standards in areas identified as being, or with potential for being, problematic from the point of view of crime, disorder or public safety.
 - g) **Flexible** resourcing of the Council's Communication Centre to maintain optimum use of the CCTV system with its partners in accordance with its Code of Practice for the Operation of Closed Circuit Television (August 2001).
 - h) **Promotion** of the NiteNet, Pub Watch or StoreNet communication systems and where appropriate impose the participation in the NiteNet scheme upon applicants through licence conditions.
 - i) **Measures** taken in partnership with local businesses and others to maintain a clean and safe environment.
- 6.13 Investigate complaints against Licensed Premises both with respect to the conditions on their Premises Licence or Club Premises Certificate, but also the requirements of the Licensing Act 2003. In addition it will investigate any complaints, regarding noise, public safety or child protection that is within its remit.

Contact Details

Licensing Authority

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Appendix 1 – Special Saturation Policy

The shaded area on the attached plan is an area which has been identified by the Police as being subject to high levels of alcohol related crime and public nuisance. Evidence has been provided to show that the Council have made provision in its previous 'Statement of Principles' review for a Special Saturation Policy (otherwise known as a Cumulative Impact Policy (CIA)) and is to be continued in respect of this area.

The effect of this measure is to indicate that, where relevant representations have been made, an application for a new Premises Licence, or the variation of an existing Premises Licence, would normally be refused, where it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in the area, unless the Applicant can demonstrate within their Operating Schedule, that there will be no negative cumulative impact on one or more of the Licensing Objectives. For example, while a large nightclub or high capacity public house, or takeaway might add to problems, a small restaurant or theatre may not. It is important to remember if no Representations are received for an application within the Cumulative Impact Area the application must be granted, without the need for a hearing.

It would normally not be justifiable to adopt a Special Policy just on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the Premises. A Special Policy will address the impact of a concentration of many Licensed Premises selling alcohol for consumption on and off the Premises, which may give rise to large numbers of people who have been drinking alcohol on the streets in a particular area.

Where cumulative impact is identified, the problems are not the responsibility of any one Premises, but are the result of a number of premises trading in the same, defined, area.

Although this is a specific part of the adopted Policy, it will be subject to regular review and formal reconsideration every five years, as with the Statement of Principles. If it is clear that the original difficulties highlighted have been dealt with, possibly by other initiatives or Policies so that it is no longer necessary, it may be dispensed with.

Factors considered in adopting and continuing a special policy

Devon and Cornwall Police in conjunction with Torbay Council have expressed serious concern in relation to crime and disorder and public nuisance incidents in Torquay Town centre both historically under the old licensing regime and following the implementation of the Licensing Act 2003.

The Council considered analysis of crime data provided by Devon and Cornwall Police. This data was for calendar years of 2009, 2010, 2013 and 2014 with comparisons of the two earlier years to that of the two 2 later years. Data was mapped to analyse offences falling within the CIA. This analysis found that while overall crime had fallen by 6% in the CIA, the volume of violent crime in the area had

increased by more than 50%. Violent crime accounting for 29% of all crime in the CIA in 2013 and 2014. The CIA also accounted for a similar proportion of Torbay's overall crime as it had done in 2009 and 2010.

There is a well established link between alcohol and violence and data from the Assault Related Injuries Database ARID (collected from assault victims attending A&E) in recent years has found that the peak time for assaults in Torbay being late night/early morning and alcohol was a factor in most of these assaults. The centre of Torquay was the main hotspot.

The problems of anti-social behaviour from a number of late night Licensed Premises still continues, most of which are 'drink-led businesses', and is further exacerbated by various other risk factors such as the location of late night take-away Premises, the position of taxi ranks and the absence of other complementary Premises, e.g. restaurants, cafes, family venues and theatres.

The introduction of the CIA has not precluded applications for new Premises Licences or Variation to existing Premises Licences premises in the town centre. It has focused attention particularly on the promotion of the Licensing Objectives relating to crime and disorder and public nuisance. Torbay Council and the Devon and Cornwall Police firmly believe that there is an ongoing need for a Special Saturation Policy as the number of violent crimes has increased and the area is responsible for a similar proportion of crime as in 2009 and 2010.

Torquay Town Centre is subject to considerable re-development both currently and over the coming years. Ongoing development will increase both the urban population of Torquay Town Centre and potentially the number of late night commercial Premises. It is accepted that the re-development will change the character of Torquay Town Centre in time. However it is imperative that the Council protect both residents and businesses against the potential growth of anti-social behaviour and crime and disorder.



Appendix 1

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Appendix 2 – Scheme of Delegation

The full **scheme of delegation** can only be amended by the Licensing Committee and is set out below: -

Matter to be dealt with	* Full Committee	Sub Committee	Officers
Application for personal licence		If an objection made	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/ club premises certificate.		If a representation made	If no representation made
Application for provisional statement.		If a representation made	If no representation made
Application to vary premises licence/ club premises certificate.		If a representation made	If no representation made
Application for minor variation of premises licence/ club premises certificate.			All cases
Application to vary designated premises supervisor.		If a Police objection	All other cases
Request to be removed as designated premises supervisor.			All cases
Determination of application to disapply requirement for DPS at community premises		If a Police objection	All other cases
Application for transfer of premise licence.		If a Police objection	All other cases
Applications for interim authorities.		If a Police objection	All other cases
Application to review premises licence/club premises certificate.		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc			All cases
Decision whether to		All cases	

object when Local Authority is a consultee and not the relevant authority considering the application.			
Determination of a Police or Environmental Health objection to a temporary event notice.		All cases	
Determination of a Police or Environmental Health objection to a late temporary event notice.			All cases

* **Full committee may deal with all Sub-Committee matters.**

Appendix 3 – Supplementary Information on Licensing Objectives

Prevention of Crime and Disorder

Risk assessment for the provision of SIA door staff

The number and times of required staff would be dependent on the location and style of Premises/event. Some areas may warrant the employment of SIA registered door staff for longer periods of the evening than other areas. This may be particularly true of night time economy areas, which includes the Cumulative Impact Area. The number of door supervisors to be employed would need to be determined as a result of a risk assessment carried out by the Premises Licence Holder and/or the Designated Premises Supervisor or required by the Licensing Authority. However it is recommended that two SIA stewards are employed for up to the first 100 customers, and thereafter one additional steward is employed for each additional 100 customers. Consideration also needs to be given to the ratio of male and female door supervisors which are appropriate for particular Premises/events.

Register of SIA door staff

Impose, as appropriate, a requirement for keeping of a daily Premises register of employed SIA registered door stewards and this register to be kept for a minimum of 12 months, and be available for inspection by any authorised officer of the Licensing Authority or Police body. The register shall include full names of the SIA door supervisor working, with their SIA badge numbers, and the date and the times that they commenced and finished their work. This register shall be signed at the end of each shift by the duty manager.

Provision of Incident Log

Impose, as appropriate, an incident log. The Premises incident log shall record all calls, whether in person or via alternative communication (e.g. email, in writing) made to the Premises where there is a complaint made by a resident or neighbouring Premises of noise nuisance or anti social behaviour by persons attending or leaving the Premises. The incident log shall record the details of the caller, time and date of the call/ visit and the incident referred too along with any action or proposed action/s taken to resolve the issue complained of. The incident log will also record all incidents involving the use of force by staff or SIA registered door supervisors in the refusal of entry to or the ejection of patrons from the Premises. The details of any registered SIA registered door supervisors involved in the incident shall be recorded including their badge number.

Reducing the Strength Campaign

Due to crime, disorder and anti-social behaviour issues with known street drinkers within Torbay, the police are introducing a 'Reducing the Strength Campaign' to limit the availability of high strength lagers, beers and ciders in areas where a problem with street drinkers has been identified, but particularly within the CIA. A number of licensed premises with Torquay Town Centre, who are authorised for the sale of alcohol for consumption off the premises, now have conditions prohibiting them from selling any beer, cider or lager with an abv of 6% or more and prohibiting the sale of alcohol in single units. All applicants applying for the grant of a premises licence authorising the sale of alcohol for consumption off the premises, should consider including the above requirements within their application, particularly in the premises are situated within the CIA, and should consult with the Police Licensing Officer for further advice.

Public Safety

Occupancy of Licensed Premises

Require the submission of an Operating Schedule that is specific to the individual application; and where appropriate specifies the maximum intended occupancy including staff, performers and members of the public and is sufficiently comprehensive to enable the Licensing Authority and other Responsible Authorities to consider the application fully within the terms of this Policy, where appropriate. This should be in the form of a fire risk assessment, including safe capacity limits in compliance with the **Regulatory Reform (Fire Safety) Order 2005**, and in addition to the information above, should include how these numbers are controlled. The Licensing Authority will, when relevant representations are received from the Fire Authority, consider the implications relating to fire safety for each individual application for, or Variation to, the Premises Licence.

Prevention of Public Nuisance

General consideration

Licensed premises have a significant potential to impact adversely on communities through public nuisance which can arise through their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and businesses from adverse impact arising out of the operation of licensed premises.

The Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise and disturbance, light, odour, litter and anti-social behaviour.

This Authority expects applicants for premises licences and club premises certificates to have made relevant enquiries about the local area and prepare their operating schedule on the basis of a risk assessment of the potential sources of nuisance posed to the local community by their intended operation. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive proposals to manage any potential risks.

The Licensing Authority will presume against the grant of new Premises Licences or Licence Variations and Club Premises Certificates where there are extensions in operational hours, or the addition or extension of activities (regulated entertainment) that may cause public nuisance, where the Applicant has not properly considered the issue of nuisance and where appropriate sought advice from those with expertise in this field, in order to alleviate any concerns arising.

There will be an assumption however that Licensed Premises in residential areas, or where there is proximity to residential properties, will only be allowed to undertake Licensable Activities until 11pm unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant representations have been received.

It is clearly not possible to lay out an exact position, as each circumstance will be different and each application must be considered on its own merits.

Furthermore, where relevant representations have been received, activities which are likely to generate significant noise may not be allowed at any time, unless adequate mitigation measures are incorporated in to the Premises and included within the Operating Schedule.

Consideration must be given to the following, though this is not an exhaustive list

- Type of licensable activity. For example live music is likely to generate significantly more noise than most other activities
- How the noise from the activity can be controlled to prevent noise breakout. Some premises simply do not have the structure to contain noise, and it is unlikely that these types of premises can have these noisier activities.
- Can the noise breakout be controlled by double glazing, noise limiters, large lobby areas, or any other structural change that attenuates the noise?
- How customers behave when they leave the premises, for a smoke, to make phone calls, to catch a taxi or to walk home
- Where are the smoking areas situated?
- Background noise levels. The background levels of noise in the night time economy areas will generally be higher than in residential areas, and those

levels will vary depending on whether premises are on busy roads or in quiet residential streets.

- Patron's use of exterior beer gardens or smoking areas, including the street, and its potential impact of noise nuisance on nearby residents and businesses.
- Where licensed premises exterior areas are located, supervision of those areas, collection of drinking vessels and cutlery and closing times.

In most cases this will be obvious to the Applicant. However where the application is expected to be contentious or noise problems already exists, expert advice should be sought. Where this may be anticipated then either a consultant's report should be submitted as part of the application, or a condition added that advises that this will be done to the Responsible Authorities' satisfaction before the activity starts.

If a Premises Licence is granted for an area that hosts one off events, the Authority and applicant will have regard to the cumulative of multiple one off events and how noise may affect nearby residents and business.

Many premises already have later operating hours and later activities. This can and does cause significant public nuisance to neighbours and create a significant workload for the Responsible Authority.

Torbay Council therefore commits to addressing these concerns where applications for review are made, and should any Premises be causing these types of problems, they can expect the presumption that Torbay council will seek to reduce these activities and operational hours in a similar way to new or Variation Applications.

In cases where a premises has benefitted from the deregulation of live and recorded music and the operator creates a nuisance to its neighbours, Torbay Council will seek a review of the premises licence to remove the exemption under the live music act.

Protection of Children from Harm

Staff Training

The Licensing Authority requires as per the mandatory conditions, that an age verification policy is adopted. Premises that sell or supply alcohol will ensure that staff are suitably trained in all aspects of age-related sales and that training is reviewed on a regular basis. Good practice would be considered as the following:

- Evidence of staff training in relation to age-related sales
- Evidence of training reviews carried out as and when appropriate

- A refusals register when service of alcohol is declined to those persons unable to provide proof of age.

Under 18 discos in licensed premises

Good practice would include the following:

- These events should finish no later than 23.00hrs (11.00pm) after which there will be a 30 minute period before the premises re-opens to over 18's
- The Police shall be notified in writing or email at least (minimum) 14 days prior to the proposed event.
- At least 4 SIA door supervisors must be employed throughout the event, which shall include at least 1 female supervisor. All supervisors will have undergone a Criminal Records Bureau check.
- All alcohol will be locked away and/or obscured from view.
- All gaming machines with prizes will be unplugged and locked
- All promotional material relating to alcohol shall be removed.
- Any person refusing to be searched will be refused entry.
- Metal detectors will be used at random on entry.
- The event will be promoted to ages of 14 years and above.
- International student events shall be restricted to international students only.
- Throughout under 18 events, the designated premises supervisor or personal licence holder must be present.

Appendix 4 – Mandatory Conditions

The following conditions apply where the Premises Licence or Club Premises Certificate authorises the sale of alcohol. They are not an exact copy of the legislation but provide a paraphrasing of such (please refer to the Act for exact wording).

All supplies of alcohol

1. No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where
 - (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c39) (authority to determine suitability of video works for classification)

Door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) Be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection 1. Requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

- (i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising films or under a gaming licence, or
- (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

(a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act,

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Age verification policy

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

Permitted price

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
(b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V)$$

where:

- (i) P is the permitted price,
(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence

- (i) the holder of the premises licence.
(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The following conditions apply where the licence or certificate authorises "on" or "on and off" sales

Irresponsible drinks promotions

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Alcoholic drink measures

1. The responsible person must ensure that;

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Cumulative Impact Area (CIA) Crime Analysis

Notes on data

- Analysis was undertaken using crime data for 2009, 2010, 2013 and 2014 calendar years. Data was grouped for each 2 year period.
- Non notifiable offences of breaches and failures relating to the criminal justice system were excluded eg fail to surrender for bail.
- Crime volumes were similar for the 2 periods and the percent of crimes with no geographic reference (ie no Easting/Northing) was 6% for each period.
- Data with Eastings and Northings was mapped and the crimes in the exclusion zone were counted and are reported below.

Summary of total crime and blank GIS references

	Crimes	Blank GIS
2009&2010	21962	1337
2013&2014	21893	1273

Crime changes

- In 2009/2010 crimes in the CIA accounted for 17% of mappable crimes, in 2013/2014 it was similar at 16%.
- Overall crime in the CIA was 6% lower in 2013 and 2014 compared to 2009 & 2010, however there were some notable differences between offence groups.
- Of particular note is the level in violent crime, with violence 53% higher in 2013/2014. This was mainly due to an increase in violence without injury.
- Violence accounted for 29% of crime in the CIA compared to 18% in 2009/2010.

CIA crime by crime type

	2009-2010	2013-2014	Diff	% difference
Burglary	125	125	0	0%
Criminal Damage	290	279	-11	-4%
Non Notifiable	404	251	-153	-38%
Other Offences	77	26	-51	-66%
Other Theft	722	569	-153	-21%
Possession of Drugs	276	235	-41	-15%
Possession of Weapons	38	19	-19	-50%
Public Order Offences	256	251	-5	-2%
Robbery	17	23	6	35%
Sexual Offences	31	32	1	3%
Shoplifting	539	475	-64	-12%
Trafficking of Drugs	32	21	-11	-34%
Vehicle Offences	99	48	-51	-52%
Violence against Person	621	950	329	53%
Grand Total	3527	3304	-223	-6%

Licensing Act 2003 – Statement of Principles
Consultation Feedback Summary

DATE OF RECEIPT	FORM OF REPRESENTATION	RESPONDENT DETAILS	SUMMARY OF REPRESENTATION	OFFICER COMMENTS
09.10.15	Response Form (Email)	Ms. L. Jennings (on behalf of Safeguarding & Reviewing Service, Torbay Council)	Request that Para 1.9 (of draft Statement is updated to reflect more current wording and also request that Safeguarding & Reviewing contact details be amended.	All comments accepted and finalised Draft Statement at Para 1.9 and contact details at page 37 are reflective of these amendments.
21.10.15	Email	Ms. J. Smart (on behalf of Devon & Cornwall Constabulary)	Request that mention of the Police “Reducing the Strength Campaign” is included within the Draft Statement.	Comment and suggested wording of paragraph to be included accepted and finalised Draft Statement is reflective of this inclusion at Appendix 3.
21.10.15	Email	Mr Bruce Bell (on behalf of Public Health)	Request that updated public health information is considered within the Draft Statement.	Comments support the need for a Cumulative Impact Area which is already within the Draft Statement at page 33.
27.10.15	Response Form (Email)	Mrs. M. Guy (on behalf of Licensing & Public Protection Team, Torbay)	Request that the Scheme of Delegations at Appendix 2 of the Draft Statement is updated to	Comment and suggested wording accepted and finalised Draft Statement

		Council)	include mechanism to deal with Applications to disapply DPS's at qualifying community premises.	at Appendix 2 reflective of this inclusion.
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Meeting: Council

Date: 10 December 2015

Wards Affected: All

Is the decision a key decision? Yes

When does the decision need to be implemented? 30 January 2016

Report Title: Gambling Act 2005 'Statement of Principles 2016' (Gambling Policy)

Executive Lead Contact Details: Robert Excell, Executive Lead for Community Services, (01803) 207579, robert.excell@torbay.gov.uk

Supporting Officer Contact Details: Steve Cox, Environmental Health Manager (Commercial) (01803) 208025, steve.cox@torbay.gov.uk

1. **Proposal and Introduction**

1.1 The report sets out the revised draft Gambling Policy for Torbay Council ("the Council") which is required by statute to be reviewed every three years. It contains the principles by which the Council will exercise their functions under the Gambling Act. This draft Gambling Policy, when adopted, will replace the existing Gambling Policy Statement on or before the 30 January 2016. The draft Policy can be found at Appendix 2 to this report.

2. **Reason for Proposal**

2.1 To meet the statutory requirement laid out in the Gambling Act 2005.

3. **Proposed Decision**

3.1 That the Gambling Policy Statement of Principles 2016 set out in Appendix 2 to the submitted report be approved.

Appendices

Appendix 1	Supporting information and impact assessment
Appendix 2	Draft 'Gambling Policy' Statement of Principles 2016
Appendix 3	Responses from consultation on Draft Statement of Principles 2016

Background Information

None

Supporting Information and Impact Assessment

Service / Policy:	Gambling Act 2005 Statement of Principles and Licensing Act 2003 Statement of Principles
Executive Lead:	Robert Excell
Director / Assistant Director:	Fran Hughes

Version:	1.0	Date:	3 rd November 15	Author:	Steve Cox
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Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>Both the Licensing Act and the Gambling Act have statutory requirements to produce a policy 'Statement of Principles', that lay out the way the Council will implement the two Acts.</p> <p>The Licensing Act 2003 lays out a licensing process for the sale or supply of alcohol, regulated entertainment and late night refreshment.</p> <p>The Gambling Act 2005 lays out a licensing process for all forms of gambling, by way of licence, permit or notification.</p> <p>Hereafter called policies.</p>
2.	<p>What is the current situation?</p> <p>The two current policies, expire in January 2016 so by them being agreed by Full Council in December, they can be published by the required statutory dates.</p> <p>They have both been through 12 weeks public consultation, the detail of which is laid out with the draft documents.</p>
3.	<p>What options have been considered?</p> <p>There is only one option as this is laid out in statute.</p>
4.	<p>How does this proposal support the ambitions and principles of the Corporate Plan 2015-19?</p> <p>The Licensing and Gambling Statements of Principles 2016 between them support all five of the Corporate Plan targets by either protecting children and vulnerable adults from some aspects of the two industries or by supporting a</p>

	<p>better future for Torbay.</p> <ul style="list-style-type: none"> • Protecting all children and giving them the best start in life. • Promoting healthy lifestyles across Torbay. • Working towards a more prosperous Torbay. • Ensuring Torbay remains an attractive and safe place to live, visit and work. • Protecting and supporting vulnerable adults.
<p>5.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>Everyone who runs a business for gambling, for the sale or supply of alcohol, (so including social clubs), provides entertainment or late night refreshment (with some exemptions) is affected by one or both of these policies.</p> <p>The vast majority of the public will also use such premises or have the potential be affected by their activities.</p> <p>The consultation is aimed at reaching as many of these people as possible.</p>
<p>6.</p>	<p>How will you propose to consult?</p> <p>Details are covered in the two draft policies.</p>

Section 2: Implications and Impact Assessment

7.	<p>What are the financial and legal implications?</p> <p>Statutory function, so there are legal implications if the policies were not agreed, and this could potentially undermine the power of the Licensing Authority to make the decisions it currently makes, which could have financial implications.</p> <p>Apart from the cost of staff time and resources for the review of these policies, there are no other financial implications.</p>
8.	<p>What are the risks?</p> <p>See above.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>No</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Some data regarding the Cumulative Impact Area (CIA), which puts a presumption of refusal for applications within the zone (see Licensing Act 2003 policy for the area in question) in relation to crime and disorder. This data shows an increase in crime and disorder for violence against the person, so the Police would like to retain the CIA so it is included within the policy.</p> <p>In practice this only restricts vertical drinking establishments unless they can show they will not affect crime and disorder.</p>
11.	<p>What are key findings from the consultation you have carried out?</p> <p>Very little response.</p>
12.	<p>Amendments to Proposal / Mitigating Actions</p> <p>None</p>

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
<p>These two policies are not new, but are reviews of the existing policies. There are some small changes only. Therefore there should be no real change or impact on anyone that there isn't already under the existing policies. However small changes within the Gambling Act (GA05) do have some positive impacts potentially.</p>				
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	GA05 – Requirement for local area risk assessments, so gambling business need to evaluate local risk. The policy is amended to incorporate this.		X (LA03)
	People with caring Responsibilities			X
	People with a disability			X
	Women or men			X
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			X
	Religion or belief (including lack of belief)			X
	People who are lesbian, gay or bisexual			X
	People who are transgendered			X

	People who are in a marriage or civil partnership		X
	Women who are pregnant / on maternity leave		X
	Socio-economic impacts (Including impact on child poverty issues and deprivation)		X
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	GA05 – Requirement for local area risk assessments, so gambling business need to evaluate local risk. The policy is amended to incorporate this.	X (LA03)
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	Ability to deliver services within the Night Time Economy to prevent crime and disorder and public nuisance are under strain due to a reduction in resources.	
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	Ability to deliver services within the Night Time Economy to prevent crime and disorder and public nuisance are under strain due to a reduction in resources from the Police, which compounds our own reductions.	



STATEMENT OF PRINCIPLES 2016 GAMBLING ACT 2005

FORWARD

Torbay Council is designated as a 'Licensing Authority' for the purposes of the Gambling Act 2005 (hereinafter referred to as 'the Act'), under Section 2 (1) of Part 1 to the Act.

This document is Torbay Council's 'Statement of Principles', made under Section 349 of the Gambling Act 2005.

Torbay is a popular well-established holiday destination situated on the South Devon Coast, on the South West peninsular of England. It has a population of over 130,000 which can increase to over 200,000 in the summer months.

The area comprises of the three towns of Torquay, Paignton and Brixham, and is known for its mild climate, picturesque harbours, coves and beaches, and is home to numerous tourist attractions.

Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR

www.torbay.gov.uk

If you require this document in another format please call 01803 208 025 or email licensing@torbay.gov.uk.

MAP of TORBAY



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This 'Statement of Principles XXXX' was approved and adopted by Torbay Council on		

PART A ~ OVERVIEW

1 THE LICENSING OBJECTIVES

1.1 In exercising its functions under the Gambling Act 2005, the Licensing Authority will have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- b) Ensuring that gambling is conducted in a fair and open way.
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

[The Act defines a 'Child' as an individual aged 15 years or under; and defines a 'Young Person' as an individual aged 16 to 17 years].

1.2 In making decisions in relation to premises licences the Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks that use will be:

- a) In accordance with any relevant code of practice issued by the Gambling Commission.
- b) In accordance with any relevant guidance issued by the Gambling Commission.
- c) Reasonably consistent with the licensing objectives (subject to the above).
- d) In accordance with Torbay Council's 'Statement of Principles', issued under the Act (subject to the above).

2 INTRODUCTION

2.1 Torbay is situated on the South Devon coast, on the south west peninsular of England and comprises the three towns of Torquay, Paignton and Brixham. Torbay is an outstanding coastal destination, including 22 miles of coastline, which was recognised as a Global Geopark in 2007. The Council area is mainly urban, comprising the three bay towns of Torquay, Paignton, and Brixham; there is a map of the Torbay area on page 2.

2.2 Under the Gambling Act 2005 Torbay Council must publish a statement of the principles which it intends to apply when exercising its functions under the Act, and that statement must be published at least every three years.

2.3 Torbay Council has consulted widely upon a 'Draft Statement of Principles 2016', before approving and publishing the finalised 'Statement of Principles 2016'.
The draft version of this 'Statement of Principles 2016' was published for a statutory 12 week consultation period, from 06 August 2015 to 29 October 2015 via the Torbay Council website and copies of the document were also made available for public inspection during that time, at the Council's 'Connections' offices and at the public libraries located in

	<p>Torquay, Paignton and Brixham.</p> <p>A list of those persons consulted is provided in Appendix 1 to this 'Statement of Principles 2016'</p>
2.4	<p>This 'Statement of Principles 2016' was approved at a meeting of the Full Council on XX December 2016 and was published via the Torbay Council website thereafter. Copies were also made available for public inspection at public libraries and at the Council's 'Connections' offices, located in Torquay, Paignton and Brixham upon publication.</p>
2.5	<p>It should be noted that this 'Statement of Principles 2016' will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Gambling Act 2005.</p>
3	<p>DECLARATION</p>
3.1	<p>In producing this 'Statement of Principles 2016', Torbay Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the current version of the 'Guidance to Licensing Authorities' issued by the Gambling Commission, any responses received from those who were consulted on the 'Draft Statement of Principles 2016' and any representations submitted by any interested party, person, body or organisation in response to the publication of the 'Draft Statement of Principles 2016'.</p>
4	<p>INTERESTED PARTIES</p>
4.1	<p>'Interested Parties' can make representations to the Licensing Authority, in respect of an application for a 'Premises Licence', or in respect of an application for a 'Provisional Statement', submitted to the Licensing Authority by an applicant, under the Gambling Act 2005.</p>
4.2	<p>Interested parties can also initiate, (or make representation in respect of), a review of a premises licence, the detail of which is outlined at Section 28 of this 'Statement of Principles' on Page 28, under the heading of 'Reviews'.</p>
4.3	<p>The Act states that a person is an 'Interested Party', if in the opinion of the Licensing Authority, that person:</p> <ul style="list-style-type: none"> a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities; b) Has business interests that might be affected by the authorised activities, or c) Represents persons who satisfy the criteria at paragraph a) or b). <p>These persons include trade associations, trade unions, and residents' and tenants' associations. However, the Licensing Authority will not generally view these bodies as interested parties, unless they have a member who satisfies the criteria in paragraphs a) or b) above; and they have written authority of representation.</p>
4.4	<p>'Interested Parties' can be persons who are democratically elected, such as Councillors, (including Town Councillors), and Members of Parliament. In such circumstances, no specific evidence of being 'asked' to represent an interested person will be required,</p>

	provided the relevant Elected Member represents the Ward or Town likely to be affected.
4.5	In respect of any application for the grant of a small casino premises licence the Act provides that at Stage 1 of the consideration procedure, each competing applicant is an <i>'Interested Party'</i> in relation to each of the other competing applications.
4.6	<p>The Licensing Authority will apply the following principles in determining whether a person or body is an interested party for the purposes of the Act:</p> <ul style="list-style-type: none"> a) Each case will be decided upon its own merits subject to the licensing objectives and to any requirements imposed by the Gambling Act 2005. b) The Licensing Authority will not apply a rigid rule to its decision making. <p>The Licensing Authority will have regard to any guidance issued by the Gambling Commission with regard to the status and interpretation of 'Interested Parties'.</p>
4.7	<p>In respect of any representation made by an interested party, the Licensing Authority will make a determination as to whether or not the representation is relevant.</p> <p>The following are examples of grounds which may be considered by the Licensing Authority, to be irrelevant, (<i>this list is indicative only and is not exhaustive</i>):</p> <ul style="list-style-type: none"> a) Representations which are inconsistent with Section 153 of the Act. b) Representations that are inconsistent with any guidance or codes of practice issued by the Gambling Commission, or with this 'Statement of Principles'. c) Representations which relate to the objection to gambling activity generally; for instance on moral grounds. d) Representations in relation to the demand or unmet demand for gambling premises. e) Representations in relation to planning matters. f) Public Safety Issues. g) Traffic Congestion issues. h) Public Nuisance.
4.8	<p>The Licensing Authority may disregard a representation which it considers to be:</p> <ul style="list-style-type: none"> a) Frivolous b) Vexatious c) Insignificant; to such an extent, that it would be wholly unreasonable for the Licensing Authority to refuse the grant of the licence, or remove / attach conditions to the licence, on the basis of such representation or will certainly not influence the Licensing Authority's determination of the application.
5	EXCHANGE OF INFORMATION
5.1	In respect of the exchange of information between the Licensing Authority and the Gambling Commission under Sections 29 and 30 of the Gambling Act 2005, and the exchange of information under Section 350 of the Act with other persons listed in Schedule 6 of the Act, the Licensing Authority will act in accordance with the provisions of the

	Gambling Act 2005 and the Data Protection Act 1988.
5.2	The Licensing Authority will have regard to any guidance issued by the Secretary of State on this matter. Should any protocols be established as regards the exchange of information with other bodies, then they will be made available.
6	ENFORCEMENT
6.1	<p>In discharging its responsibilities under the Act with regard to inspection and enforcement regimes, the Licensing Authority will have regard to any guidance issued by the Gambling Commission and Torbay Council's 'Enforcement and Prosecution Policy' and will endeavour to be:</p> <ul style="list-style-type: none"> a) Proportionate: the Licensing Authority will only intervene when it is deemed necessary and remedies will be appropriate to the risk posed; costs will be identified and minimised. b) Accountable: the Licensing Authority will ensure that it can justify decisions and will provide facilities for the public scrutiny of decisions taken. c) Consistent: the Licensing Authority will ensure that rules and standards are 'joined up' and implemented fairly. d) Transparent: the Licensing Authority will be open and will endeavour to keep regulations simple and user friendly. e) Targeted: the Licensing Authority will endeavour to focus on the problem, minimise side effects and avoid duplication with other regulatory regimes.
6.2	<p>The Licensing Authority has adopted and implemented a risk-based / intelligence led inspection programme, based on;</p> <ul style="list-style-type: none"> a) The licensing objectives. b) Relevant codes of practice. c) Guidance issued by the Gambling Commission. d) The principles set out in this 'Statement of Principles'. e) Regulators Code. f) Departmental and Partner Agency intelligence.
7	LICENSING AUTHORITY FUNCTIONS
7.1	<p>The Licensing Authority have a duty under the Gambling Act 2005 to:</p> <ul style="list-style-type: none"> a) Issue '<i>Premises Licences</i>' where gambling activities are to take place. b) Issue '<i>Provisional Statements</i>' where gambling activities may take place. c) Regulate '<i>Members' Clubs</i>' that wish to undertake certain regulated gaming activities via issuing '<i>Club Gaming Permits</i>' or '<i>Club Machine Permits</i>'. d) Issue '<i>Club Machine Permits</i>' to '<i>Commercial Clubs</i>'. e) Grant '<i>Permits</i>' for the use of certain lower stake gaming machines at '<i>Unlicensed Family Entertainment Centres</i>'. f) Receive '<i>Notifications</i>' from premises licensed under the Licensing Act 2003, (for

	<p>the sale and consumption of alcohol on the premises), for the use of up to two gaming machines on the premises.</p> <p>g) Grant '<i>Licensed Premises Gaming Machine Permits</i>' for premises licensed under the Licensing Act 2003, (for the sale and consumption of alcohol on the premises), where there are more than two machines on the premises.</p> <p>h) Register '<i>Small Society Lotteries</i>' below prescribed thresholds.</p> <p>i) Issue '<i>Prize Gaming Permits</i>'.</p> <p>j) Receive and endorse '<i>Temporary Use Notices</i>'</p> <p>k) Receive '<i>Occasional Use Notices</i>'.</p> <p>l) Provide information to the Gambling Commission;</p> <p>m) Maintain registers of the permits and licences issued.</p>
	PART B ~ PREMISES LICENCES
8	GENERAL PRINCIPLES
8.1	In exercising its functions under the Act in relation to premises licences, the Licensing Authority will have regard to the provisions of the Act, Regulations drafted under the Act, the mandatory and default conditions and any guidance or codes of practice issued by the Gambling Commission.
8.2	<p>The Licensing Authority may:</p> <p>a) Exclude default conditions from the premises licence if it does not adversely affect the licensing objectives.</p> <p>b) Attach additional licence conditions, if it is deemed necessary to do so to promote the licensing objectives.</p>
9	GUIDING PRINCIPLES
9.1	The Licensing Authority will treat each licensing objective with equal importance.
9.2	The Licensing Authority will have regard to its responsibilities under Section 17 of the Crime and Disorder Act 1998 and within the strategic aims of the Community Safety Partnership Strategic Assessment 2014/15, to do all that is reasonable to prevent crime and disorder in Torbay.
9.3	The Licensing Authority will have regard to its responsibilities under the European Convention on Human Rights, set out by the Human Rights Act 1998, and its statutory role as a Local Authority to fulfil the duties and responsibilities vested in it.
9.4	The Licensing Authority will have regard to its responsibilities under the Equalities Act 2010.
9.5	Torbay Council's Constitution states that the Licensing Committee shall be comprised of

	15 Elected Members of the Council; with a quorum of 5, and the Licensing Sub Committee shall be comprised of 3 Elected Members of the Council; with a quorum of 3.
9.6	The Chair of Torbay Council's Licensing Committee will be elected at the annual meeting of the Council.
9.7	Torbay Council will ensure that Members and Officers are appropriately trained to carry out their duties under the Act and in accordance with Torbay Council's constitution. No Member of Torbay Council shall sit upon the Licensing Committee or Sub-Committee unless they have received appropriate training.
9.8	The Licensing Authority considers that effective licensing can only be achieved by recognising the value of all contributors and will work in partnership with the Police and other statutory services, local businesses, local people, professionals involved in child protection and all others who can contribute positively, to the successful promotion of the three licensing objectives.
9.9	Torbay Council considers that the decisions of the Licensing Authority can be a key factor of the Council effectively discharging its duties under the Section 17 of the Crime and Disorder Act 1998. Whilst the Licensing Authority will not use licensing conditions to control anti social behaviour by patrons once they are away from licensed premises, licensees will be expected to demonstrate that they have taken appropriate action to minimise the potential impact of that behaviour, within the general vicinity of the licensed premises.
9.10	<p>The Licensing Authority will ensure that any conditions attached to a licence will relate to matters within:</p> <ul style="list-style-type: none"> a) The control of the licensee, or, b) The control of other persons who may have relevant licences or authorisations, in respect of the subject premises, or adjacent premises. <p>In determining any such conditions the Licensing Authority will have regard to the Act, any guidance or codes of practice issued by the Gambling Commission and this 'Statement of Principles'.</p>
9.11	Persons under 18 years of age will be restricted from entering gambling premises in accordance with the requirements of the Gambling Act 2005, any relevant Codes of Practice and any guidance issued by the Gambling Commission. The Licensing Authority may attach conditions to a premises licence to ensure that persons under 18 years of age are not permitted access to the premises, if it is considered appropriate to do so.
9.12	The Licensing Authority will have regard to any relevant published information, especially with regard to gambling addiction in children and vulnerable persons, in discharging its function with regard to premises licences and permits.
9.13	The Licensing Authority considers that the licensing process, insofar as it may seek to protect children from harm and exploitation, includes protection from moral, psychological and physical harm.
9.14	Torbay Council will ensure that decisions made in relation to planning and building control legislation will be made independently of those made in respect of the Gambling Act 2005. The Licensing Authority will not have regard to the likelihood of obtain consents under planning or building legislation in considering any application for a premises licence, made

	under the Gambling Act 2005.
9.15	The Licensing Committee will receive reports, compiled six-monthly, on decisions made by Officers under the provisions of the scheme of delegation.
9.16	The Licensing Authority will, where relevant to its functions under the Gambling Act 2005, have regard to and promote Torbay Council's Economic Strategy 2013-2018, which forms part of the Council's Policy Framework.
9.17	Section 156 of the Act requires licensing authorities to maintain a register of the premises licences that it has issued. The register must be made available, at any reasonable time, to the public who may request copies of the entries. The Council achieves this requirement through the use of an online register which is accessible via the Council's website.
10	DECISION MAKING PROCESS
10.1	In making decisions about premises licences the Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks it is: <ul style="list-style-type: none"> a) In accordance with any relevant code of practice issued by the Gambling Commission. b) In accordance with any relevant guidance issued by the Gambling Commission. c) Reasonably consistent with the licensing objectives (subject to the above). d) In accordance with the Council's 'Statement of Principles' (subject to the above).
10.2	In determining a premises licence application, the Licensing Authority shall not have regard to any objections which are deemed to be raised on moral grounds, nor will it be concerned with matters of sufficiency of, or unmet demand for, gambling facilities.
11	DEFINITION OF PREMISES
11.1	In deciding if parts of a given building constitute premises in their own right, the Licensing Authority will have due regard to the definition of 'premises' within the Act, any guidance issued by the Gambling Commission and any decisions handed down by the Courts.
11.2	The Act allows for a single building to be subject to more than one premises licence, provided those premises licences are for different parts of the building, and the different parts of the building can reasonably be regarded as being 'different premises'. This provision exists to allow large multiple unit premises, such as a pleasure park, pier, track or shopping mall, to obtain separate premises licences. But this does not mean that a premises cannot be the subject of a separate licence for example the basement and ground floor, if they are configured to a standard approved by the Licensing Authority. The Licensing Authority does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.
11.3	The Licensing Authority will pay particular attention to premises licence applications, where access to the proposed licensed premises, can only be made by passing through other premises; being other premises which may or may not have the benefit of licences in their own right.

11.4	The Licensing Authority will also take particular care in considering applications for multiple licences for a building and / or those relating to a separate part of a building used for other (non-gambling) purposes. In particular, entrances and exits from parts of a building covered by one or more licences should be separate and identifiable, so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
11.5	<p>Where access to the proposed licensed premises cannot be made directly from the public highway the Licensing Authority will consider specific issues before granting such applications, for example:</p> <ul style="list-style-type: none"> a) The general access arrangements of the premises. b) The structural integrity and nature of any premises separation. c) Whether persons under 18 years of age can gain access to or have sightlines into the premises. d) The compatibility of adjacent establishments. e) Supervision and monitoring systems. f) The nature and legitimacy of any unlicensed areas providing separation of licensed premises. g) The overall ability to comply with the requirements of the Act.
12	PROVISIONAL STATEMENTS ~ PREMISES NOT YET READY FOR GAMBLING
12.1	<p>Where there is an intention on the part of an applicant, to provide gambling facilities at premises:</p> <ul style="list-style-type: none"> a) which they expect to be constructed, or b) which they expect to be altered, or c) for which they do not yet have the right to occupy the premises', <p>then an application may be made to the Licensing Authority for a 'Provisional Statement'.</p>
12.2	The Licensing Authority will issue 'Provisional Statements' in accordance with the provisions of the Act, any guidance or codes of practice issued by the Gambling Commission and the principles contained within this 'Statement of Principles'.
12.3	<p>'Interested Parties' and 'Responsible Authorities' can make representations to the Licensing Authority, in respect of an application for a 'Provisional Statement' in accordance with the procedures outlined at Section 4 of this 'Statement of Principles'. Following the grant of a 'Provisional Statement', no further representations from Relevant Authorities or Interested Parties can be taken into account unless:</p> <ul style="list-style-type: none"> a) The representations concern matters which could not have been addressed at the 'Provisional Statement' stage. b) The representations reflect a change in the applicant's circumstances.
12.4	<p>The Licensing Authority may refuse the grant of a Premises Licence, or grant the licence on terms different to those which may have been attached to the 'Provisional Statement', only by reference to matters which:</p> <ul style="list-style-type: none"> a) Could not have been raised by objectors at the 'Provisional Statement' stage b) In the Licensing Authority's considered opinion, reflect a material change in the

	operator's circumstances.
13	PREMISES LOCATION
13.1	The Licensing Authority must be satisfied that the potential location of a premises intended for gambling is suitable for the purposes of the required gambling activity. In considering matters of location the Licensing Authority will have particular regard to the licensing objectives.
13.2	From 6 th April 2016 Operators with Premises Licences must undertake local risk assessment to evaluate the suitability of the location of the licensed premises. This assessment must be submitted to the Licensing Authority as part of a new or a variation licence application.
13.3	The Licensing Authority expects the local risk assessment to have due regard to the proximity of the premises to locations used by children and young person's and/or vulnerable persons, as detailed in 13.4 below, and identify and record the risks that may arise from the proximity of those premises. The local risk assessment must identify the premises policies, procedures and control measures to mitigate those risks.
13.4	Therefore in determining whether a premises location is suitable for the grant of a licence, the Licensing Authority will have particular regard to the local risk assessment submitted in conjunction with the following: <ul style="list-style-type: none"> a) The proximity of the premises to any school, centre or establishment for the education, training or care of young persons and/or vulnerable persons. b) The proximity of the premises to leisure centres used for sporting and similar activities by young persons and/or vulnerable persons, c) The proximity of the premises to any youth club or similar establishment, and d) The proximity of the premises to community, welfare, health and similar establishments used specifically, or to a large extent, by young persons and/or vulnerable persons.
14	DUPLICATION WITH OTHER REGULATORY REGIMES
14.1	The Licensing Authority will endeavour to avoid any duplication with other statutory and regulatory regimes in discharging its functions under the Act, unless the Licensing Authority believes such duplication is necessary for the promotion of, and compliance with, the licensing objectives.
14.2	In considering an application for a premises licence the Licensing Authority will not take into account matters which lie beyond the remit of the licensing objectives. Although this is not an exhaustive list, this would include issues such as: <ul style="list-style-type: none"> a) Whether the premises which is the subject of the licence application, is likely to be awarded planning permission or building consent. b) Whether the premises is safe for the intended use, (e.g. the structure, the means of escape, fire precaution provisions, etc). c) Whether the use of the premises under the licence may cause any public nuisance (e.g. to residents within the vicinity).

	The above matters will be addressed by other regulatory regimes.
15	LICENSING OBJECTIVES
15.1	<p>The Licensing Authority will endeavour to ensure that any premises licences granted will be consistent with the licensing objectives.</p> <p>The Licensing Objectives are:</p> <ul style="list-style-type: none"> a) Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime. b) Ensuring that gambling is conducted in a fair and open way. c) Protecting children and the vulnerable from being harmed or exploited by gambling.
15.2	<p>Licensing Objective a): <i>Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.</i></p> <p>The Gambling Commission will take a lead role in preventing gambling from becoming a source of crime. However, the Licensing Authority will endeavour to promote this objective in the delivery of its responsibilities. For instance, in considering applications for premises licences the Licensing Authority will have particular regard to the following:</p> <ul style="list-style-type: none"> a) Where an area has known high levels of organised crime the Licensing Authority will consider carefully whether gambling premises should be located in the proximity of that area. b) Whether additional licence conditions may be appropriate, such as the provision of Security Industry Authority, (SIA), registered door supervisors. c) Whether additional security measures should be installed at the premises, such as monitored CCTV. d) The likelihood of any violence or public order issues if the licence is granted. e) The design and layout of the premises. f) The training given to staff in crime prevention measures appropriate to those premises. g) Physical security features installed in the premises. This may include matters such as the positioning of cash registers and the standard of any CCTV system. h) If premises are to be subject to age restrictions; the procedures in place to conduct age verification checks. i) The premises local risk assessment.
15.3	<p>Licensing Objective b): <i>Ensuring that gambling is conducted in a fair and open way.</i></p> <p>The Licensing Authority will not generally be concerned with ensuring that gambling is conducted in a fair and open way, (as that is the remit of the Gambling Commission), unless the gambling facilities are being provided at a Track; see Section 25, Page 25.</p>
15.4	<p>Licensing Objective c): <i>Protecting children and the vulnerable from being harmed or exploited by gambling.</i></p> <p>This objective is concerned with protecting children from gambling, as well as restrictions upon advertising, to ensure that the commercial promotion of gambling is not targeted towards children, or portrayed as attractive to children. It is also concerned with protecting vulnerable people from being harmed or exploited by gambling. The Licensing Authority will therefore consider the local risk assessment and whether specific measures are</p>

	required at particular premises, with regard to this licensing objective, which may include the supervision of entrances, the supervision of machines and the appropriate segregation of high risk areas, the provision of a 'chill out' room or area free from gambling and alcohol facilities.
15.5	In discharging its responsibilities with respect to this particular licensing objective, the Licensing Authority will have regard to the current 'Gambling Commission Codes of Practice', insofar as they may apply to specific premises, such as casinos.
15.6	The Act does not offer a definition with regard to the term, ' <i>vulnerable persons</i> ', however the Gambling Commission states the following. For regulatory purposes the Commission will assume that this group includes: <ul style="list-style-type: none"> a) People who gamble more than they want to. b) People who gamble beyond their means c) People who may not be able to make informed or balanced decisions about gambling, due to a mental impairment, alcohol, other relevant disability or drugs.
15.7	The Torbay & Southern Devon Health & Care NHS Trust, (<i>Safeguarding Adults Section</i>), refers to a vulnerable adult as an Adult at Risk. The Care Act 2014 defines an adult at risk as someone who:- <ul style="list-style-type: none"> • Has needs for care and support (whether or not the local authority is meeting any of those needs) and; • Is experiencing, or at risk of abuse or neglect; and • As a result of those care needs is unable to protect themselves from the risk of, or the experience of abuse or neglect.
15.8	Torbay Council defines a vulnerable person (or Adults at Risk) in the following terms: Persons aged 18 years and over who may be unable to independently care for themselves; speak out for themselves and/or protect themselves against abuse or exploitation, and may depend on other people or a service to support or care for them.
15.9	The Licensing Authority will have regard to the definitions of an Adult at Risk as provided by the Gambling Commission, by the Torbay Care Trust and Torbay Council, in discharging its responsibilities under the Act. Problem gambling, particularly with the young, can sometimes be an indication of other issues that are of concern to the Council, such as anti-social behaviour problems. When the Licensing Authority is made aware of issues associated with problem gambling and vulnerable people, the Licensing Authority will seek to work closely with the gambling premises operator, the Gambling Commission and other relevant sections of the Council, including the Children, Schools and Family Directorate and the Housing and Adult Social Care Directorate.
16	LICENCE CONDITIONS

16.1	<p>Any additional conditions attached to licences will only be imposed where there is evidence of a risk to the licensing objectives and will be proportionate and will be:</p> <ul style="list-style-type: none"> a) Relevant to the need to make the proposed building suitable as a gambling facility. b) Directly related to the premises (including the locality and any identified local risks) and the type of licence applied for. c) Fairly and proportionate related to the scale and type of premises. d) Reasonable in all other respects.
16.2	<p>Decisions upon individual conditions will be made on a case by case basis, although there are a number of control measures that the Licensing Authority can utilise, such as the use of supervisors or the use of appropriate signage for adult only areas. The Licensing Authority will also expect the licence applicant to identify local risks and control measures ensuring the licensing objectives can be met effectively and promoted. For example, local issues associated with a high crime rate may put a premises at risk of not being consistent with the licensing objectives, and specific conditions may be necessary to address the risk.</p>
16.3	<p>The Licensing Authority may require additional control measures in respect of buildings which are the subject of multiple premises licence applications, in order to ensure the promotion of the licensing objectives.</p> <p>Such requirements may relate to the supervision of entrances, the segregation of gambling areas from non-gambling areas which may be frequented by children and the supervision of gaming machines in non-adult gambling specific premises.</p> <p>The Licensing Authority will have regard to any guidance issued by the Gambling Commission in determining any such additional measures. The Licensing Authority will also expect the licence applicant to identify local risks and control measures through their local risk assessments, ensuring the licensing objectives can be met effectively and promoted.</p>
16.4	<p>Where there are risks associated with a specific premises or class or premises, the licensing authority may consider it necessary to attach specific conditions to the licence to address those risks, taking account of the local circumstances.</p>
16.5	<p>The Licensing Authority will ensure that, where category A to C machines are made available on premises to which children have access that:</p> <ul style="list-style-type: none"> a) All such machines are located in an area of the premises that is separated from the remainder of the premises by a physical barrier and which is effective to prevent access, other than through a designated entrance. b) Only adults have access to the area where these machines are located. c) Access to the area where the machines are located is adequately supervised. d) The area where these machines are located is arranged so that it can be observed by the staff or the licence holder. e) At the entrance to and inside any such areas notices are prominently displayed, indicating that access to the area is prohibited to persons under 18 years of age.

16.6	Tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track. In discharging its functions in relation to Tracks, the Licensing Authority will consider the impact upon the licensing objective that refers to the 'protection of children'. The Licensing Authority will specifically require that the entrances to each part of premises are distinct and that children are effectively excluded from gambling areas where they are not permitted to enter.
17	ADULT GAMING CENTRES`
17.1	In respect of adult gaming centres the Licensing Authority will have specific regard to the licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the Licensing Authority that there will be sufficient measures and procedures in place, to ensure that persons under 18 years of age do not have access to the premises.
17.2	<p>The Licensing Authority will expect applicants to offer their own measures and must be included in the local risk assessment to meet the licensing objectives; however appropriate measures and/or licence conditions may cover issues such as: <i>(this list is indicative only and is not exhaustive)</i></p> <ul style="list-style-type: none"> a) Proof of age schemes. b) Closed Circuit Television Systems, (CCTV). c) Supervision of entrances and machine areas d) Physical separation of areas. e) Location of entry. f) Appropriate notices and signage. g) Specific opening hours. h) Self-exclusion schemes and the display of information regarding self-exclusion schemes. i) Provision of information leaflets and helpline numbers for organisations such as 'GamCare' <i>(please see Appendix 2 of this document for 'Gamcare' contact details)</i>. j) Identify local risks, such as proximity to schools or in an area with a high crime rate, as identified in section 13.4 above.
18	(LICENSED) FAMILY ENTERTAINMENT CENTRES
18.1	In respect of (Licensed) Family Entertainment Centres, (<i>L FEC's</i>), the Licensing Authority will have specific regard to the licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the Licensing Authority that there will be sufficient measures and procedures in place, to ensure that persons under 18 years of age do not have access to the 'adult only' gaming machine areas on the premises.
18.2	<p>The Licensing Authority will expect applicants to offer their own measures and must be included in the local risk assessment to meet the licensing objectives; however appropriate measures and/or licence conditions may cover issues such as: <i>(this list is indicative only and is not exhaustive)</i></p> <ul style="list-style-type: none"> a) Proof of age schemes. b) Closed Circuit Television Systems, (CCTV).

	<ul style="list-style-type: none"> c) Supervision of entrances and machine areas d) Physical separation of areas. e) Location of entry. f) Appropriate notices and signage. g) Specific opening hours. h) Self-exclusion schemes. i) Measures / training for staff on how to deal with suspected truant school children on the premises j) Provision of information leaflets and helpline numbers for organisations such as GamCare, (<i>please see Appendix 2 of this document for 'Gamcare' contact details</i>). k) Identify local risks, such as proximity to schools or in an area with a high crime rate, as identified in section 13.4 above.
18.3	In determining an application for a licensed family entertainment centre, the Licensing Authority will have regard to any guidance issued by the Gambling Commission and any mandatory or default conditions deemed to have a positive effect. The Licensing Authority will have particular regard to any guidance or direction on how the separation and/or delineation of the 'adult only' machine areas of the premises should be achieved.
19	SMALL CASINO PREMISES LICENCE OVERVIEW
19.1	The Gambling Act 2005 provided for an increase in the number of casino premises permitted to operate in the United Kingdom and established that two new types of casino should be permitted; eight large and eight small casinos. The Secretary of State for Culture, Media and Sport was given the authority under the Act to determine which licensing authorities should be permitted to grant new casino premises licences.
19.2	The Secretary of State established a ' <i>Casino Advisory Panel</i> ' to recommend the most appropriate areas of the UK in which to site the 16 new casino premises and invited interested Local Authorities to submit proposals to the Panel; Torbay Council submitted a proposal to the panel in response to this invitation.
19.3	On 15 th May 2008 the ' <i>Categories of Casino Regulation 2008</i> ' and the ' <i>Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008</i> ' were approved. The Order specified which Licensing Authorities could issue premises licences for both large and small casinos; Torbay Council's Licensing Authority was included in the Order and was authorised to issue one small casino premises licence.
19.4	On 26 th February 2008 the Secretary of State for Culture, Media and Sport issued the ' <i>Code of Practice on Determinations Relating to Large and Small Casinos</i> ' (herein referred to as the Code of Practice). The Licensing Authority must comply with the Code of Practice which states: <ul style="list-style-type: none"> a) The procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005. b) Matters to which the Licensing Authority should have regard in making those determinations.

19.5	<p>Schedule 9 paragraph 5 to the Act states the following:</p> <ol style="list-style-type: none"> 1) This paragraph applies if a Licensing Authority determine under Paragraph 4 that they would grant a number of competing applications greater than the number which they can grant as a result of section 175 and the Order under it. 2) The Authority shall then determine which of those applications to grant under section 163(1)(a). 3) For that purpose the Authority - <ol style="list-style-type: none"> a) shall determine which of the competing applications would, in the Authority's opinion, be likely if granted to result in the greatest benefit to the Authority's area, b) may enter into a written agreement with an applicant, whether as to the provision of services in respect of the Authority's area or otherwise, c) may determine to attach conditions under section 169 to any licence issued so as to give effect to an agreement entered into under paragraph (b), and d) may have regard to the effect of an agreement entered into under paragraph (b) in making the determination specified in paragraph (a).
19.6	<p>Torbay Council, as the Licensing Authority, is aware that there may be a number of operators who may wish to apply for the small casino premises licence from Torbay Council.</p> <p>The Council will therefore stage a statutory selection process, (<i>the 'small casino premises licence process'</i>), under Schedule 9 of the Gambling Act 2005 and will run the selection process in line with <i>'The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008'</i> and the said Code of Practice, issued by the Secretary of State.</p>
19.7	<p>In accordance with the above Regulations, Torbay Council's Licensing Authority will publish an invitation calling for applications for the 'small casino premises licence'.</p>
19.8	<p>Should the Licensing Authority receive more than one application for a small casino premises licence at Stage 1 of the 'small casino premises licence process' and should the Licensing Authority determine that it would grant more than one small casino premises licence, then subject to any and all appeals which may have been lodged at Stage 1 of the process being concluded, the Licensing Authority will:</p> <ol style="list-style-type: none"> a) Make a 'Provisional Decision to Grant' in respect of those applicants deemed appropriate for the grant of a small casino premises licence. b) Implement Stage 2 of the 'small casino premises licence process'. c) Invite those applicants issued with a 'Provisional Decision to Grant' at Stage 1 of the 'small casino licence process', to participate in Stage 2 of the 'small casino premises licence process'.
19.9	<p>Any 'Provisional Decision to Grant' issued to an applicant at Stage 1 of the 'small casino premises licence process', shall have no effect and shall not be used for the provision of casino gaming facilities upon the premises to which it relates. The 'Provisional Decision to Grant' merely confirms the Licensing Authority's determination, that the applicant satisfies the statutory requirements for the grant of a small casino premises licence; and afford the applicant the right to participate in Stage 2 of the 'small casino premises licence process' for Torbay.</p>
19.10	<p>It may be the case that at Stage 1 of the process, only one application may be submitted to</p>

	<p>the Licensing Authority for a small casino premises licence, or it may be the case that after due consideration of all the applications at Stage 1, the Licensing Authority considers that only one applicant satisfies the statutory requirements, in respect of a premises licence. In that instance, the Licensing Authority will not implement Stage 2 of the 'small casino licensing process' and will, (subject to any and all appeals being concluded), grant a small casino premises licence to the 'only suitable applicant' determined under Stage 1 of the process.</p>
19.11	<p>If the Licensing Authority does not receive any applications for a small casino premises licence at Stage 1 of the 'small casino premises licence process', or should the Licensing Authority resolve to refuse the grant of any applications so made under Stage 1, then subject to any and all appeals being concluded:</p> <ul style="list-style-type: none"> a) Stage 2 of the 'small casino premises licence process' will not be implemented, and, b) The Licensing Authority may re-publish an invitation calling for applications for a 'small casino premises licence'.
19.12	<p>Section 166(1) of the Act states that a Licensing Authority may resolve not to issue a premises licence. A decision to pass such a resolution will be taken by the Authority by a whole and will not be delegated to the Licensing Committee (a resolution not to issue casino premises licences will only affect new casinos). In passing such a resolution the Authority may take into account any principle or matter, not just the licensing objectives. The Authority may revoke the resolution by passing a counter resolution.</p>
20	<p>SMALL CASINO PREMISES LICENCE ~ GENERAL PRINCIPLES</p>
20.1	<p>The Licensing Authority recognises that applicants may either apply for a 'Casino Premises Licence' or alternatively a 'Provisional Statement' in respect of the small casino premises licence.</p>
20.2	<p>Unless otherwise specified, any reference to the application and procedures for a 'Small Casino Premises Licence' in the 'Small Casino Premises Licence' sections of this 'Statement of Principles' shall also include the application and procedures for a 'Provisional Statement' for a small casino premises licence.</p>
20.3	<p>In making any decision under Stage 1 or Stage 2 of the 'small casino premises licence process', the Licensing Authority will have due regard to this 'Statement of Principles', the Gambling Act 2005 and to any Codes of Practice, Regulations and Guidance which may be issued by:</p> <ul style="list-style-type: none"> a) The Secretary of State. b) The Department for Culture, Media and Sport, (<i>DCMS</i>). c) The Gambling Commission.
20.4	<p>In making any decision in respect of a small casino premises licence application, made under the 'small casino premises licence process':</p> <ul style="list-style-type: none"> a) the Licensing Authority shall not take into account whether or not an applicant is likely to be granted planning permission or building regulations approval; and b) any decision taken in relation to the small casino premises licence application, shall

	<p>not constrain any later decision by Torbay Council, under the law relating to planning or building control; and</p> <p>c) any conditions or agreements attached to any planning consents will normally fall outside of the licensing process and will normally be disregarded by the Licensing Authority, in determining which applicant will bring the greatest benefit to the area of Torbay.</p>
20.5	The Licensing Authority cannot consider unmet demand when considering applications for a small casino premises licence.
20.6	Torbay Council does not have a preferred location for the new small casino. Applicants can submit plans for any site or location within Torbay and each which will be judged on its own individual merits. Applicants, however, should have regard to the proposed location of the premises, with regard to meeting that licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling.
20.7	Where more than one 'Provisional Decision to Grant' is issued in accordance with Section 19.8 above, the Licensing Authority will implement Stage 2 of the 'small casino premises licence process'.
20.8	The Licensing Authority will ensure that any pre-existing contract, arrangements or other relationship it may have with a company or individual, does not affect the procedure so as to make it unfair (or appear unfair) to any applicant.
21	SMALL CASINO PREMISES LICENCE APPLICATION ~ STAGE 1
21.1	The 'small casino premises licence process' will be started by the Licensing Authority publishing an invitation calling for applicants to submit an application for a small casino premises licence.
21.2	An application for a small casino premises licence may be made at any time, however the Licensing Authority will not consider any such application, until a formal invitation to apply has been published and the appointed closing date for the submission of applications has passed. The appointed closing date shall be the final day of the three month period, duly advertised for Stage 1 applications.
21.3	The Licensing Authority will provide an Application Pack that will include a statement of the procedure and process it proposes to follow, in assessing applications for a small casino premises licence.
21.4	All applications for a small casino premises licence will be received through Stage 1 of the 'small casino premises licence process'. Should the Licensing Authority receive more than one application, then each application will be considered separately and on its own merits, with no reference being made to the other applications received.
21.5	At Stage 1 of the 'small casino premises licence process' any additional information submitted by an applicant, above that required by the statutory process, will be disregarded and returned to the applicant in accordance with Gambling Act 2005 and its Regulations. Additional information may be submitted by an applicant participating in Stage 2 of the 'small casino premises licence process'.
21.6	The Licensing Authority recognises that, should there be more than one small casino premises licence applicant, then each applicant is an 'Interested Party' in relation to the other, and therefore may make a representation. The term 'Interested Party' is defined in Section 4 at Page 6, of this 'Statement of Principles' and all representations will be considered carefully to ensure they meet the requirements set out therein.

21.7	It is recognised that any decision taken by the Licensing Authority under Stage 1 of the 'small casino licence application process' may be the subject of an appeal. The Licensing Authority will not proceed to Stage 2 of the 'small casino premises licence process' until any and all appeals, which may have been lodged at Stage 1 of the process, have been concluded.
22	SMALL CASINO PREMISES LICENCE APPLICATION ~ STAGE 2
22.1	Stage 2 of the 'small casino premises licence process' cannot be commenced until Stage 1 has been completed and all applications determined, including the conclusion of any and all appeals.
22.2	At Stage 2 of the 'small casino premises licence process', each of the second stage applicants will be required to state and demonstrate the greatest benefit they can bring to the local area of Torbay and how this will contribute to the well being of the area.
22.3	Where more than one application is received for a small casino premises licence and where more than one application is the subject of a 'Provisional Decision to Grant', (in accordance with Section 19.8 at Page 18), the Licensing Authority will give due consideration to all applications and will grant the available licence, to the applicant that it considers will deliver the greatest benefit to the area of Torbay.
22.4	Any determination made under Stage 2 of the 'small casino premises licence process' will be judged on a wide range of criteria, which have been established by the Licensing Authority in consultation with the community of Torbay, under the terms of this 'Statement of Principles'.
22.5	The Licensing Authority may during Stage 2 of the 'small casino premises licence process' engage in discussions with each Stage 2 applicant, with a view to the application being refined, supplemented or otherwise altered so as to maximise the benefits to the area of Torbay.
22.6	The Licensing Authority will expect a Stage 2 applicant to sign a written agreement with Torbay Council relating to the benefits that the proposed development may bring to the area of Torbay. The Licensing Authority will take any such agreement into account, in determining which application would result in the greatest benefit to the area of Torbay. The Licensing Authority may attach conditions to the small casino premises licence to give effect to this agreement.
22.7	<p>The following are the principles which will be used by the Licensing Authority to judge which proposal is likely to result in the greatest benefit to the area of Torbay and therefore, these are the matters to which applicants will be expected to address their Stage 2 application:</p> <ul style="list-style-type: none"> a) How the proposals will directly assist with local economic benefit and regeneration, sustainable job creation, enhance existing tourism, training and youth unemployment; especially with regard to non-gambling related jobs. b) How the proposal will deal with health and social responsibility, linking with local health care providers, including problem / fair gambling, protection of children and vulnerable persons; whether in the casino or in the wider community. c) How the proposals will link with Torbay Council's Cumulative Impact Policy. d) The provision that is made within the application for preventing gambling from becoming a source of crime and disorder, being associated with crime and disorder or being associated with crime and disorder. e) The proposed location of the small casino premises development and other

	<p>facilities, and how the selected site(s) along with the design and architecture, will regenerate the surrounding area as well as meeting the highest energy and environmental standards.</p> <p>f) How the proposal will improve the environment with improved public realm, tackling poor buildings or the provision of new or repairing existing infrastructure, as well as enhancing the local environmental quality in the immediate vicinity of the development and on arterial routes to the venue.</p> <p>g) The provision of a marketing policy which explains how the development will promote Torbay, in line with Torbay Council's strategy to improve the quality and image of the area to increase visitor numbers and visitor spend.</p> <p>h) Proposed contributions towards community schemes, such as improving the night-time economy, the local community, the voluntary sector and youth facilities.</p> <p>i) Proposed contributions towards all year round arts and culture provision and recreational facilities for visitors and residents.</p> <p>j) How the proposals will assess the social, economic and physical impact of the development and the commitment thereafter to mitigate any potential adverse effects</p> <p>k) Proposals regarding day/night access and travel arrangements to and from the small casino taking into consideration staff and customer travel requirements.</p> <p>l) A financial contribution will accompany the application; what will be the purpose of the contribution and the form that this contribution will take.</p>
22.8	<p>At paragraph 22.7 above the Licensing Authority has set out matters which it will take into account in judging the competing applications at Stage 2 of the 'small casino premises licence process' and which are likely to receive the greatest weight in the evaluation process, but an operator is not debarred from putting forward other benefits which the Licensing Authority will take into consideration and weigh to the extent it considers them relevant.</p>
22.9	<p>The Stage 2 applicant will be expected to additionally submit the following:</p> <p>a) A clear and detailed Business Plan.</p> <p><i>The Licensing Authority will evaluate the Business Plan, especially with regard to the viability of any submitted proposals.</i></p> <p>b) A signed 'Development Agreement' in a form that is acceptable to the Licensing Authority, committing the applicant, (in the event that they are granted a licence), to the entirety of the scheme they have put forward.</p> <p>c) A timescale for implementation and completion of the proposed development works, (including any ancillary development), setting out the various stages of construction. This is to enable the Licensing Authority to be kept informed of when the project is likely to be completed and that the applicant is on target for final completion.</p> <p>d) Evidence that there will be consultation with Statutory Bodies and Responsible Authorities, to ensure due compliance with any and all Statutory Regulations and Legislation, during the construction of the development; (e.g. health and safety, highway approvals, etc).</p>
22.10	<p>In assessing applications made under the 'small casino premises licence process' the Licensing Authority will give consideration to the likelihood of a casino actually being developed and additional weight shall be given to its deliverability.</p>
22.11	<p>The 'small casino premises licence process' will follow the DCMS Code of Practice;</p>

	<p>however, the Code of Practice leaves individual authorities to determine the detail of their own procedure.</p> <p>Therefore, (because it is recognised that the Licensing Authority does not necessarily have all the relevant expertise), the Licensing Authority might need to seek advice on an applicant's proposal from Officers in other relevant Council Departments; for example Planning, Highways, Finance, Regeneration and Legal. The Licensing Authority may also need to solicit independent expertise and advice from sources outside of the Council.</p> <p>For this purpose, the Licensing Authority intends to constitute a non-statutory panel to assist in the evaluation of the Stage 2 application process. This panel shall be called the 'Advisory Panel'.</p>
22.12	<p>It is accepted that only the Licensing Authority will make the final decision on the successful applicant. The function of the Advisory Panel will be to evaluate the applications for the benefit of the Licensing Committee or Sub-Committee. The Advisory Panel will not be a decision-making body and while the Licensing Committee or Sub-Committee will take the Advisory Panel's evaluations into account, with regard to the 'small casino premises licence process', it is not bound to follow them.</p>
22.13	<p>Members of the Advisory Panel will comprise of carefully selected, competent and suitably qualified individuals, who are not biased and whose personal interests would not compromise their independence. It will be for the Local Authority to determine the membership of the Advisory Panel.</p>
22.14	<p>A schedule detailing the Advisory Panel members and the Panel's terms of reference will be included in the Application Pack. The terms of reference will include further details of the functions of the Advisory Panel and the procedures of the evaluation process, in order to ensure fairness and transparency to all applicants.</p>
22.15	<p>To ensure that there is fairness and transparency; applicants will be asked if they wish to object to any Member of the Advisory Panel. Should an applicant wish to raise any objection to a Member of the Advisory Panel; then:</p> <ol style="list-style-type: none"> a) A formal objection must be served upon the Local Authority within 10 working days of the applicant requesting an Application Pack. b) The objection must clearly indicate the grounds upon which the objection is being made. c) It will be for the Local Authority to determine the validity of any objection and to determine if any member of the Advisory Panel should be replaced on the basis of the objection(s) raised. d) The formal procedure to be followed in the event of any objection being raised will be detailed within the 'Application Pack' <p><i>(The strict time constraints detailed at section a) above, are to ensure that in the event of an Advisory Panel Member being replaced as a result of an applicants' objection, all applicants can be given due notice and opportunity to object to any 'Replacement' Advisory Panel Member(s); and to prevent the potential frustration of the procedure in the latter stages of the 'small casino premises licence' determination process. Objections raised 'out of time' will only be considered if the applicant can satisfy the Local Authority, that the objection could not reasonably have been made within the stipulated period for objections).</i></p>
22.16	<p>It is important that the small casino premises licence application includes all documents and paperwork in support of the proposals, (hereinafter referred to as the 'bid documentation'). Once all the bid documentation has been submitted, the Advisory Panel</p>

	will carry out a preliminary evaluation of each application. Following the preliminary evaluation, Officers of Torbay Council may liaise with applicants with a view to the application being refined, supplemented or altered so as to maximise the greatest benefit to the Torbay area.
22.17	Once the bid documentation is finalised, the Advisory Panel will evaluate each bid and the bids will be scored within definitive bands determined by the Local Authority. Once assessed, the Advisory Panel's draft evaluation report on each application will be sent to the applicant, in order to enable the relevant applicant to identify and address any factual errors that may have occurred. Thereafter no additional information may be submitted by the applicant, but any agreed factual errors will be amended.
22.18	The unsuccessful applicant(s) will be informed of the result and reasons for rejection as soon as is reasonably practicable.
23	BINGO PREMISES LICENCE
23.1	<p>The Licensing Authority considers that if persons under 18 years of age are allowed to enter premises licensed for bingo, it is important that they do not participate in gambling, other than on category D machines. Where category C or above machines are available on premises to which persons under 18 years of age have access, the Licensing Authority will require that:</p> <ul style="list-style-type: none"> a) All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier, which is effective to prevent access other than through a designated entrance. b) Only adults are admitted to the area where the machines are located. c) Access to the area where the machines are located is adequately supervised. d) The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder. e) At the entrance to and inside any such area there are notices prominently displayed, indicating that access to the area is prohibited to persons under 18.
23.2	<p>The Licensing Authority will expect applicants to offer their own measures and must be included in the local risk assessment to meet the licensing objectives; however appropriate measures and/or licence conditions may cover issues such as: <i>(this list is indicative only and is not exhaustive)</i></p> <ul style="list-style-type: none"> a) Proof of age schemes. b) Closed Circuit Television Systems, (CCTV). c) Supervision of entrances and machine areas d) Physical separation of areas. e) Location of entry. f) Appropriate notices and signage. g) Specific opening hours. h) Self-exclusion schemes. i) Measures / training for staff on how to deal with suspected truant school children on the premises j) Provision of information leaflets and helpline numbers for organisations such as GamCare, <i>(please see Appendix 2 of this document for 'Gamcare' contact details)</i>. k) Identify local risks, such as proximity to schools or in an area high crime rate as identified in section 13.4 above.
23.3	In determining any application for a Bingo Premises Licence, the Licensing Authority will

	have regard to any guidance issued by the Gambling Commission with regard to the suitability and general layout of Bingo premises and with regard to matters of primary gambling activity.
24	BETTING PREMISES LICENCE
24.1	The Licensing Authority is responsible for the issue of premises licences for all betting establishments, including casinos, bookmaker's offices and tracks. It is illegal for persons under 18 years of age to enter upon licensed betting premises and bet, but they may gain entry to tracks.
24.2	The Licensing Authority has an express authority to limit the number of betting machines made available upon licensed betting premises and in determining whether or not to limit the number of machines, the Licensing Authority will have regard to the following: <ul style="list-style-type: none"> a) The size of the premises. b) The number of counter positions available for person-to-person transactions. c) The ability of staff to monitor the use of the machines by persons under 18 years of age or vulnerable persons.
24.3	The Licensing Authority expects applicants to offer their own measures and must be included in the local risk assessment to meet the licensing objectives; however appropriate measures and/or licence conditions may cover issues such as: <i>(this list is indicative only and is not exhaustive)</i> <ul style="list-style-type: none"> a) Proof of age schemes. b) Closed Circuit Television Systems, (CCTV). c) Supervision of entrances and machine areas d) Physical separation of areas. e) Location of entry. f) Appropriate notices and signage. g) Specific opening hours. h) Self-exclusion schemes. i) Measures / training for staff on how to deal with suspected truant school children on the premises j) Provision of information leaflets and helpline numbers for organisations such as GamCare, <i>(please see Appendix 2 of this document for 'Gamcare' contact details).</i> k) Identify local risks, such as proximity to schools or in an area with a high crime rate, as identified in section 13.4 above.
24.4	In determining any application for a Betting Premises Licence, the Licensing Authority will have regard to any guidance or codes of practice issued by the Gambling Commission concerning primary gambling activity, as well as any subsequent case law.
25	TRACK PREMISES LICENCE
25.1	General: Tracks are sites, (including horse racecourses and dog tracks), where races or other sporting events take place. Betting is a primary gambling activity on tracks, both in the form of pool betting, (often known as the 'Totalisator' or 'Tote'), and also general betting, often known as 'Fixed-Odds' betting. In discharging its functions with regard to Track Betting

	Licences the Licensing Authority will have regard to any guidance issued by the Gambling Commission in that respect.
25.2	There is no special class of betting premises licence for a Track, but the Act does contain rules which apply specifically to a 'Premises Licence' granted in respect of a Track.
25.3	<p>Applicants for a Premises Licence made in relation to a Track, will not be required to hold an Operating Licence issued by the Gambling Commission, unless the applicant intends to offer pool betting or general betting facilities himself; in which case an Operating Licence will be required.</p> <p>The betting that is provided upon the track will not generally be provided by the applicant, but will be provided by other operators who attend the track to provide betting facilities. These 'On-Course Operators' will require the necessary operating licences, therefore the Act allows the track operator to obtain a Premises Licence without the requirement to hold an Operating Licence. This 'Track Premises Licence' then authorises anyone upon the premises to offer betting facilities, provided they already hold a valid Operators Licence.</p>
25.4	<p>The Licensing Authority is aware that tracks are different from other premises in that there may be more than one premises licence in effect, each covering a specified area of the track. The Licensing Authority will especially consider the impact of the licensing objective of the protection of children and vulnerable persons with regard to this category of licence. Specific considerations in this respect may include:</p> <ol style="list-style-type: none"> a) The need to ensure entrances to each type of premises are distinct. b) That children are excluded from gambling or betting areas that they are not permitted to enter.
25.5	The Licensing Authority will expect the premises licence applicant(s) to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.
25.6	Children are legally permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines, (other than category D machines), are provided.
25.7	<p>Appropriate measures and / or licence conditions which may be applied to a track premises licence by the Licensing Authority, in order to promote the licensing objectives, (particularly the objective with regard to children and vulnerable persons), may include:</p> <p><i>(This list is indicative; it is not mandatory or exhaustive)</i></p> <ol style="list-style-type: none"> a) Proof of age schemes b) CCTV c) Door supervisors d) Supervision of entrances/machine areas e) Physical separation of areas f) Location of entry g) Notices / signage h) Specific opening hours i) Self-barring schemes j) Provision of information leaflets / helpline numbers for organisations such as GamCare, <i>(please see Appendix 2 of this document for 'Gamcare' contact details)</i>. k) Identify local risks, such as proximity to schools or in an area with a high crime rate, as identified in section 13.4 above.

25.8	<p>Gaming Machines at Tracks</p> <p>Applicants for Track Premises Licences will need to demonstrate within their applications, that where the applicant holds a ‘Pool Betting Operating Licence’ and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded and that such areas are suitably operated.</p>
25.9	<p>Betting Machines at Tracks</p> <p>The Licensing Authority has an express power under the Act, to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching licence conditions to a betting premises licence.</p>
25.10	<p>The potential space available for betting machines at a track may be considerable, bringing with it significant problems in relation to:</p> <ul style="list-style-type: none"> a) The proliferation of such machines. b) The ability of track staff to supervise the machines if they are dispersed around the track. c) The ability of the track operator to comply with the law and prevent children betting on the machines.
25.11	<p>In considering whether or not it is appropriate to restrict the number of betting machines made available at a track, by way of licence condition, the Licensing Authority will have regard to the following:</p> <ul style="list-style-type: none"> a) The size of the premises. b) The ability of staff to monitor the use of the machines by children or by vulnerable people. c) The number, nature, location and circumstances of the betting machines that an operator intends to make available for use.
25.12	<p>Conditions on Rules being Displayed at Tracks</p> <p>The Licensing Authority will attach a condition to Track Premises Licence requiring the track operator to ensure that the rules are prominently displayed in, (or near), the betting areas, or made available to the public by some other means, such as being included in the race-card or issued as leaflet.</p>
25.13	<p>Applications and Plans for Tracks</p> <p>The following information should be submitted with the application:</p> <ul style="list-style-type: none"> a) Detailed plans for the track and the area that will be used for temporary “on-course” betting facilities (often known as the “Betting Ring”). b) In the case of dog tracks, horse racecourses, fixed and mobile pool betting facilities, (whether operated by the Tote or the track operator), and any other proposed gambling facilities; the plans should make clear what is being sought for authorisation under the Track Betting Premises Licence. c) Details of any other areas of the track, which may be the subject of a separate application, for a different type of premises licence.

25.14	<p>Self Contained Premises on Tracks</p> <p>The Licensing Authority will generally require that all 'self-contained premises' operated by off-course betting operators on track, be the subject of a separate Premises Licence. This will ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the track premises.</p>
26	TRAVELLING FAIRS
26.1	Travelling fairs do not require any permit to provide gaming machines, but must comply with the legal requirements as to the way the machines operate. They may provide an unlimited number of Category D gaming machines and/or equal chance prize gaming machines, provided that the facilities for gambling amount to no more than an ancillary amusement at the fair.
26.2	A given area of land may, by statute, only be used on 27 days per calendar year for the purposes of accommodating a fair. The statutory maximum of 27 days calendar use, applies to the land on which the fairs are held and that use is cumulative, regardless of whether it is the same fair or a procession of different travelling fairs.
26.3	The Licensing Authority will monitor fairs, (whether travelling or otherwise), which provide category D gaming machines or equal chance prize gaming machines within Torbay, to ensure that the provision of gambling is ancillary to the amusement provided at the fair and to ensure that the statutory limits upon the annual use of the land, are not exceeded.
26.4	The Licensing Authority will work with its neighbouring licensing authorities to ensure that any inter-authority sites which may be used for the provision of fairs, are appropriately monitored to ensure due compliance with statutory requirements.
27	REVIEWS
27.1	<p>An 'Interested Party' or a 'Responsible Authority' can make an application to the Licensing Authority at any time, requesting that the Licensing Authority review a licence that it has granted; the Licensing Authority may also initiate a review of a licence itself.</p> <p>a) Responsible Authorities are scheduled to Appendix 2 of this 'Statement of Principles'</p> <p>b) Interested Parties are defined at Section 4 of this 'Statement of Principles'</p>
27.2	<p>Should the Licensing Authority receive an application requesting the review of a licence, the Licensing Authority will make a determination as to whether or not the review is to be carried out. In making this determination the Licensing Authority will consider whether the request for the review is relevant to the matters listed below:</p> <p>a) In accordance with any relevant Code of Practice issued by the Gambling Commission.</p> <p>b) In accordance with any relevant guidance issued by the Gambling Commission.</p> <p>c) Reasonably consistent with the licensing objectives.</p> <p>d) In accordance with Torbay Council's 'Statement of Principles'.</p>
27.3	The Licensing Authority will also make a determination as to whether or not the application for the licence review is made on relevant grounds; the following are examples of grounds

	<p>which may be considered by the Licensing Authority, to be irrelevant, <i>(this list is indicative and is not exhaustive)</i>:</p> <ul style="list-style-type: none"> a) Representations which are inconsistent with Section 153 of the Act. b) Representations that are inconsistent with any guidance or codes of practice issued by the Gambling Commission, or with this 'Statement of Principles'. c) Representations which relate to an objection to gambling activity generally; for instance on moral grounds. d) Representations in relation to the demand or unmet demand for gambling premises. e) Representations in relation to planning matters. f) Public Safety Issues. g) Traffic Congestion issues.
27.4	<p>The Licensing Authority will not initiate a licence review if it considers that the grounds upon which the review is being sought are:</p> <ul style="list-style-type: none"> a) Frivolous b) Vexatious c) Substantially the same as representations made at the time that the application for a premises licence was considered; the Licensing Authority will not normally review a licence to re-visit issues which were considered at the time of the grant. d) Substantially the same as the grounds cited in a previous application for review, relating to the same premises, and a sufficient or reasonable period of time has not elapsed since that previous application was made. e) Insignificant; to such an extent, that it would be wholly unreasonable for the Licensing Authority to revoke or suspend the licence; or to remove, amend or attach conditions to the licence, on the basis of such representation.
27.5	<p>Should the Licensing Authority determine that an application for a licence review, (which has been duly submitted by an 'Interested Party' or a 'Responsible Authority'), is valid or should the Licensing Authority decide to initiate a licence review of its own volition; then that licence review will be undertaken and progressed to conclusion, in accordance with the requirements of the Act, any guidance or codes of practice issued by the Gambling Commission and this 'Statement of Principles'.</p>
	<p>PART C - PERMITS / TEMPORARY AND OCCASIONAL USE NOTICES</p>
28	<p>UNLICENSED FAMILY ENTERTAINMENT CENTRE, (UFEC)</p> <p>GAMING MACHINE PERMITS ~ STATEMENT OF PRINCIPLES ON PERMITS</p>
28.1	<p>Unlicensed Family Entertainment Centres, (UFEC's), are premises commonly located at seaside resorts, on piers, at airports or at motorway service stations. These establishments cater for families, including unaccompanied children and young persons and, subject to the grant of a permit from the Council, operators can provide an unlimited number of Category D gaming machines, upon the premises.</p>
28.2	<p>Where a premises does not have the benefit of a premises licence issued under the Act, but the applicant wishes to provide Category D gaming machines; an application may be made to the Licensing Authority for an unlicensed family entertainment centre permit. The applicant must satisfy the Licensing Authority that the premises will be 'wholly or mainly'</p>

	used for making gaming machines available for use.
28.3	The Licensing Authority will require as part of the application form, a plan to scale clearly defining the area covered by the UFEC.
28.4	The Licensing Authority will issue permits for unlicensed family entertainment centres in accordance with the following principles: <ul style="list-style-type: none"> a) The licensing objectives. b) Any relevant regulations or codes of practice. c) Any guidance issued by the Gambling Commission. d) The principles set out in this 'Statement of Principles'.
28.5	The Licensing Authority will only grant a permit if satisfied that the premises will be used as an unlicensed family entertainment centre and that the Devon and Cornwall Police have been consulted in relation to the application; applicants will also be required to demonstrate to the Licensing Authority: <ul style="list-style-type: none"> a) That the applicant has a full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed family entertainment centre. b) That staff are suitably trained and have a full understanding of the maximum stakes and prizes permissible in an unlicensed family entertainment centre. c) That the applicant has no convictions, which may have been identified as 'relevant convictions', for the purposes of the Act.
28.6	The Licensing Authority will expect the applicant to show that they have policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. Such measures may include: <ul style="list-style-type: none"> a) Enhanced Criminal record checks for staff. b) Appropriate measures / training for staff as regards suspected truant school children on the premises. c) Appropriate measures / training for staff as regards unsupervised very young children being on the premises and children causing perceived problems on / around the premises.
28.7	The Licensing Authority can grant or refuse an application for an unlicensed family entertainment centre permit; however it cannot attach conditions to a permit.
29	(ALCOHOL) LICENSED PREMISES ~ GAMING MACHINE PERMITS
29.1	There is an automatic entitlement to provide a maximum of 2 Category C and/or D gaming machines, on premises that are licensed under the Licensing Act 2003, for the sale and consumption of alcohol on the premises. Subject only to the proviso, that the premises licence holder must serve notice of intention upon the Licensing Authority in respect of those machines.
29.2	The Licensing Authority can remove the ' <i>Licensing Act 2003 Automatic Entitlement</i> ' in respect of any particular premises if: <ul style="list-style-type: none"> a) The provision of the machines is not reasonably consistent with the pursuit of the licensing objectives

	<ul style="list-style-type: none"> b) The licensee has breached the requirements of the Gambling Act 2005. c) An offence under the Gambling Act 2005 has been committed on the premises. d) The premises are mainly used for gaming.
29.3	The provision of gaming machines, on premises licensed for the sale and consumption of alcohol, in excess of the automatic two machine entitlement, can only be authorised by way of a permit issued by the Licensing Authority.
29.4	<p>In considering any application for a permit to authorise the provision of more than two machines, on premises licensed under the Licensing Act 2003, for the sale and consumption of alcohol; the Licensing Authority will have regard to the following:</p> <ul style="list-style-type: none"> a) The requirements of the Gambling Act 2005. b) The Licensing Objectives. c) Any guidance issued by the Gambling Commission. d) Any Code of Practice issued by the Gambling Commission. e) The principles within this 'Statement of Principles'. f) Any other matters that the Council considers relevant.
29.5	<p>The matters that the Licensing Authority considers relevant in point (f) above, will include but are not exclusive to</p> <ul style="list-style-type: none"> i) any consultation it considers relevant by The Police and the Children's Safeguarding Board; ii) any relevant policies e.g. child protection from the applicant; iii) the percentage of gross turnover the gaming machines contribute to total gross turnover of the premises and this should not be significant; iv) the confidence Torbay Council has in the management of the premises.
29.6	In granting a permit the Licensing Authority can prescribe a different number of machines to that which was applied for, and can prescribe the particular category of machine(s) that may be permitted; however the Licensing Authority cannot attach conditions to a permit.
29.7	Applications for permits under this section cannot be made in respect of unlicensed non-alcoholic areas of, (<i>Licensing Act 2003</i>), licensed premises. Such areas would need to be considered under the provisions relating to 'Family Entertainment Centres' or 'Adult Gaming Centres'.
30	PRIZE GAMING PERMITS ~ STATEMENT OF PRINCIPLES ON PERMITS
30.1	<p>In considering any application for a prize gaming permit the Licensing Authority will have regard to the following:</p> <ul style="list-style-type: none"> a) The type of gaming that the applicant is intending to provide. b) The requirements of the Gambling Act 2005. c) The Licensing Objectives. d) Any guidance issued by the Gambling Commission. e) Any statutory and mandatory conditions. f) The principles within this 'Statement of Principles'.

30.2	The Licensing Authority will expect the applicant to demonstrate that they understand the limits applicable to 'stakes and prizes' that are set out in Regulations; and that they are able to understand and ensure that the gaming to be provided is within the law.
30.3	<p>There are statutory and mandatory conditions in the Act which the permit holder must comply with and the Licensing Authority cannot impose any additional conditions to the grant of a permit. The conditions in the Act are:</p> <ul style="list-style-type: none"> a) The limits on participation fees, as set out in regulations, must be complied with. b) All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played. c) The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value, (if non-monetary prize). d) Participation in the gaming must not entitle the player to take part in any other gambling.
31	CLUB GAMING PERMITS AND CLUB MACHINE PERMITS
31.1	Members Clubs may apply for a 'Club Gaming Permit' or a 'Club Machine Permit'. Commercial Clubs may apply for a 'Club Machine Permit'.
31.2	The grant of a 'Club Gaming Permit' by the Licensing Authority will enable the premises to provide gaming machines (3 machines of categories B, C or D, but only 1 B3A machine), equal chance gaming and games of chance as set out in regulations.
31.3	<p>The grant of a 'Club Machine Permit' by the Licensing Authority will enable the premises to provide up to a maximum of three gaming machines of categories B, C or D.</p> <p><i>NOTE: This maximum entitlement of three machines will include any machines provided by virtue of the Licensing Act 2003 entitlement; it is not in addition to that entitlement.</i></p>
31.4	Members clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming; unless the gaming is permitted by separate regulations. This may cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A 'Members' Club' must be permanent in nature, not established to make commercial profit, and controlled by its members in equal part. Examples would include 'Working Men's Clubs', branches of the 'Royal British Legion' and clubs with political affiliations.
31.5	<p>The Licensing Authority may only refuse an application for a 'Club Gaming Permit' or a 'Club Machine Permit' on the grounds that:</p> <ul style="list-style-type: none"> a) The applicant does not fulfil the statutory requirements for a members' club, a commercial club or a miners' welfare institute; and therefore is not entitled to receive the type of permit for which it has applied. b) The applicant's premises are used wholly or mainly by children and/or young persons. c) An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities. d) A permit held by the applicant has been cancelled in the previous ten years. e) An objection to the grant of a permit has been lodged by the Gambling Commission

	or the Police.
31.6	The Licensing Authority is aware that there is a fast track procedure for the issue of a permit to premises which hold a club premises certificate granted under the Licensing Act 2003. Under this fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police.
31.7	The 'fast track' process afforded to an applicant under the Licensing Act 2003 does not provide any statutory right to the issue of a permit and the Licensing Authority may resolve to refuse the grant of a 'fast track' application on the following grounds: <ul style="list-style-type: none"> a) That the club is established primarily for gaming, other than gaming prescribed under Schedule 12 of the Act, <i>that section relating to' Club Gaming Permits' and 'Club Machine Permits'.</i> b) That in addition to the prescribed gaming to be provided under the permit, the applicant provides facilities for other gaming on the same premises. c) That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
31.8	No child shall be permitted to use a Category B or C gaming machines on the premises and that the holder of the Premises Licence must comply with any code of practice relevant to the location and operation of gaming machines.
32	TEMPORARY USE NOTICES
32.1	There are a number of statutory limits as regards temporary use notices. The limits are set out in the Act as: <ul style="list-style-type: none"> a) A set of premises may not be the subject of temporary use notification for more than 21 days in a period of 12 months. b) A set of premises may be the subject of more than one temporary use notice in a period of 12 months; provided that the aggregate of the periods for which the notices have effect does not exceed 21 days.
32.2	The purposes for which a temporary use notice may be used are restricted by regulations, to the provision of facilities for equal chance gaming only, which must be provided by means other than 'machine gaming'. <p><i>'Equal Chance Gaming' is gaming where the participants are taking part in a gambling competition which is intended to produce a single, overall winner. An example of this would</i></p>

	<i>be a poker competition.</i>
32.3	In considering whether to object to a temporary use notice the Licensing Authority will have particular regard to this 'Statement of Principles', and any guidance issued by the Gambling Commission, with regard to the nature and definition of a 'premises' or a 'place'. Should the Licensing Authority consider that 'Temporary Use Notices' are being employed at premises, (or for discreet parts of premises), to the extent where 'regular gambling' is thereby being provided within a given building or at a given place; then the Licensing Authority may object to the notice(s).
33	OCCASIONAL USE NOTICES
33.1	With regard to 'Occasional Use Notices' the Licensing Authority will ensure the following: <ul style="list-style-type: none"> a) That the statutory limit of 8 days in a calendar year is not exceeded. b) That the subject premises can reasonable and effectively be defined as a 'track' c) That the applicant is permitted to avail himself / herself of the notice.

	PART D ~ APPENDICIES
	Appendix 1 ~ Consultation
1	The Gambling Act 2005 requires that the following parties are consulted by Torbay Council prior to publication of the finalised 'Statement of Principles': <ul style="list-style-type: none"> a) The Chief Officer of Police. b) One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the authority's area. c) One or more persons who appear to the Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Gambling Act 2005.
2	The finalised 'Statement of Principles' will be made following consultations with the following: <ul style="list-style-type: none"> a) Residents and businesses of Torbay b) Bodies representing existing gambling businesses in Torbay c) The Chief Officer of Devon and Cornwall Police d) The Chief Officer of Devon and Somerset Fire and Rescue Service e) Torbay & Southern Devon Health & Care NHS Trust and Local Health Providers f) Devon & Torbay Safeguarding Children Board g) Torbay Council : Planning, Community Safety and Highways Authorities h) Safer Communities Torbay i) Facilities in Torbay assisting vulnerable persons j) Faith groups; via Torbay Interfaith Forum and the Street Pastors k) Torbay Town Centres Company l) Brixham Town Council m) English Riviera Tourism Company

	n) Economic Development Agency
3	<p>In determining the finalised 'Statement of Principles', Torbay Council will undertake to give appropriate weight to the views of those it has consulted. In determining what weight to give to a particular representation, the factors taken into account will include:</p> <ul style="list-style-type: none"> a) Who is making the representation; (what is their expertise or interest?) b) What was the motive for their representation? c) How many other people have expressed the same or similar views? d) How far the representations relate to matters that Torbay Council should be including in its 'Statement of Principles'
4	Torbay Council has designated the Torbay Safeguarding Children Board, (<i>TSCB</i>), as the 'Competent Body' to advise the Council, with regard to the licensing objective that protects children from being harmed or exploited by gambling.

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Appendix 2 ~ Schedule of Licensing Authority and Responsible Authority Contacts	
Licensing Authority	
1	<p>Licensing and Public Protection Team Town Hall Castle Circus Torquay TQ1 3DR</p> <p>Tel: 01803 208025 E-mail: <i>to be confirmed</i></p>
Responsible Authorities	
2	<p>Licensing Department Devon and Cornwall Police HQ Middlemoor Exeter EX2 7HQ</p> <p>Tel: 01392 452225 E-mail: licensingeast@devonandcornwall.pnn.police.uk</p>
3	<p>Devon and Somerset Fire and Rescue Service Western Command Devon South Group Torquay Headquarters Newton Road Torquay TQ2 7AD</p> <p>Tel: 01803 653700 E-mail: southfiresafety@dsfire.gov.uk</p>
4	<p>Torbay Safeguarding Children Board Torbay Council Town Hall Castle Circus Torquay TQ1 3DR</p> <p>Tel: 01803 207176 E-mail: tscb@torbay.gov.uk</p>
5	<p>Licensing and Public Protection Team (Public Nuisance) Town Hall Castle Circus Torquay TQ1 3DR</p>

	<p>Tel: 01803 208025 E-mail: <i>to be confirmed</i></p>
6	<p>Planning and Development Services Town Hall Castle Circus Torquay TQ1 3DR</p> <p>Tel: 01803 207801 E-mail: planning@torbay.gov.uk</p>
7	<p>Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</p> <p>Tel: 0121 230 6666 E-mail: info@gamblingcommission.gov.uk</p>
8	<p>HM Revenue & Customs Betting and Gaming National Registration Unit Portcullis House 21 India Street G2 4PZ</p> <p>Tel: 0141 5553633 E-mail: nrubetting&gaming@hmrc.gsi.gov.uk</p>
<p>Gamcare</p> <p><i>'Gamcare' is not a designated 'Responsible Authority' under the Gambling Act 2005 and has not been consulted by Torbay Council in relation to this 'Statement of Principles 2013'. However, Torbay Council has resolved to include the contact details of Gamcare within this appendix.</i></p> <p>GamCare 2nd Floor, 7-11 St John's Hill, London SW11 1TR Tel: 020 7801 7000 : Fax: 020 7801 7033 E-mail: info@gamcare.org.uk</p>	

Appendix 3 ~ Torbay Council Delegation Protocols

<u>Matter to be dealt with</u>	<u>Full Council</u>	<u>Licensing Committee or Licensing Sub-Committee</u>	<u>Officers</u>
Three year licensing policy	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn.
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn.
Application for the transfer of a licence		Where representations have been received from the Gambling Commission.	Where no representations received from the Gambling Commission.
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn.
Review of a premises licence		X	
Application for club gaming / club machine permits		Where objections have been made (and not withdrawn)	Where no objections made / objections have been withdrawn.
Cancellation of club gaming / club machine permits		X	
Applications for other permits except below			X
Applications for gaming machine permits		For more than 4 machines or where representations have been received.	For up to 4 machines where no representations received / representations have been withdrawn.
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Appendix 4 ~ Schedule of Gaming Machine Provision by Premises

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Small casino (machine/table ratio of 2-1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
Pre-2005 Act casino (no machine/table ratio)	Maximum of 20 machines B to D (except B3A machines), or any number of C or D machines instead						
Betting premises and tracks occupied by pool betting	Maximum of 4 machines categories B2 to D (except B3A machines)						
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)						No limit on category D machines	
Clubs or miners' welfare institute (with permits)				Maximum of 3 machines in Categories B3A or B4 to D*			
Qualifying alcohol-licensed premises				1 or 2 machines of category C or D automatic upon notification			
Qualifying alcohol-licensed premises (with gaming machine permit)				Number of category C-D machines as specified on permit			
Travelling fair				No limit on			

								category D machines
		A	B1	B2	B3	B4	C	D

*It should be noted that members' clubs are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

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Appendix 5 ~ Schedule of Gaming Machine Categories and Entitlements

Category of machine	Maximum stake (Jan 2014)	Maximum prize (Jan2014)
A	No category A gaming machines are currently permitted	
B1	£5	£10'000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D (money prize)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20(of which no more than £10 may be a money prize)

- With option of max £20,000 linked progressive jackpot on premises basis only

Appendix 6 ~ Schedule of Gaming Entitlements for Clubs and Pubs

	Members' club with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Member's club, or commercial club without a club gaming permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or Whilst only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £100 per premises per day Other gaming £5 per person per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 per game Other gaming No limit	Poker £250 per game Other gaming No limit	Poker £100 per game Other gaming No limit
Maximum participation fees – per person per day	Bridge and/or whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge and/or whist* £18 Other gaming £3 (commercial club) £1 (members' club)	Bridge and/or whist* £18 Other gaming £1	None permitted
Bankers or unequal chance gaming	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
Limits on bingo**	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence	No bingo permitted	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence

*On a day when no other facilities for gaming are provided.

** If more than the maximum, then an operating licence will be required

Consultation Gambling Act 2005 - Draft Statement of Principles 2016

<u>Date of Receipt</u>	<u>Reference Number</u>	<u>Person or Body Making Representation</u>	<u>Form of Representation</u>	<u>Brief Synopsis of Representation</u>
20/10/2015	001	Gosschalks Solicitors on behalf of the Association of British Bookmakers	Letter	Letter mainly concerns itself with Local Area Profiles and Risk Assessments and that this may provide an onerous Regulatory burden.
24/09/2015	002	Campaign for fairer gambling	Email	A campaign email on behalf of stopping Fixed Odds Betting Terminals
29/10/2015	003	Coral Racing	Letter	Letter mainly concerns itself with Local Area Profiles and Risk Assessments and that this may provide an onerous Regulatory burden.
01/09/2015	004	Police Licensing Department	Email	No comments to make



Meeting: Council Meeting

Date: 10 December 2015

Wards Affected: All

Report Title: Formal Adoption of the Torbay Local Plan

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately

Executive Lead Contact Details: Mark King, Executive Lead for Planning Transport and Housing (07873 254117 – mark.king@torbay.gov.uk)

Supporting Officer Contact Details: Steve Turner, Team Leader, Strategic Planning (01803 208812 – steve.turner@torbay.gov.uk)

1. Proposal and Introduction

- 1.1 This Report describes the outcomes of the Examination conducted by the Government's Planning Inspectorate (PINS) into the soundness of the Torbay Local Plan, and sets out recommendations to the Council regarding the formal Adoption of the Plan and related actions. The Local Plan has been found sound subject to Modifications.
- 1.2 A new statutory Local Plan has been prepared for Torbay. This document, the 'Torbay Local Plan (A landscape for success: The Plan for Torbay - 2012 to 2030 and beyond)' is the Council's key development plan document and will form the legal basis for decisions on spatial planning matters within the Bay over the next fifteen years or so. The Plan sets out a balanced strategy for change in Torbay, which embraces growth but puts protection and enhancement of Torbay's unique environment at its heart.
- 1.3 Following earlier draft stages of Plan preparation, the new Torbay Local Plan was formally submitted to the Secretary of State for Independent Examination in July 2014, heralding the start of the Examination. Hearing Sessions were conducted in November 2014 by the Inspector appointed by PINS, following which the Council received his Initial and Further Findings. As a consequence, a series of Proposed Main and Proposed Additional (Minor) Modifications to the Plan were published for consultation. Following consideration of responses, these Modifications were later substituted by the publication of a set of Proposed Replacement Main and Proposed Replacement Additional (Minor) Modifications, together with a small number of Further Additional Modifications. All representations received and the Council's responses were published and passed to the Inspector for his consideration.
- 1.4 The Council has now received the Inspector's Report of the Examination into the soundness of the Torbay Local Plan, dated 12 October 2015. This has been published in accordance with the Local Planning Regulations.

- 1.5 In compliance with the relevant guidance, the Inspector has been required to indicate that the Plan as originally submitted had a number of initial deficiencies relating to soundness. However, the Inspector has concluded that the Local Plan can be found sound subject to Proposed Replacement Main Modifications, the great majority of which were requested by the Council. These are binding on the Local Planning Authority. Without these Main Modifications, the Plan as submitted would not be considered sound by the Inspector and could not be adopted. The Plan will be supplemented by the Proposed Replacement Additional (Minor) Modifications and Further Additional Modifications described in more detail in Section 1 of Appendix 1 below.
- 1.6 Receipt of the Inspector's Report marks the end of the Examination process and allows the Council to proceed to the formal Adoption of the Local Plan, as modified. The Local Plan has been found satisfactory in all three specified areas, namely compliance with the duty to cooperate, soundness (positively prepared, justified, effective and consistent with national policy) and compliant with legal requirements. It should be recognised that this is a major achievement for Members and officers of the Council and provides the Authority with a very effective and positive basis for future planning in the Bay. This officer report recommends that the Council agrees to the formal Adoption of the Torbay Local Plan, with Modifications, and to a series of consequential actions.

2. Reason for Proposal

- 2.1 Receipt of the Report from the Inspector confirming the soundness of the Local Plan provides the Council with the opportunity to draw to a conclusion a lengthy and complex statutory Plan-making project. The timely Adoption of the Local Plan will ensure that change, growth and conservation of resources in Torbay continue to take place on a 'Plan-led' basis.
- 2.2 The policies and proposals of the Plan have been the subject of extensive public consultation and engagement, which has provided the community with opportunities to influence outcomes to the benefit of local neighbourhoods. Preparation of the Local Plan in parallel with Neighbourhood Plans for each of the three towns will enable both types of Plan to be compatible, empowering communities to influence decisions at a local level.
- 2.3 The Adoption of the new Local Plan is required to formalise the provision of a robust and positive planning framework to secure the best outcomes from investment and development in Torbay. These are defined in the Plan as follows:
- Secure economic recovery and success;
 - Achieve a better connected, accessible Torbay and critical infrastructure;
 - Protect and enhance a superb natural and built environment;
 - Create more sustainable communities and better places.
 - Respond to climate change
- 2.4 The emerging new Local Plan has been part of the Council's Policy Framework; Adoption by Members would formalise its status within the Framework.

3. Recommendations / Proposed Decision

- 3.1 That the new Torbay Local Plan set out in the submitted report be formally Adopted as the statutory development plan for Torbay for the period 2012-2030, with effect from 10 December 2015;

- 3.2 That Members note that the Plan as Adopted comprises the Proposed Submission Torbay Local Plan (February 2014), as amended by (a) the Proposed Replacement Main Modifications set out in Appendices 2 and 3 below, (b) the Proposed Replacement Additional (Minor) Modifications set out in Appendices 4, 5 and 6, and (c) the Further Additional Modifications set out in Appendix 7;
- 3.3 That as a consequence, the current Adopted Torbay Local Plan (1995-2011) be superseded by the newly Adopted Torbay Local Plan (2012-2030) with immediate effect following Adoption;
- 3.4 That following Adoption, the Local Plan Adoption Statement and related documentation be made available in accordance with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations, and that interested parties be notified accordingly;
- 3.5 That Members agree to the retention of the existing planning guidance and Adopted Supplementary Planning Documents listed in Section 8 of Appendix 1 below as supplementary planning guidance for development management purposes, pending their review, consolidation or replacement; and
- 3.6 That in consultation with the Executive Lead and Assistant Director as appropriate, officers be authorised to progress the following 'post-Adoption actions':
- a. The consequential compilation, editing (including typographical, grammatical and document layout matters) printing and publication of the final modified versions of the Adopted Local Plan and Policies Map booklet (including the interactive online version), Sustainability Appraisal and Habitats Regulations Assessment;
 - b. The establishment of a South Devon Delivery Review Panel (or similar) to facilitate the implementation and delivery of the Local Plan's development strategy, including requisite liaison and partnership with adjoining local authorities as part of the Council's duty to cooperate;
 - c. The continued involvement in preparation of Neighbourhood Plans through appropriate mentoring and provision of professional advice, in order to secure, as a matter of urgency, the delivery of compliant Neighbourhood Plans for Submission to the Council by the end of March 2016;
 - d. The development and implementation of appropriate monitoring mechanisms to ensure that key determinants of the Local Plan development strategy are monitored on a consistent and regular basis (usually annually), in particular the delivery of new homes and jobs;
 - e. A review of existing Supplementary Planning Documents [SPDs] (see 3.5 above, and Section 8 of Appendix 1 to this Report) other than recently Adopted Masterplans, and publication of up-to-date supplementary planning guidance;
 - f. The review of the existing Local Development Scheme (2014) in order to produce a revised programme of development plan work, to include preparation of the Authority's Monitoring Report, identified revised and new Supplementary Planning Documents, and potential Local Development Documents, including any necessary Site Allocation Development Plan Documents; and

- g. The continued development of the Spatial Planning evidence base, working with partners, to inform and ensure robust future reviews of the Torbay Local Plan, noting that the first major review could take place as soon as 2017.

APPENDICES

Appendix 1 Supporting Information and Impact Assessment

Appendix 2

Schedule of Proposed Replacement Main Modifications to the Local Plan – Text
(Derived from Torbay Local Plan Inspector’s Report, October 2015 - Appendix 1)
[Examination Library Document PH/24 - see Supporting Document A.1 below]

Appendix 3

Schedule of Proposed Replacement Main Modifications to the Local Plan – Housing policy tables
(Derived from Torbay Local Plan Inspector’s Report, October 2015 - Appendix 1A – Annex 2: Housing policy tables) [Examination Library Document PH/24 - see Supporting Document A.1 below]

Appendix 4

Schedule of Proposed Replacement Additional (Minor) Modifications to Local Plan - Text
[Derived from Examination Library Document TCRMOD/5 - see Supporting Document B.1 below]

Appendix 5

Schedule of Proposed Replacement Additional (Minor) Modifications to Local Plan – Maps
[Derived from Examination Library Document TCRMOD/6 - see Supporting Document B.2 below]

Appendix 6

Schedule of Proposed Replacement Main Modifications to Local Plan – Maps* [Derived from Examination Library Document TCRMOD/3 - see Supporting Document B.3 below]
*[*Note: Although these Map Changes were originally publicised as Main Modifications, they were subsequently considered by the Examination Inspector not to be Main Modifications. They are therefore included as Additional (Minor) Modifications]*

Appendix 7

Summary of recommended Further Additional Modifications to the Submission Plan – Text
[Derived from Examination Library Document TCRMOD/18 – see Supporting Document B.4 below]

BACKGROUND DOCUMENTS

A. Inspector’s Report and Main Modifications:

A.1 Report on the Examination into Torbay Local Plan (Keith Holland, Inspector, Planning Inspectorate - 12 October 2015) plus Appendices, including Proposed Replacement Main Modifications: <http://www.torbay.gov.uk/ph24.pdf>

A.2 Notice of Publication of Report on the Examination into Torbay Local Plan (October 2015): <http://www.torbay.gov.uk/ph23.doc>

B. Proposed Replacement Additional (Minor) Modifications:

B.1 Schedule of Proposed Replacement Additional (Minor) Modifications to Local Plan (18 June 2015): www.torbay.gov.uk/tcrmod5.pdf

B.2 Schedule of Proposed Replacement Additional (Minor) Modifications to Local Plan - Annex 1: Policies Map Changes) (18 June 2015):
www.torbay.gov.uk/tcrmod6.pdf

B.3 Schedule of Proposed Replacement Main Modifications to Local Plan – Annex 1: Policies Map Changes (18 June 2015): www.torbay.gov.uk/tcrmod3.pdf

B.4 Torbay Council Summary of Recommended Further Additional Modifications to the Submission Plan, in response to representations made on the Proposed Replacement Modifications (14 August 2015) www.torbay.gov.uk/tcrmod18.pdf

C. Proposed Submission Plan:

C.1 Torbay Local Plan - Proposed Submission Plan (February 2014)
[TorbayLocalPlanProposedSubmissionPlan.pdf](#)

C.2 Torbay Local Plan – Proposed Submission Plan: Key Diagram and Policies Map Booklet (February 2014) <http://torbay.addresscafe.com/app/exploreit/default.aspx>

D. Consultation Draft Plan:

D.1 Torbay Local Plan – Consultation Draft plus Appendices (September 2012)
[Local Plan Main Doc \(lower res\).pdf](#) (4.7MB) & [LocalPlanMainDocAppendicesV2.pdf](#) (8.6MB)

E. Local Development Scheme:

E.1 Torbay Local Development Scheme (January 2014)
[Local Development Scheme 2014](#) (595KB)

F. Previous Council Report

F.1 'Submission of the new Torbay Local Plan (A Landscape for Success) to the Secretary of State' - Report to Council meeting of 17 July 2014 (Minute 42, July 2014)
[Submission of the Torbay Local Plan to the Secretary of State](#)
[Submission of Local Plan Appendix 1](#)
[066 Submission of Local Plan 170714](#)

Note:

The documents in Sections A to E above, and all of the associated documentation produced during the evolution of the Local Plan, including the extensive evidence base underpinning the Plan, can be accessed via www.torbay.gov.uk/localplanexamination
Additional information on the Local Plan can be found on www.torbay.gov.uk/newlocalplan

Appendix 1

Supporting Information and Impact Assessment

Service / Policy:	Spatial Planning
Executive Lead:	Mark King
Director / Assistant Director:	Anne-Marie Bond

Version:		Date:	30 November 2015	Author:	Steve Turner
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Section 1: Background Information

1. What is the proposal / issue?

The Council has a statutory obligation to prepare a local plan for Torbay. The current Torbay Local Plan (1995-2011) was Adopted in 2004. Initial discussion took place with Members and community representatives in 2010/2011 on the options for the level and location of future growth in the Bay. The Council published a Consultation Draft of the new Torbay Local Plan in September 2012. This was accompanied by related Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA) documents.

In February 2014, a revised Plan was published for consultation, namely the Proposed Submission Local Plan. A number of Draft Modifications were subsequently proposed by the Council in response to representations received. These accompanied the Local Plan when it was formally submitted to the Planning Inspectorate (PINS) in July 2014 (Minute 42, July 2014).

Hearing Sessions were held over three days in November 2014, conducted by the Inspector appointed by PINS, to debate key policy matters set out in the Plan.

Following receipt of the Inspector's 'Initial Findings' and 'Further Findings' in December 2014, the Council published in February 2015 a series of Proposed Main Modifications and Proposed Additional (Minor) Modifications to the Local Plan for consultation, together with related Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA) documents. These Modifications were later withdrawn by the Council and substituted by a set of Proposed Replacement Main Modifications and Proposed Replacement Additional Modifications, Further Additional Modifications and revised HRA and SA documents. These were the subject of consultation in June 2015. The representations received and the Council's responses were submitted to and considered by the Inspector.

Main Modifications go to the heart of the Plan and are critical to its soundness. In contrast, the Additional Modifications are a series of minor changes to the Plan that the Council has agreed with consultees over a period of time in order to improve and fine tune the document. The content of these changes is at

	<p>the discretion of the Council and the Inspector does not comment on them since they are not critical to the Plan’s soundness. These Additional ‘Minor’ Modifications have nonetheless been subject to exactly the same level of consultation as the Main Modifications and have been passed to the Inspector for information. They will supplement the Main Modifications to the Local Plan,</p> <p>The Local Plan Inspector has now published his final report on the new Local Plan. It states the Plan is sound, subject to a series of Replacement Main Modifications, and the Council is therefore now able to adopt the Plan. The proposed modifications need to be considered and agreed by the Council. The Plan cannot be adopted by the Council without the inclusion of the Inspector’s modifications. Adoption of the Plan by the Council marks the final stage of its preparation. Adoption of the Plan will provide clarity and certainty for growth and regeneration to 2030. It would as a consequence supersede the current Torbay Local Plan (1995-2011), which was adopted by the Council in 2004.</p> <p>Key stages of this process are illustrated below:</p> <ul style="list-style-type: none"> ✓ TLP Consultation Draft Plan - Published 28 September 2012 ✓ TLP Proposed Submission (Publication) Plan - Published 24 February 2014 ✓ TLP Submission to Secretary of State – Submission 31 July 2014 ✓ TLP Examination Hearing Sessions – Held 18-20 November 2014 ✓ Inspector’s ‘Initial Findings’ – Received 15 December 2014 ✓ Inspector’s ‘Further Findings’ – Received 23 December 2014 ✓ Council’s Proposed Main & Additional Modifications to TLP – Published 9 February 2015 ✓ Council’s Response to representations to Proposed Main & Additional Modifications to TLP – Published 22 April 2015 ✓ Council’s Proposed Replacement Main & Additional Modifications to TLP – Published 18 June 2015 ✓ Council’s Response to representations to Proposed Replacement Main & Additional Modifications to TLP – Published 14 August 2015 ✓ PINS Report of the Examination into Torbay Local Plan – Published 12 October 2015
2.	<p>What is the current situation?</p> <p>The Inspector’s Report includes thirteen Main Modifications, which cover four</p>

key areas / topics, the first three of which were proposed by the Council and included in its Proposed Replacement Main Modifications document:

- The Plan should cover the period to 2030, with regular reviews and assessment against the delivery of new jobs and homes;
- Delivery of 8,900 homes in the Bay to 2030, which reflects Torbay's environmental quality and capacity;
- A requirement for the Council to produce new site allocation plans, showing the location and type of development over the medium term, if Neighbourhood Forums fail to deliver formal draft Neighbourhood Plans by the end of March 2016; and
- The inclusion of a site at Churston Golf Course (1st and 18th hole / clubhouse site) as a potential housing site over the medium to long term.

The Inspector rejected calls, by the housing industry, for much more development and for higher levels of affordable housing. He believes that quantum of development is unrealistic, in such an environmentally sensitive area, and that the level of demand from the market does not justify increased levels of growth. He also firmly rejected Neighbourhood Forums calls both for less growth and a cap on house building until jobs had been created. He said it was right for the Local Plan to be ambitious for new jobs and homes.

The Inspector has confirmed that the Plan includes enough land for housing for the next 5 years.

The following additional commentary is relevant to the Inspector's modifications:

- Plan period: This starts in 2012. The National Planning Policy Framework (NPPF) requires a minimum Plan period of 15 years from adoption. It was considered prudent during the Examination to reduce the Plan period rather than seek to increase housing numbers, not least because to add in further housing sites would have greatly extended the Examination period.
- Provision of new jobs: The Inspector recognises that the Plan is ambitious and is a Plan for growth. He supports the Council's growth strategy and accepts the target of 5,000-5,500 new net additional jobs during the Plan period as a reasonable basis for the strategy. However he recognises the need for careful monitoring, given the difficulties associated with both the forecasting of future job levels and the actual delivery of jobs.
- Number of new homes: The agreed level of 8900 new homes reflects both the environmental capacity of the Bay and the need for more homes, as driven by a number of factors, including jobs. This figure equates to almost 500 homes per annum across the Plan period. Delivery rates over the last 10 years have averaged around 480, although for the past three years this figure has averaged only around 300. This will require a strong focus on ensuring a sufficient housing

	<p>land supply, reinforcing the importance of maintaining a rolling' five year supply of housing and thereby ensuring housing supply policies remain up-to-date.</p> <ul style="list-style-type: none"> • Neighbourhood Plan: The Inspector has confirmed the deadline for delivery of neighbourhood plans for Torquay, Paignton and Brixham. By the end of March 2016, the Council will need to receive proposed neighbourhood plans and related documentation in order to comply with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. In practice, this means that well before the end of March 2016, Forums will have to have consulted with various consultation bodies for at least 6 weeks on the pre-submission version of the neighbourhood plan. If the Council does not receive proposed neighbourhood plans by the end of March 2016 it will be necessary for the Council to begin the preparation of Site Allocations Development Plan Documents in order to deal with local spatial planning matters. • Churston Golf Course: The Inspector believes this site could be delivered. Such redevelopment is likely to require a new location for a club house and new holes to replace any lost as result of development. Both these have proved undeliverable to date, as a recent appeal decision has shown. It will be the role of the emerging neighbourhood plan to consider how this site might be promoted and tested further. <p>The Inspector's Report includes a number of implications for future work and working arrangements with neighbouring Councils:</p> <ul style="list-style-type: none"> ➤ The Council would be required to undertake the rapid production of three Site Allocation Development Plan Documents if Neighbourhood Plans fail in one way or another ➤ Formal establishment of a South Devon Delivery Review Panel (or similar), with Teignbridge and South Hams District Councils, to monitor delivery of jobs and homes in the Bay ➤ 5 yearly reviews of the Plan, with evidence required to support those reviews ➤ Earlier review of the Plan, if land south of White Rock is shown to be capable of development
<p>3.</p>	<p>What options have been considered?</p> <p>There are essentially two options open to the Council – to adopt, or to not adopt the new Local Plan (see also Section 8 below regarding Risks).</p> <p>Now that the Council has received a final report from the Inspector which has found the Local Plan to be sound with 'Replacement Main Modifications', the Council is legally in a position to formally Adopt the Torbay Local Plan. It should be noted that the Inspector's Report is 'binding' and the Council can only adopt the new Local Plan <u>with</u> the Modifications agreed by the Inspector.</p> <p>As the Council is not legally obliged to adopt the Torbay Local Plan, it could choose not to adopt the document. However, given the significant importance</p>

	<p>that the Government attaches to Council's having in place an up-to-date local plan, this option is not recommended by officers. The relevance of this stance is reinforced by a number of other key government policy threads, including the existence of a 'plan-led' development management system, the requirement to demonstrate a rolling five year housing land supply and government's drive to encourage local planning authorities generally to provide a positive framework for investment in jobs and new homes. Any recommendation other than to adopt would in this context be both perverse and self-defeating.</p>
<p>4.</p>	<p>How does this proposal support the ambitions and principles of the Corporate Plan 2015-19?</p> <p>The Local Plan comprises a wide range of spatial planning policies, which individually and collectively seek to address all of the Corporate Plan's ambitions, namely:</p> <ol style="list-style-type: none"> 1. Protecting all children and giving them the best start in life 2. Promoting healthy lifestyles across Torbay 3. Working towards a more prosperous Torbay 4. Ensuring Torbay remains an attractive and safe place to live, visit and work 5. Protecting and supporting vulnerable adults. <p>The policy framework set out in the Local Plan similarly addresses the need to embrace each of the stated principles of the Corporate Plan, namely to use reducing resources to best effect, reduce demand through prevention and innovation, and to pursue an integrated and joined up approach to change and development.</p> <p>In addition, both the Sustainability Appraisal and the Habitats Regulations Appraisal that accompany the Local Plan have sought to ensure that these ambitions and principles have received particularly close scrutiny.</p>
<p>5.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>All business and resident communities in the Bay will be affected in different ways by the policies set out in the new Torbay Local Plan.</p> <p>For this reason, Plan preparation involves consultation and engagement with a large number and range of individuals and organisations. Details are held in the Local Plan Consultee Database, which contains around 800 contacts, each of whom has been consulted directly by email or letter at each consultation</p>

	<p>stage. Contacts include residents, Neighbourhood Forums and Community Partnerships, amenity organisations, statutory bodies, utilities, businesses, planning consultants and developers. All Ward Councillors are consultees and have been closely involved in the evolution of the Local Plan. Key policy issues affecting the Plan have been considered and discussed by Members on a continuous basis.</p> <p>The new Local Plan has therefore been the subject of extensive consultation and there has been considerable public engagement during the course of its preparation. Further details are set out in Sections 11 and 12 below.</p>
<p>6.</p>	<p>How will you propose to consult?</p> <p>The preparation of local plans is a statutory process and consultation requirements are prescribed in ‘The Town and Country Planning (Local Planning) (England) Regulations 2012’ [as Amended], in the context of supporting primary legislation. Further guidance is set out in the Council’s Statement of Community Involvement (SCI). A variety of methods of public participation and engagement have been used, according to the stage reached in Plan preparation. Early stages of plan preparation have focussed on identification of key issues and the consideration and appraisal of alternative development options for growth.</p> <p>A Consultation and Engagement Strategy has been developed for each relevant Plan preparation stage. In each case it has involved widespread use of the press and other local media, websites, community liaison, posters, and email and paper correspondence with a large number of consultees. Council Offices, Libraries and Connections Offices have been used to display Local Plan reference documents.</p> <p>Public engagement during preparation of the Plan has therefore been in accordance with both the statutory framework for consultation set out in the relevant Regulations and in the Council’s Adopted SCI.</p> <p>During the current final stages of the Local Plan’s preparation, the Council is required by legislation to advertise receipt of the Inspector’s Report and to publish it on its website, and to serve Notice accordingly on consultees.</p> <p>Similarly, following Adoption of the Plan, the Council is required to publish a Notice of Adoption, Adoption Statements for the Plan and the Sustainability Appraisal, the Adopted version of the Plan and to serve Notice on consultees. This needs to be carried out in a timely manner to ensure compliance with the</p>

arrangements facilitating any legal challenge to the Plan (see also Section 8).

Section 2: Implications and Impact Assessment

7. What are the financial and legal implications?

Adoption of the Local Plan will ensure that a clear and positive planning policy framework is in place. This will act as a catalyst for regeneration and investment in key locations throughout Torbay. The provision of new homes (shelter) and jobs (income) will contribute to the reduction in levels of deprivation. In turn, development proposals provide opportunities for income generation for provision of community facilities via S106 Agreements, Community Infrastructure Levy (CIL) and award of New Homes Bonus (NHB). For example, in the key development areas allocated in the Torquay Town Centre, Paignton Town Centre, Torquay Gateway, Collaton St Mary and Great Parks Masterplan areas, it is estimated that there is potential to generate some £22.5m of NHB.

The government operates a plan led development plan system in the context of the National Planning Policy Framework and National Planning Practice Guidance, with an overarching presumption in favour of sustainable development. The preparation and adoption of a sound statutory local plan will maximise the opportunities arising from this approach to secure well-planned and located development in accordance with a robust and evidenced policy framework.

With a five year supply of housing land secured through an adopted Local Plan, the Local Planning Authority will be well placed to manage development in accordance with an agreed spatial planning strategy, rather than having to experience a plethora of sporadic and piecemeal development proposals, which would otherwise be the case. This in turn deters the submission of non-policy compliant planning applications, reduces the need for appeals and public inquiries, and minimises costs to the Council. An adopted new Local Plan will therefore be key to managing change and protecting our unique environment in accordance with an agreed spatial strategy.

It should be noted that there are financial implications attached to the additional work necessary following Adoption of the Plan (see Recommendations 3.6d, e, f and g above). This will be the case particularly in

	<p>relation to the updating or renewal of the policy evidence base (eg Strategic Housing Market Assessments, Retail Studies) required to support the production of SPDs, possible Site Allocation DPDs and any future review of the Local Plan. Research underpinning the latter is likely to have a cross-boundary dimension, providing some potential opportunities to share costs.</p>
<p>8.</p>	<p>What are the risks?</p> <p>Preparation of the Torbay Local Plan is a corporate priority. The key aim of the Plan is to provide a clear direction for sustainable growth in Torbay over the next fifteen years or so. Failure to adopt the Local Plan following the close of the Independent Examination would result in a high risk of speculative development taking place in unsustainable locations. Without the new Local Plan in place, the Council will not be able to demonstrate a five year supply of housing. This is particularly relevant in the context of the National Planning Policy Framework (NPPF), which emphasises the need to produce up-to-date local plans and sets out the risks to local planning authorities that fail to pursue this approach. Failure to support this final stage of the Local Plan would also result in a lost opportunity to secure community gains for local areas, remove the potential benefits to be derived from ‘parallel tracking’ with the three neighbourhood plans, and lead in turn to a loss of confidence within the community.</p> <p>A decision to agree the recommendation in this Report to Adopt the new Local Plan would remove these particular risks. The decision to adopt the Plan should not in itself constitute a risk to the Local Planning Authority in spatial planning terms, because it has been rigorously tested at Examination and its policies and delivery mechanisms are subject to monitoring and review.</p> <p>However, Members are reminded that by law the Adoption of the Plan is open to legal challenge. Any person aggrieved by the Local Plan may make an application to the High Court <i>within six weeks of the Plan’s adoption</i> in accordance with the relevant Act. The Plan can be challenged on specified grounds only. If successful, the High Court may quash the Plan wholly or in part. Should a challenge arise, the Council could be liable for the payment of related costs; conversely, it may be awarded costs to cover preparation of its own case, depending on the outcome of the challenge.</p> <p>Members should be aware that following the adoption in 2004 of the current Torbay Local Plan (1995-2011), the Council adopted five related Supplementary Planning Documents (SPDs) to provide further detailed guidance on the implementation of specific Local Plan policies. It is important that the status of these SPDs and other relevant planning guidance is not lost following the superseding of the current Local Plan by the new Plan. To ensure that they continue to retain weight in the determination of planning applications in the short term, Members are recommended to agree to their retention as supplementary planning guidance, insofar as the SPDs and other planning guidance do not conflict with policies in the new Local Plan.</p> <p>The relevant guidance is as follows:</p>

	<ul style="list-style-type: none"> ➤ Sections 13-15 (The Historic Environment) and Sections 16-19 (The Natural Environment) of the 2004 Adopted Torbay Local Plan Environmental Guide. ➤ Greenspace Strategy SPD (2006) ➤ Urban Design Guide SPD (2007) ➤ Planning Contributions and Affordable Housing SPD (2008) ➤ Paignton Town Centre Masterplan SPD (2015) ➤ Torquay Town Centre Masterplan SPD (2015) <p>To ensure their continued relevance, it will be necessary to implement a programme of review, consolidation or replacement of such guidance in the context of the new Local Plan.</p>
<p>9.</p>	<p>Public Services Value (Social Value) Act 2012</p> <p>The submitted Local Plan has been examined by an Independent Planning Inspector, appointed by Government. Funding of the Examination of the Local Plan is the responsibility of Torbay Council; the final fee for the Inspector’s services was approximately £38,750. The appointment of an Independent Inspector and the operation of the Public Examination process is not a procurement matter.</p> <p>An experienced Programme Officer was appointed to manage the Examination process and to liaise between the Inspector and the Council. The post is graded at Scale I (Scale Points 34 – 37, pro rata) and this temporary contract has run for the duration of the Examination process. The post has operated on both a part-time and full-time basis, according to the particular stage of this process and the associated workload.</p> <p>The costs of both the fees of the Planning Inspector and the salary of the Programme Officer are covered by an approved Spatial Planning budget.</p>
<p>10.</p>	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>The National Planning Policy Framework requires local planning authorities to ensure that the preparation of local plans is informed by an up-to-date, relevant and proportionate evidence base. This is a critical and fundamental prerequisite of a sound local plan. Torbay has prepared a wide range of studies for this purpose, both individually and jointly with other organisations.</p> <p>This extensive evidence base extends to over 100 documents dealing with the extremely wide range of topics that the Council is required to address in the plan-making process. These include detailed research covering planning process and legal compliance, including sustainability appraisal and habitats regulations assessment, as well as community, housing, economy, development viability, retailing, tourism, transportation, infrastructure and</p>

	<p>resource management, environment and monitoring.</p> <p>Full details of these documents are available via the Local Plan Examination webpage www.torbay.gov.uk/localplanexamination</p>
<p>11.</p>	<p>What are key findings from the consultation you have carried out?</p> <p>Consultation has been required at each of the key stages of the statutory plan-making process.</p> <p>Some 143 individuals and organisations made representations on the Proposed Submission Plan (February 2014). Subsequently, 280 individuals and organisations made comments on the Proposed Modifications to the Submission Plan (published 15 February 2015), almost 85% of which related solely to two proposed new housing sites. These figures had reduced to 42 individuals and organisations making separate representations on the Proposed Replacement Modifications to the Plan (published in 18 June 2015).</p> <p>The gradual reduction in the scale of representations received by the Council is a reflection of the thorough and continuing negotiation that took place between the Council and objectors during the course of the Examination, in order to resolve concerns and to achieve the outcome of a sound Plan.</p> <p>In all cases, representations received on the different versions of the emerging new Local Plan (including option generation) have been recorded, analysed and responded to accordingly by officers. All of the Council findings and responses have been published and forwarded to the Examination Inspector for his consideration.</p> <p>Full details of these documents are available via the Local Plan Examination webpage www.torbay.gov.uk/localplanexamination</p>
<p>12.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>The conclusions set out in the response documents referred to above have been fed into each subsequent stage of plan preparation process. Typically they have been used to amend, refine and clarify the wording of specific policies and supporting text, helping to ensure compliance with current legislation and best practice. Wherever possible, comments have been used both to help shape and improve the content of the emerging new Local Plan.</p> <p>Additional negotiations undertaken with key bodies such as Natural England have also helped to inform the Sustainability Appraisal and Habitats Regulations Assessment. This work has resulted in changes to the Plan to improve the level of sustainability of proposed development and to ensure the mitigation of any potentially harmful effects of policies in the Plan.</p> <p>Members have been apprised of the key changes that have been made to the new Local Plan over the passage of time via Member Group Meetings, the relevant Policy Development Group and Executive Lead briefings.</p>

Equality Impacts

<p>13</p>	<p>Identify the potential positive and negative impacts on specific groups</p> <p>The Local Plan has been subject to Equality Impact Assessment (EqIA) throughout its evolution. In particular, two full EqIAs have been carried out, at the Draft Plan stage (2012) and the formal Submission stage (2014). Details of the latter can be accessed via www.torbay.gov.uk/localplanexamination</p> <p>Following Adoption of the Local Plan with Modifications, the Council will update the 2014 EqIA to reflect the agreed changes. In the interim, the table below has been completed to reflect the 2014 EqIA and the Modifications that have been agreed by the Inspector who conducted the Examination into the soundness of the Local Plan.</p>		
	<p>Positive Impact</p>	<p>Negative Impact & Mitigating Actions</p>	<p>Neutral Impact</p>
<p>Older or younger people</p>	<p>The new Torbay Local Plan, as Modified by the Examination Inspector, contains various Policies that specifically support the needs of older and younger people, including Policies SS11 Housing, H1 Applications for new homes, H2 Affordable housing, H3 Self-build affordable housing and exception sites, H4 Houses in Multiple Occupation (HMOs), H5 Sites for travellers, H6 Housing for people in need of care, SC3 Education, skills and local labour, SC5 Child poverty, and SS10 Sustainable communities.</p>		
<p>People with caring responsibilities</p>			<p>No differential impact</p>

People with a disability	The new Torbay Local Plan, as Modified by the Examination Inspector, contains various Policies that support the needs of people with a disability, including Policies SS11 Housing, H1 Applications for new homes, H2 Affordable housing, H3 Self-build affordable housing and exception sites, and H6 Housing for people in need of care.		
Women or men			No differential impact
People who are black or from a minority ethnic background (BME) (<i>Please note Gypsies / Roma are within this community</i>)	The new Torbay Local Plan, as Modified by the Examination Inspector, contains various Policies that support the needs of people who are black or from a minority ethnic background, including Policies SS11 Housing, H1 Applications for new homes, and H5 Sites for travellers.		
Religion or belief (including lack of belief)	The new Torbay Local Plan, as Modified by the Examination Inspector, generally has a neutral impact on religion and belief, although Policy SS10 Sustainable communities has a general relevance.		
People who are lesbian, gay or bisexual			No differential impact

People who are transgendered			No differential impact
People who are in a marriage or civil partnership			No differential impact
Women who are pregnant / on maternity leave			No differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The new Torbay Local Plan, as Modified by the Examination Inspector, contains various Policies that specifically address socio-economic impacts, including Policies SS3 Presumption in favour of sustainable development, SS4 Economy and employment, SS10 Sustainable communities, SS11 Housing, H1 Applications for new homes, H2 Affordable housing, H3 Self-build affordable housing and exception sites, H5 Sites for travellers, H6 Housing for people in need of care, SC3 Education, skills and local labour, SC5 Child poverty, and ES1 Energy.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The new Torbay Local Plan, as Modified by the Examination Inspector, contains various Policies that specifically address the public health impacts of development in Torbay, including Policies SS3 Presumption in favour of sustainable		

		development, SS8 Natural environment, SS9 Green infrastructure, SS10 Sustainable communities, SS11 Housing, H1 Applications for new homes, H2 Affordable housing, H4 Houses in Multiple Occupation (HMOs), H6 Housing for people in need of care, SC1 Healthy Bay, SC2 Sport, leisure and recreation, SC3 Education, skills and local labour, SC4 Sustainable food production, and SC5 Child poverty.		
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	The new Torbay Local Plan sets out a planning policy framework for sustainable development in Torbay, including the provision of homes and jobs, and the protection and enhancement of the environment and biodiversity. The Plan also embraces corporate priorities. Where changes are made in Council wide policy, those with spatial implications, including all Council-led development, have to be in accordance with the policies of the adopted Plan. As a consequence, the development management process should help both to reinforce the positive impacts of development and ensure mitigation of any harmful effects.		
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	The new Torbay Local Plan sets out a planning policy framework for sustainable development in Torbay, including the provision of homes and jobs, and the protection and enhancement of the environment and biodiversity. Where changes are made across other public services, those with spatial implications similarly have to be in accordance with the policies of the adopted Plan. As a consequence, the development management process should help both to reinforce the positive impacts of development and ensure mitigation of any harmful effects.		

Appendix 2

Schedule of Proposed Replacement Main Modifications to the Local Plan – Text

(Derived from Torbay Local Plan Inspector’s Report, October 2015 - Appendix 1) [Examination Library Document PH/24 - see Council Report Background Document A.1]

The Proposed Replacement Main Modifications are expressed as follows:

Replacement Main Modifications to Local Plan Policies – new text is shown as **underlined emboldened red text**; deleted text is shown as a ~~strikethrough~~.

Replacement Main Modifications to Local Plan explanatory text – new text is shown as underlined text (not emboldened); deleted text is shown as a ~~strikethrough~~.

Unchanged text (from the Proposed Submission Version) is shown as unemboldened black text (headings emboldened as per original document)

Replacement Modification reference	Local Plan Policy/para	<p>Amended text: Amended Policy text is set out in <u>red emboldened underlined text</u>. New Explanatory text is shown as non-emboldened <u>underlined</u> text. Deleted text is shown as strikethrough text)</p> <p>(RMM= Replacement Main Modification. Note that this schedule shows Replacement Main Modifications (FMM) as currently proposed. Some of these were previously part of the (original) Main Modifications (February 2015).</p>
RMM1	Policy SS1	<p>Revise Policy as follows in accordance with Inspector's "Initial Findings" dated 15 December 2014 : <i>Note change to Plan Period from 2012-2032 and beyond to <u>2012-2030</u> and beyond.</i></p> <p>Policy SS1 Growth Strategy for a prosperous Torbay</p> <p>The Local Plan promotes a step change in Torbay's economic performance. It supports urban regeneration that creates sustainable living, working and leisure environments, supported by high quality infrastructure. This will be achieved within the Bay's built and natural environmental capacity, ensuring the environment continues to be a driver of economic success and that there is investment in the Bay's environmental assets.</p> <p>Development should reinforce Torbay's role as a main urban centre and premier resort. <u>All development should contribute to safeguarding or enhancing the area's natural and built environment.</u></p> <p>All development will make full and appropriate use of opportunities for low carbon and renewable energy technologies, consistent with the need to reduce Torbay's carbon footprint, and provide resilience to climate change.</p> <p>The Plan supports the creation of 5,000-6,000 <u>5,500</u> net additional jobs (<u>equating to an average of around 275 jobs per annum</u>) and delivery of at least 17 hectares of employment land over the next 20 years (equal to 250-300 jobs per annum), with an emphasis on bringing employment space forward as early as possible in the Plan period. The Plan also seeks to identify land for <u>the delivery of around</u> between 400-500 <u>480 495</u> homes per annum <u>on average</u>, equating to about <u>8,900</u> 10,000 new homes over the Plan period of 2012-2032 <u>2030</u>. (<i>N.b. Number increased in line with Inspector's Final report, Paragraph 30 which indicated an 18 year Plan period</i>).</p> <p>Existing Commitments</p> <p>In the first 5 years (2012-17), the Plan will enable delivery of 1,250-1,500 net new jobs, and land for around 2,000 new homes. <u>Most of this</u> growth will come forward on committed sites – with planning permission or allocated - and on urban brownfield sites, including windfall sites. <u>These are shown in Appendix D (first table) and will be updated as part of the Council's annual monitoring activity</u></p>

		<p>Identified Sites</p> <p>In years 6-10 of the Plan, development will come from completion of committed sites and developable sites identified in Neighbourhood Plans. The pool of developable housing sites is included in Appendix D to this Plan. <u>If Neighbourhood Plans do not identify sufficient sites to provide the growth requirement of the Local Plan, the Council will bring forward sites through site allocations development plan documents.</u></p> <p><u>If it appears that a shortfall in five year supply of deliverable sites is likely to arise, the Council will bring forward additional sites as indicated in Policy SS12 below.</u></p> <p>Strategic Delivery Areas</p> <p>Strategic Delivery Areas, shown outlined in red on the Key Diagram, are the focii for delivery of growth and change in the Bay over the Plan period. They provide strategic and sustainable locations for new employment space, homes and infrastructure. Future Growth Areas (see Policy SS2) are located within these SDAs. There will be some initial delivery of development in Future Growth Areas, within the first 10 years, if required to meet demand for new employment space and homes. Development in these areas will be set out in detail via masterplanning, concept plans and/or in Neighbourhood Plans. They will deliver a balance of jobs, homes and infrastructure, including green infrastructure. Future Growth Areas are shown on the Policies Map.</p> <p>The focus areas for delivery of improvements to AONB, countryside, green infrastructure, as well as sport, leisure and recreation, are also illustrated (outlined in green) in the Key Diagram (See Figure 4.1).</p> <p>Major development proposals, outside the built up area and Future Growth Areas, will need to be the subject of environmental assessment. This will need to take account of the impacts of the proposed development itself and the cumulative impact of development.</p> <p>The Plan will be reviewed at regular intervals to ensure that the growth strategy remains sustainable and conforms to the requirements of the NPPF, or subsequent Government policy.</p> <p>Communities will have a greater influence in determining how development in their area will look and feel, specifically through the new framework of Neighbourhood Plans.</p> <p>For Information: Replacement Main Modification 1 (RMM1) is a revised version of withdrawn Main Modification 1 (MM1)</p>
RMM2	4.1.25	<p>Amend paragraph 4.1.25 which is under the section heading “Sequence and phasing of development”:</p> <p>Expected phasing is set out broadly in Policy SS1 above, with more details set out in Policies <u>SS11 Housing, and SS12 “Five Year Housing Supply”</u>. <u>These Polices set out a trajectory and broad areas of housing growth. More detailed area specific requirements are set out in the Strategic Delivery Areas’ Policies (SDT1, SDP1 and SDB1 etc).</u></p> <p>Development over the first 5 years (2012-17) will arise on committed sites. These are indicated for information in Appendix D of</p>

		<p>the Local Plan (first table), which will be regularly updated as part of the annual Housing Land Monitor and Authority Monitoring Report. Larger sites are expected to last until the second phase of the plan (i.e. years 6-10) and be supplemented by (mainly urban) developable sites allocated in Neighbourhood Plans using the SHLAA as a starting point.</p> <p><u>There will be an emphasis on delivering employment developments in the early phases of the Local Plan. This will include existing commitments to B1, B2, B8 employment space provision at:</u></p> <ul style="list-style-type: none"> • <u>White Rock, which itself includes a new innovation centre (EPIC)</u> • <u>Edginswell Business Park</u> • <u>Town centre sites, including, Torwood Street; and other developments in the adopted Town Centre Masterplans</u> • <u>Devonshire Park, Paignton</u> • <u>South Devon College's emerging Hi Tech Centre</u> • <u>Claylands, Paignton</u> • <u>Land at Yalberton Road/ Yannons Farm Paignton</u> <p><u>Whilst development in Future Growth Areas is anticipated to arise towards the latter part of the Plan period, it is noted that there is active developer interest in some sites, such as Collaton St Mary and Yalberton, Paignton. The Plan will support early delivery where infrastructure, environmental and other relevant planning matters are satisfactorily addressed.</u></p> <p><u>Where there appears to be a risk of a shortfall of deliverable sites against the Local Plan rolling five year requirement, or overall housing trajectory, the Council will bring forward additional sites through site allocations development plan documents. In order to avoid a policy vacuum occurring after year 5 of the Plan (i.e.2017), the Council will start to prepare site allocation documents if neighbourhood plans, which meet the necessary regulations and are in general conformity with the Local Plan, have not been Submitted to the Local Authority by 31 March 2016. If this arises the Council will present site allocations documents to Council within 12 months (i.e. by 1 April 2017). It will be noted that Neighbourhood Plans/site allocations development plan documents only need to identify sufficient sites to maintain a rolling five year housing supply from 2017, with broad locations for longer term growth. Neighbourhood Plans will not be required to allocate sites where there would be likely significant effects on Habitats Regulations related matters.</u></p> <p>For Information: RMM2 is a revised version of former MM2</p>
RMM3	SS2	<p>Revise Policy as follows:</p> <p>Future Growth Areas are proposed in the following locations:</p> <ol style="list-style-type: none"> 1. Edginswell, Torquay 2. Land around Paignton North and West Area including Collaton St. Mary, Paignton

3. Brixham Road, Paignton

4. ~~Wall Park, Brixham~~

.....A bespoke Greater Horseshoe Bat (GHB) mitigation plan for all development within the **following** Future Growth Areas must be submitted and approved before planning permission will be granted.

SDP 3.2 Great Parks

SDP 3.3 Totnes Road/Collaton St Mary

SDP 3.4 Brixham Road/Yalberton

(N.B. Wall Park moves up into the category of deliverable site, having received planning permission).

The **mitigation** plans must demonstrate how the site will be developed in order to sustain an adequate area of non-developed land as a functional part of the local foraging area and flyway used by commuting GHBs associated with the South Hams SAC. The mitigation plan must demonstrate that development will have no adverse effect on the SAC alone or in combination with other plans or projects **developments**. Development should have regard to Policy NC1 concerning the need for developer contributions to mitigate the impact of **increased** recreational pressure on the South Hams SAC.

Development will ~~be~~ deliver the following:

(i) -(vii) no change from Proposed Submission Plan.

(viii) Integrated Green Infrastructure rich in biodiversity to be enjoyed by local people.

All major development outside of the established built up area should be within the identified Future Growth Areas. Major development outside of these areas will only be permitted where the site has been identified by the relevant neighbourhood plan or a subsequent development plan **document and has first been subject to Habitat Regulations Assessment that has concluded there will be no likely significant effect on the South Hams SAC**. Such development proposals will need to take account of the impacts of the proposed development itself and the cumulative impact of development.

Note: Policies Map changes - Wall Park (SDB3.1) shown as a committed site (greyed out), as the site has planning permission.

For Information: RMM3 is a withdrawn version of former MM3

RMM3A	Policy SS4	<p>The Local Plan supports the creation of at least 5,000-6000 5,500 net additional jobs by 2030 with an emphasis on delivering 1,250-1,500 net new jobs in the first 5 years of the Plan Period.</p> <p>For Information: RMM3A is a new Modification, arising out of RMM1 above. See Policy SS5 (Replacement additional Modification 23) for employment site specific information.</p>
RMM4	Table 4.3	<p><i>Make Table part of Policy SS11 "Housing". Amend Table to indicate distribution of 8,900 dwellings by area: See MM5 below.</i></p> <p>For Information: RMM4 is a revised version of former MM4</p>
RMM5	SS11	<p>Amend first paragraph of Policy in line with changes to SS1 above:</p> <p>Policy SS11 Housing</p> <p>In accordance with Policy SS1, provision will be made for 8,900 between 8,000-10,000 new homes over the Plan period or beyond, so long as these can be provided without harm to the economy or environment, including sites protected under European legislation.</p> <p>Major new housing schemes will be brought forward via partnership between landowners, developers , the community and Council , in accordance with <u>the broad numbers set out in Table 4.3 (H1)</u>, Policies SDT1 Torquay, SDP1 Paignton and SDB1 Brixham.</p> <p>(Insert housing table 4.3 (see RMM4 above) as part of policy). Note that housing numbers have been revised as part of these Replacement Modifications. The revised housing tables are set out at Annex 2.</p> <p>For Information: RMM5 is a revised version of withdrawn MM5</p>
RMM6	4.5.36	<p>Clarify numbers in Policy as per MM1:</p> <p>Development in Torbay is nearing the area's total capacity. A cross-boundary review of strategic housing land availability may be needed <u>will be undertaken</u> as part of a longer term assessment of growth options, particularly if there is evidence of significant employment growth, which would take the requirement above 8,000-10,000 homes. generate a demand for additional housing. The 2012 based DCLG Household Projections indicate 7,550 additional households in Torbay between 2012-30. These figures are not based upon short term migration trends but assume that inwards migration will return to pre-2008 levels later in the Plan period. This strongly implies that economic success is built into the household projections. Therefore it is not expected that this there will be a jobs generated housing demand <u>above the Local Plan level</u> will be needed for at least the first 15 years of the Plan (i.e. before the late 2020s), and possibly later.</p> <p>For Information: RMM6 is a revised version of withdrawn MM6</p>
RMM7	SS12	<p>Revise Policy as follows:</p> <p>SS12 Five year housing land supply</p> <p>The Council will maintain a rolling 5 year supply of specific deliverable sites sufficient to meet a housing trajectory of 400 dwellings a year (i.e.2000 dwellings over 5 years) made up from 270 a year on committed or identified sites and 130 on windfall</p>

sites 8,900 dwellings over the Plan period 2012-30, including an allowance for windfall sites.

The trajectory is:

400 dwellings per year for the period 2012/13 – 2016/17

460 ~~495~~ dwellings per year for the period 2017/18 – 2021/22

510 ~~555~~ dwellings per year for the period 2022/23- 2030/31 ~~2029-30~~

(N.b. This amendment to the housing trajectory is necessary to ensure that the trajectory is for 8900 dwellings over an 18 year Plan period 2012-2030; whereas the wording in RMM7 would result in a trajectory of 8380. This is less than the Housing Requirement identified in Paragraphs 41 and 50, as Modified by RMM1. Paragraph 30 of the Inspector's Final Report indicates the need to amend the housing tables and related policy text to correct the arithmetic and meet the Requirement and 18 year Plan period identified in the Inspector's Initial Findings and Report of Examination).

New housing will be monitored to ensure that it is matched by the provision of infrastructure, particularly infrastructure that would support job creation. Five year supply of housing land will be updated annually as part of the Council's Housing Land Monitor.

Monitoring within the five year period

Sites comprising the Council's five year supply will be published annually as part of the Authority Monitoring Report.

Housing completions and permissions will be monitored on an annual basis to ensure that a rolling supply of deliverable sites sufficient to meet the five year requirement, and to meet any shortfall within five years, is maintained (see Appendix D).

Where the supply of specific deliverable sites (plus windfall allowance) falls below this figure, or Neighbourhood Plans do not identify sufficient sites to meet Local Plan requirements in years 6-10 of the housing trajectory, the Council will, either:

1). bring forward housing land from later stages of the Plan, working closely with land owners, developers and Neighbourhood Forums; or

2). identify additional sites through new site allocation development plan documents, or

~~23).~~ consider favourably applications for new housing, consistent with Policy SS2, **H1** and other policies of this Plan.

New housing leading to the 5 year supply figure being exceeded will be permitted where:

i. the proposal would bring social, regeneration or employment benefits, including through the provision or funding of infrastructure;

		<p>ii. the proposal would not lead to serious infrastructure shortfalls; and</p> <p>iii. the proposal is consistent with other policies in the Local Plan.</p> <p><u>Five year Review of the Local Plan</u></p> <p><u>The Local Plan will be reviewed on a five year basis from adoption, and the housing trajectory adjusted if assessed by the Council to be necessary to meet objectively assessed needs. Further details of criteria to be considered at review are set out at Section 7.5</u></p> <p><u>An early review of the Local Plan’s housing trajectory will be triggered where there is evidence of a potential imbalance between jobs and homes.</u></p> <p>For Information: RMM7 is a revised version of withdrawn MM7</p>
RMM8	4.5.40	<p>Add the following text at end of paragraph (n.b. will necessitate renumbering of paragraph numbers in printed Adopted Local Plan):</p> <p><u>It is important that the provision of new homes keeps pace with the likely provision of jobs and that a shortage of homes does not impede job creation or deter inward investment. On this basis, the ongoing relationship between new homes and jobs will be reviewed on a yearly basis. If evidence suggests that a shortage of homes is in danger of curtailing growth, additional land will be identified through a Local Plan review. Examples of evidence that could trigger this review are:</u></p> <ul style="list-style-type: none"> • <u>An increase of more than 275 net new FTE jobs per annum for two consecutive years (based on BRES/NOMIS data).</u> • <u>Economic projections showing an increase in FTE jobs of more than 275 FTE per year sustained over a five year period.</u> • <u>Population projections or mid year estimates indicate an increase of working age population (aged 18–65) of more than 275 people per year over a five year period.</u> • <u>Evidence of market signals (as set out in Planning Practice Guidance) indicating a high level of unmet demand for housing.</u> <p><u>Where monitoring indicates a danger of a shortfall against the five year supply or overall trajectory, action to identify additional sites will commence in the first year of a shortfall being identified, to ensure that a rolling five year supply can be maintained, as set out in SS12.</u></p> <p><u>The Local Plan enables and expects Neighbourhood Plans to come forward and allocate land to assist meeting growth needs after the first five years – i.e. expected requirements from April 2017. The Local Plan identifies a pool of sites, based on a Strategic Housing Land Availability Assessment, which could provide a suitable selection of sites for development subject to further scrutiny through the neighbourhood planning process (see Appendix D). Neighbourhood Plans are at a draft stage of preparation for the Brixham, Paignton and Torquay areas which will cover 100% of the administrative area of Torbay. It is</u></p>

		<p>expected that these three Neighbourhood Plans will, drawing on the pool, allocate sufficient housing land to enable delivery of the growth strategy outlined in Policy SS1 and Table 4.3.</p> <p><u>Should Neighbourhood Plans not be adopted (made) by the Council, for example an emerging Neighbourhood Plan is found to not be in general conformity with the strategic policies of the Local Plan and/or does not pass the Examination or Referendum process, then under those circumstances the Council undertakes to produce a Site Allocations DPD to allocate land to meet housing needs later in the Plan period. Sufficient land is allocated within the Local Plan to meet housing needs during the first five years, so either Neighbourhood Plans and/or a Site Allocations DPD will allocate sites to contribute to providing clarity over housing supply from April 2017.</u></p> <p><u>To deliver the second phase of the Local Plan and avoid a policy vacuum after 2017, the Council will assess the proposed emerging Neighbourhood Plans when submitted to the Council, under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012, to check that Plan proposals endorse and implement the strategy in the Local Plan. If Neighbourhood Plans are not submitted to the Council in a form that it is in general conformity with the Local Plan by 31 March 2016, the Council will commence production of site allocations development plan documents, in order to provide sufficient time to produce and adopt any Site Allocations DPDs that may be required.</u></p> <p>For Information: RMM8 is a revised version of withdrawn MM8</p>
RMM9	SDT1	<p>In final paragraph amend housing numbers in accordance with changes to SS1, SS11 and Table 4.3 (above).</p> <p>Torquay will deliver a minimum of 37,200 sq m (net) of employment floorspace and around 3,865 3,955 new homes, at 150-200 new homes per annum and a minimum of 37,200m² sq m (net) of employment floorspace over the Plan period. The sources and timing of delivery are set out in Tables 5.1 and 5.2 below and Policies SDT2–SDT4 (see also Policy W5).</p> <p>Note that numbers in Tables 5.2, 5.4, 5.6 revert to the figures in the Proposed Submission Local Plan.</p> <p>For Information: RMM9 is a revised version of withdrawn MM9</p>
RMM10	SDP1	<p>In final paragraph, amend housing numbers in accordance with changes to SS1, SS11 and Table 4.3 above.</p> <p>Paignton will provide a minimum of 30,100 sq m (net) of employment floor space and around 4585 4,290 new homes (averaging 230 per annum) and a minimum of 30,100m² sq m (net) of employment floor space over the Plan period. The expected delivery pace and sequence of delivery are set out in Tables 5.7 and 5.8 below and Policies SDP2-SDP4. See also Policy W5.</p> <p>Note that numbers in Tables 5.8, 5.10 and 5.12 will be amended as a result of RMM10 and RMM11. This includes a reduction in numbers at SDP3.3 Totnes Road, as a result of Masterplanning. The revised housing tables are set out at Annex 2</p> <p>For Information: RMM9 is a revised version of former MM9</p>
RMM11	SDP3	Reduction of 376 dwellings at Collaton St Mary as a result of Masterplanning (to 460 dwellings in total)

		<p>The revised housing table 5.12 showing this change is set out at Annex 2</p> <p>For Information: RMM11 is the same wording as former MM11</p>
RMM12	SDB1	<p>In final paragraph, amend housing numbers in accordance with changes to SS1, SS11 and Table 4.3 (above).</p> <p>Brixham is expected to provide sufficient land to enable delivery of at least 2,700m² sq m of employment floor space and 800 660 new homes (around 40 per annum) over the Plan period.</p> <p>Note that numbers in Tables 5.14, 5.16 and 5.18 will be amended as a result of RMM1 and RMM11 The revised housing tables are set out at Annex 2</p> <p>Note Policies Map Change: Policies Map changes at Churston Golf Club (site of 1st and 18th holes and Clubhouse) – reclassification as a Potential Housing Development Site for consideration in the Brixham Peninsula Neighbourhood Plan.</p> <p>For Information: RMM12 is a revised version of withdrawn MM12</p>
RMM13	Appendix D	<p>Amend Appendix D: Pool of Housing Sites as follows.</p> <p>Table 1 The following sites are ‘committed development sites’ i.e. have planning permission or are considered imminently deliverable (at January 2014). They are sites for 6 or more dwellings. They are shown on the Policies Map (as greyed out areas) for information purposes. <u>These sites are part of the Council’s Five Year supply of deliverable sites. The list will be updated as part of the Council’s Annual Housing Land Monitor and Authority Monitoring Report.</u></p> <p>Remove: Churston Golf Club (Dartmouth Road)</p> <p>Add: Wall Park Brixham (165 dwellings) (Note that Future Growth Area designation has been removed, as the land has planning permission- see RMM3 (policy SS2) above).</p> <p>Note: Policies Map Change.</p> <p>Table 2 Add the following sites to the pool of housing sites:</p> <p>Torquay Town Hall Car Park (50). Subject to retention of sufficient car parking.</p>

	<p><u>Temperance Street (65). Subject to retention of sufficient car parking.</u> <u>Lower Union Lane (20). Subject to retention of sufficient car parking.</u> <u>Terrace Car Park (20). Subject to retention of sufficient car parking.</u></p> <p>Paignton <u>Victoria Square (60). Subject to retention of sufficient car parking.</u> <u>Station Lane (30). Subject to retention of sufficient car parking.</u> <u>Paignton Harbour (40). Subject to retention of sufficient car parking.</u></p> <p>Brixham <u>Churston Golf Club (Dartmouth Road) Subject to resolution of environmental and traffic concerns</u></p> <p>Note: Policies Map Change. See Annex 1.</p> <p>Note that the lists of sites in Appendix D (both Tables 1 and 2) are shown for information purposes and will be updated as part of the Council's housing monitor and Authority Monitoring Report. The lists are based upon the Strategic Housing Land Availability Assessment (PBA 2013) and are not definitive. They do not preclude other sites coming forward or being identified by Neighbourhood Forums.</p>
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Appendix 3

Schedule of Proposed Replacement Main Modifications to the Local Plan – Housing policy tables

(Derived from Torbay Local Plan Inspector's Report, October 2015 - Appendix 1A – Annex 2: Housing policy tables) [Examination Library Document PH/24 - see Council Report Background Document A.1]

Explanatory note: Schedule of Proposed Replacement Main Modifications to the Proposed Submission Plan for Torbay - Annex 2: Housing policy tables

These Tables are the revised Housing Tables that accompany the Replacement Main Modifications. Housing numbers have been changed as a result of additional amendments to overall housing numbers made in the Replacement Main Modifications (RMMs) and the revised numbers are set out below.

Further information is set out in the Schedule of Proposed Replacement Main Modifications.

Note that Table 4.3 is rounded to the nearest 5 dwellings. Other tables are shown unrounded, although the numbers of homes arising must be regarded as approximate.

These tables are as per Appendix 1A of the Inspector's Report of Examination, but with a reduction of 1 year's supply of windfalls, as indicated in Paragraph 30 of the Report. This is to reflect the reduction of the Plan period from 19 to 18 years (2012-30) as indicated in paragraph 30 of the Report. A number of small arithmetical corrections have also been made, although it is noted that the tables do not always add up due to rounding.

Amended Table 4.3 Source of new homes (rounded to nearest 5 dwellings). (Note table becomes part of Policy SS11)-See RMM4 RMM5 and RMM13

	Approx. Numbers in Submission Plan	Approx numbers in Modifications	Notes on change (Modification) from Submission Draft
Torquay (SDT1)			
SDT2 Torquay Town Centre & Harbour	670	825	<p>The following sites are proposed for inclusion as Replacement Main Modifications (RMMs):</p> <p>+50 Town Hall car park, +65 Temperance Street, +20 Lower Union Lane, +20 Terrace car park</p> <p>These sites have been included in the Torquay Town Centre Masterplan, which was adopted by Council on 1st June 2015. The Council considers that water-run off can be managed through SuDS, and that the development of town centre sites brings other sustainability benefits.</p> <p>The Council notes Natural England's concerns about run-off impact on the cSAC. Former MM sites that have not been included in Masterplans are not included in the RMMs, because further information would be needed about their (potential) deliverability.</p>
SDT3 Torquay Gateway	745	745	No change
SDT4 Babbacombe and St Marychurch	255	255	<p>Revert to number in Proposed Submission Plan.</p> <p>The Council notes Natural England's concerns about run-off impact on the cSAC. In relation to Steps Cross, objections were raised (inter alia) issues about NPPF paragraph 74 (loss of playing fields) that require further resolution before the land could be developed.</p>
Elsewhere in SDT1 (excluding SDT2, 3 & 4)	1025	1025 1090	<p>Revert to number as per the Proposed Submission Plan, with an increase of 65 dwellings in years 16-18, which will need to be identified in order to compensate for reduction of 1 year's worth of windfalls (i.e to make an 18 year Plan period) and still meet the requirement in RMM9 (See para 30 of Inspector's Report).</p>
Small windfalls <6 dwellings)	1170	1105 1040	<p>Reduction in the Plan period results in a pro-rata reduction in the windfall allowance of 65 dwellings (1 year). 2 years' windfalls (at around 65 dwellings per year)</p>
Torquay sub total	3865	3955	
Paignton (SDP1)			
SDP2 Paignton Town Centre and Seafont	460	590	<p>The following sites are proposed for inclusion as Replacement Main Modifications (RMMs):</p> <p>+60 Victoria Square, +30 Station Lane, +40 Paignton Harbour,</p> <p>These sites are included in the Paignton Town Centre Masterplan which was adopted by Council on 1st June 2015. The Council notes issues of sewer capacity and flooding but considers that these can be addressed through SuDS and flood prevention measures. The Local plan contains safeguards about sewer capacity and flooding issues.</p> <p>The Council notes concerns about sewer capacity and has not retained</p>

			MM car park sites from outside of the Town Centre Masterplan area, due to potential cumulative effects.
SDP3 Paignton North and Western Area	2625	<u>2250</u>	<u>Revise the number of dwellings at Collaton St Mary to 460 dwellings in line with the recommendation of the Collaton St Mary Draft Masterplan. This is a reduction of 376 dwellings from the Proposed Submission Local Plan.</u>
SDP4 Clennon Valley	N/A		
Elsewhere in SDP1 (excluding SDP2, 3 & 4)	600	600 <u>650</u>	No change <u>apart from an increase of 52 dwellings in years 16-18, which will need to be identified in order to compensate for reduction of 1 year's worth of windfalls (i.e to make an 18 year Plan period) and still meet the requirement in RMM10 (See para 30 of Inspector's Report)</u>
Small windfalls <6 dwellings)	900	850 <u>795</u>	Reduction in the Plan period results in a pro-rata reduction in the windfall allowance of 50 dwellings (1 year) <u>for 2 years (at around 52 per year)</u>
Paignton sub total	4585	<u>4285</u>	
Brixham Peninsula (SDB1)			
SDB2 Brixham Town Centre and Waterfront	65	<u>65</u>	<u>Revert to number in Proposed Submission Plan.</u> The Council's HRA Site Appraisal Report, February 2015 (TC Mod/8) notes the need for additional further assessment of the former MM site at Shoalstone overflow car park, to ensure no likely significant effects on greater horseshoe bats, which could arise from removal of woodland and lighting.
SDB3.1 & SDB3.2 Brixham Urban Fringe and AONB	245	<u>260</u>	The Council notes Natural England's and the HRA Site Appraisal Report's (TC Mod/8) concern about impact on greater horseshoe bats from the development of St Mary's Campsite. The number of dwellings at Wall Park has been increased to 165 (an increase of 15), to reflect the site's planning approval. Wall Park becomes a committed site rather than a Future Growth Area.
SDB 1 (New Proposal) South of White Rock (Relates to SDP3, but within Brixham Peninsula NP area.	0	0	Land south of White Rock is excluded from the Future Growth Area in the proposed RMMs. The Council notes Natural England's concerns about likely significant effects on greater horseshoe bats, and outstanding objections relating to the impact on the South Hams AONB.
Elsewhere within SDB1 (excluding SDB2, 3.1 & 3.2)	220	220 <u>230</u>	<u>Increase of 13 dwellings in years 16-18, which will need to be identified in RMM12 order to compensate for reduction of 1 year's worth of windfalls (i.e to make an 18 year Plan period) and still meet the requirement in RMM12 (See para 30 of Inspector's Report) (Numbers are rounded).</u>
Small windfalls <6 dwellings)	260	245 <u>235</u>	Reduction in the Plan period results in a pro-rata reduction in the windfall allowance of 45 dwellings (1 year) <u>2 years at around 13 per year.</u>
Peninsula sub total	790	<u>790</u>	
Total	9240	<u>9035</u>	<u>Note that this is 5 less than the 9040 identified in the Inspector's Report due to rounding assumptions.</u>

Table 5.2 SDT1: Source of housing in Torquay See RMM9

Estimated delivery period (years)	0-5	6-10	11-15	16-20 18		
Policy	Commitments and other deliverable sites	Commitments (continued delivery), Neighbourhood Plan sites and Future Growth Area			Total	Notes and key infrastructure requirements
SDT2 Torquay Town Centre & Harbour	224	275 327	139 191	30 82	668 824	Flood alleviation works in the town centre in addition to repairs at Meadfoot and Livermead Sea Wall, and Haldon and Princess Piers. <u>+50 Town Hall car park (only possible as part of a mixed-use regeneration of site if preferred scheme of a large supermarket is not delivered here), +65 Temperance Street, +20 Lwr Union Lane, +20 Terrace car park. (155 in total Divided equally across years 6-20).</u> <u>Subject to retention of sufficient car parking.</u>
SDT3 Torquay Gateway	112	224	200	210	746	Buckland Sewage Treatment works may require upgrading. Public transport improvements needed. Open space and leisure schemes important as part of place-making and green infrastructure.
DT4 Babbacombe & St Marychurch	128	127			255	Primary school education capacity.
SHLAA sites elsewhere within SDT1	447	205	100	271 336	4023 1088	Increase of 65 dwellings in years 16-18, which will need to be identified in order to compensate for reduction of 1 year's worth of windfalls (i.e to make an 18 year Plan period) and still meet the requirement in RMM9 (See para 30 of Inspector's Report).
Windfalls	197	325	325	325 258 193	4472 1105 1040	Reduction in 2 years windfall allowance due to reduced Plan period. (see above)
Total Torquay	1108	4156 1208	764 816	836 821	3864 3953	

Table 5.4 SDT2: Torquay Town Centre & Harbour - Key sites for housing (excluding windfalls - see Table 5.2) See RMM9

Estimated delivery period (years)	0-5	6-10	11-15	16-20-18		
Site	Commitments and other deliverable sites	Commitments (continued delivery), Neighbourhood Plan sites			Total	Notes and key infrastructure requirements
Torre Marine	75				75	
SHLAA deliverable urban		275	139	30	444	
Other sites of 6+	149	<u>52</u>	<u>52</u>	<u>52</u>	449 305	<u>+50 Town Hall car park, +65 Temperance Street, +20 Lower Union Lane, +20 Terrace car park</u> <u>+155 in total Divided equally across years 6-20.</u> <u>All car parks subject to retention of sufficient car parking.</u>
Total SDT2	224	275 <u>327</u>	439 <u>191</u>	<u>82</u>	668 <u>824</u>	

Table 5.6 SDT3: Torquay Gateway - Key sites for housing (excluding windfalls - see Table 5.2) See RMM9

Estimated delivery period (years)	0-5	6-10	11-15	16-20 18		
Site	Commitments and other deliverable sites	Commitments (continued delivery), Neighbourhood Plan sites and Future Growth Area			Total	Notes and key infrastructure requirements
Scotts Meadow	90	65			155	Planning permission in place
Edginswell Future Growth Area	N/A	140	200	210	550	As part of a strategic mixed use development to be brought forward through Masterplanning. <u>This should make allowance for the high pressure gas pipeline north of the Future Growth Area, in consultation with National Grid</u>
SHLAA deliverable urban		19			19	
Other sites of 6+	22				22	
Total SDT3	112	224	200	210	746	

Table 5.8 SDP1: Source of housing within Paignton See RMM10						
Estimated delivery period (years)	0-5	6-10	11-15	16-20 18		
Policy	Commitments and other deliverable sites	Commitments (continued delivery), Neighbourhood Plan sites and Future Growth Area			Total	Notes and key infrastructure requirements
SDP2 Paignton Town Centre and Seafront	68	422-165	43	270 314	460 590	Investment in flood defence/resilience infrastructure +60 Victoria Square, +30 Station Lane, +40 Paignton Harbour (130 total) Subject to sufficient car parking being retained.
SDP3 Paignton North and Western Area	433	1022	676 500	494 294	2625 2249	Improvements to Western Corridor. Longer term improvement to A385 Totnes Road. Significant investment in drainage and landscaping. -376 fewer dwellings in Collaton St Mary Masterplan than shown in the Proposed Submission Local Plan
SHLAA sites elsewhere within SDP1	358	150		90 142	598 650	Increase of 52 dwellings in years 16-18, which will need to be identified in order to compensate for a reduction of 1 year's worth of windfalls (i.e to make an 18 year Plan period) and still meet the requirement in RMM10 (See para 30 of Inspector's Report)
Windfalls	121	260	260	260 208 156	904 849 797	Reduction in 2 years of windfall allowance due to reduced Plan period.
Total Paignton	980	1554 1597	936 803	1114 906	4584 4286	

Table 5.10 SDP2: Paignton Town Centre and Seafrost - Key sites for housing (excluding windfalls - see Table 5.8) See RMM10

Estimated delivery period (years)	0-5	6-10	11-15	16-20 18		
Site	Commitments and other deliverable sites	Commitments (continued delivery), Neighbourhood Plan sites			Total	Notes and key infrastructure requirements
Courtland Road	45				45	Committed site
Crossways				150	150	Mixed use development
Hyde Rd/Torbay Rd				50	50	Mixed use development
Queens Park				50	50	Flood protection infrastructure.
SHLAA Deliverable Urban		122			122	Masterplanning of town centre
SHLAA Constrained Urban		<u>43</u>	<u>43</u>	<u>64</u> 20	20 <u>150</u>	Subject to CTIA Policy <u>+60 Victoria Square, +30 Station Lane, +40 Paignton Harbour, (130 total)</u> <u>Subject to sufficient car parking being retained in the Town Centre.</u>
Non-identified sites of 6+	23				23	Seaford Hotel and Seaford Sands Hotel, committed sites
Total SDP2	68	122 <u>165</u>	<u>43</u>	270 <u>314</u>	460 <u>590</u>	

Table 5.12 SDP3: Paignton North and Western Area- Key sites for housing (excluding windfalls - see Table 5.8) See RMM10 and RMM11

Estimated delivery period (years)	0-5	6-10	11-15	16-20 18		
Site	Commitments and other deliverable sites	Commitments (continued delivery), Neighbourhood Plan sites, Future Growth Areas			Total	Notes and key infrastructure requirements
SDP3.1 Preston Down Rd		50	50		100	Qualitative improvements to green infrastructure provision .
SDP3.2 Great Parks	144	265	76		485	Western corridor improvements (underway). Masterplan completed.
SDP3.3 Totnes Rd		62	280 104	494 294	836 460	Masterplanning underway. Western corridor improvements (underway). Improvements to A385 . Flooding and sewerage infrastructure. New community facilities including primary school expansion. Development of brownfield land <u>will be promoted in the [RAM57] shorter term.</u> <u>Reduction of 376 dwellings at Collaton St Mary as a result of Masterplanning</u>
SDP3.4 Yannons/Holly Gruit/ <u>Devonshire Park [RAM75]</u>	150	470	220		840	Western corridor improvements. Need to support investment in sewerage capacity, flood protection. New community facilities including primary school expansion. <u>The former Nortel site (Devonshire Park) is within Policy SDP3.4. Early delivery of brownfield sites such as this will be supported.</u>
SPD3.5 White Rock	125	175	50		350	Site has planning permission for mixed use development.
Non-identified sites of 6+	14				14	Kings Ash House (unless retained as offices)
Total SDP3	433	1022	676 500	494 294	2625 2249	

Table 5.14 SDB1: Source of housing within Brixham Peninsula. See RMM12						
Estimated delivery period (years)	0-5	6-10	11-15	16-20		
				19 18		
Policy	Commitments and other deliverable sites	Commitments (continued delivery), Neighbourhood Plan sites and Future Growth Area			Total	Notes and key infrastructure requirements
SDB2 Brixham Town Centre & Waterfront	20		45		65	Investment in sea wall, Northern Arm or similar flood defence infrastructure needed to unlock development.
SDB3.1 & SDB3.2 Brixham Urban Fringe & AONB	43 73	150 135	29	25	247 262	Provision of Tourism to be considered. Note: Wall Park has planning permission (165 dwellings) . Future Growth Area should be brownfield development only (see SA/HRA recommendations), unless there are significant benefits from development of larger area. 30 dwellings assumed to be within first 5 years. The remaining 105 in years 6-10. Note: Fishcombe Cove subject to AONB, tourism and transport impacts being acceptable.
SHLAA sites elsewhere within SDB1		52	139	25 38	216 229	Churston Golf Club added as medium/long term possibility Increase of 13 dwellings in years 16-18, which will need to be identified in RMM12 in order to compensate for reduction of 1 year's worth of windfalls (i.e to make an 18 year Plan period) and still meet the requirement in RMM12 (See para 30 of Inspector's Final Report).
Windfalls	66	65	65	65 52 39	261 248 235	Reduction of 13 dwellings to reflect reduced Plan period to 18 years (see above)
Total Brixham	227 159	267 252	278	115 102	791	

Plan reduced to 18 years by taking 1 year's windfalls from years 16-18 (52/4 x3).

Table 5.16 SDB2: Brixham Town Centre and Waterfront- Key sites for housing (excluding windfalls - see Table 5.14) See RMM12

Estimated Delivery Period (years)	0-5	6-10	11-15	16-49 18		
Policy	Commitments and other deliverable sites	Commitments (continued delivery), Neighbourhood Plan sites			Total	Notes and key infrastructure requirements
SDB2 Brixham Town Centre & Waterfront	20		45		65	Investment in sea wall, Northern Arm or similar flood defence infrastructure needed to unlock development. Brixham town centre and waterfront sites could help fund harbourside regeneration.
Total SDB2	20		45		65	

Table 5.18 SDB3: Brixham Urban Fringe and AONB: Key sites for housing (excluding windfalls - see Table 5.14) See RMM12

Estimated delivery period (years)	0 - 5	6 - 10	11 - 15	16 - 20			
Policy	Commitments and other deliverable sites	Commitments (continued delivery), Neighbourhood Plan sites, Future Growth Areas			Total	Notes and key infrastructure requirements	
SDB3.1 Brixham Urban Fringe & AONB	9				9	<p>Note: Wall Park Future Growth Area should be brownfield development only (see SA/HRA recommendations), unless there are significant benefits from development of a larger area, including the enhancement and safeguarding of AONB and biodiversity features, particularly for greater horseshoe bats [RAM63]</p>	
SDB3.2 Brixham Urban Fringe & AONB (Berry Head and Sharkham)	34 64	150 135	29	25	238 253	<p>Note: Wall Park has planning permission (RAM63) Future Growth Area should be brownfield development only (see SA/HRA recommendations), unless there are significant benefits from development of a larger area, including the enhancement and safeguarding of AONB and biodiversity features, particularly for greater horseshoe bats. 30 dwellings assumed to be within first 5 years. The remaining are within years 6-10</p> <p>Provision of Tourism to be considered.</p> <p>Note: Fishcombe Cove subject to AONB, tourism and transport impacts being acceptable.</p>	
Total	43 73	150 135	29	25	247 262		

Appendix 4

Schedule of Proposed Replacement Additional (Minor) Modifications to Local Plan - Text

[Derived from Examination Library Document TCRMOD/5 - see Council Report Background Document B.1]

Explanatory note

This schedule contains the Proposed Replacement Additional Modifications to the Submission Local Plan, which were set out in Examination Library Document TCRM0D/5. These are matters which are considered by the Council not to go to the heart of the Local Plan's soundness or to represent a significant change to the Plan's strategy. They are mainly updates to the text or clarification of environmental etc standards. They also include matters of clarification, update and minor changes to Policy, but not a significant change to the Plan's strategy. These matters will be considered carefully by the Council in finalising the Local Plan.

*October 2015 Update: Amendment to RAM91

The Inspector's Final Report (12th October 2015) indicated that Replacement Main Modification 13 *"is a relatively minor matter relating to retail impact assessments (which) should be considered as a minor modification to the Plan"* (paragraph 71). Accordingly RMM13 has been reclassified as RAM91A. The previous RAM91, which also relates to the floorspace thresholds for retail assessments has been renamed RMM91B

This Schedule is accompanied by a related document (see Appendix D below) which illustrates a number of Policies Map changes, previously set out in Examination Library Document TCRM0D/6.

The Proposed Replacement Additional Modifications are expressed as follows:

Replacement Additional Modifications to Local Plan Policies – new text is shown as **underlined emboldened red text**; deleted text is shown as a black ~~strikethrough~~.

Additional Modifications to Local Plan explanatory text – new text is shown as underlined black text (not emboldened); deleted text is shown as a black ~~strikethrough~~.

Unchanged text (from the Proposed Submission Version) is shown as unemboldened black text (headings emboldened as per original document)

[Note that these Replacement Additional Modifications replace the previous Additional Modifications published in February 2015. For consistency the numbers have been kept the same (so RAM1 and AM1 relate to the same subject matter).]

Modification Reference	Local Plan policy/para	<p>Amended text: Amended Policy text is set out in <u>red emboldened underlined text</u>. New Explanatory text is shown as non-emboldened <u>underlined</u> text. Deleted text is shown as strikethrough. (RAM= Replacement Additional Modification)</p> <p>For Information: Replacement Additional Modifications (RAMs) cover the same subject matter as the withdrawn Additional Modifications (So RAM1 corresponds to withdrawn AM1 etc).</p>
RAM1	all	All square metre area measurements should read Sq m (or M ²) and not metres squared (M ²). This applies throughout the Plan
RAM2	1.1.3	Amend last sentence: but the growth trend will be upwards — particularly after 2018 when the market is expected to improve. <u>but the Local Plan seeks to set out a sustainable strategy to promote and accommodate growth within environmental and infrastructure limits.</u>
RAM3	1.1.5	Amend as follows: demand for new homes starts to rise and investment delivers improved infrastructure. <u>The Local Plan's strategy will be subject to five year reviews, where evidence of the need for development and the Bay's capacity to accommodate it will be reassessed (See Part 7.5).</u>
RAM4	1.1.8	Line 7: replace " we know " with " <u>the Council has assessed</u> "
RAM5	1.1.15	Third sentence add after: "A basket of measures will be used to determine <u>whether the Local Plan's growth strategy remains supported by evidence of need and capacity.</u> The Council will consider whether additional land is needed: for example where there is "planning failure" (e.g. a lack of land available) <u>there is a case to increase land supply.</u> However where there is market failure (e.g. lack of delivery of new homes), <u>other solutions to allocating more land are likely to be appropriate.</u>
RAM6	2.1.2	Add on fourth line, after landscape: " <u>historic</u> " Add at end of first bullet point: " <u>that enhances and realizes the economic potential of the historic environment</u> "
RAM7	2.2.5	Add at end of paragraph: " <u>progress towards creating jobs and improving the local economy will be assessed as part of the Local Plan review</u> "
RAM8	2.2.9	Add reference to conservation assets at 2.2.9: <u>Torbay has a rich historic environment, with significant prehistoric, medieval, C18th and 19th assets.</u>
RAM9	2.2.11	Amend penultimate sentence: ...These 'constrained' sites, which are not considered as developable or deliverable in the Plan period, will be included in a reserve of land alongside those sites in Teignbridge and South Hams as part of an <u>ongoing duty to cooperate to consider housing need and sustainability on a cross boundary basis by the LPAs in the area.</u> This reserve will only be drawn on when demand shows it is needed, <u>having regard to the most up to date evidence of objectively assessed</u>

		<u>need (see paragraph 7.5.14 below), evidence about each site, and if the constraints originally identified remain valid.</u>
RAM10	2.2.13	<p>N.B This paragraph cites external statistics etc that will need updating as new data becomes available.</p> <p>Amend Bullet 2, second sentence: <u>The most recent projections, 2012 based sub-national population projections, released May 2014, project a population increase from 132,300 in 2014 to 134,450 in 2021 and 138,900 in 2032- an increase of 11,000 people over the Plan period. The most recent (2012 based, published February 2015) DCLG Household Projections indicate an increase of 7,550 households in Torbay between 2012-30. Torbay's population growth is driven by (domestic) migration, and the population projections assume an increase in inwards migration in the latter part of the Plan period.</u></p> <p>Third bullet point: change most recent to <u>previous</u></p>
RAM11	2.3.1	<p>Economic Recovery and Success- last bullet point: add the <u>historic and marine environment</u> Protect and enhance a superb environment: add bullet point <u>protect and enhance country parks</u></p> <p>Amend penultimate bullet- Enhancement of the Yalberton Valley and <u>Westerland Valley</u> for nature conservation and <u>green sustainable</u> tourism.</p> <p>Create more sustainable local places. Add new penultimate bullet point: <u>provide affordable homes for local people</u></p> <p>Revise last bullet point: Support affordable self build and <u>custom built</u> homes for local people, across the Bay</p> <p>New last point: <u>Seek to minimise crime, fear of crime, disorder and antisocial behaviour through appropriate design, management and location of development.</u></p>
RAM12	Aspiration 1	Add new bullet point " <u>To ensure a balanced provision of housing and employment</u> "
RAM13	Aspiration 3	<p>Amend bullet point 1: To safeguard heritage assets, <u>including those at risk...</u></p> <p>Amend bullet point 2: ...landscape character <u>river corridors, open spaces, country parks and natural areas and setting of proposals</u></p> <p>Last bullet: add and <u>sustainable tourism value</u></p>
RAM14	Aspiration 5	<p>(Bullet 5): add <u>by incorporating climate change factors such as run-off, sea level rise, increased storminess and unpredictable weather.</u></p> <p>(Bullet 6): add "<u>over the lifetime of development</u>".</p>
RAM15	4.1.11	Bottom line add AONB, <u>historic environment, valuable....</u>

RAM16	Picture 4.1 Key Diagram	<p>Expand indicative line SDB3.1 east to cover Galampton</p> <p>Note amendments to Legend to Key Diagram: Strategic Delivery Areas (top line renamed Strategic Policy Areas . Insert Strategic Delivery Areas above dotted green and red boxes.</p> <p>On Key Diagram, amend indicative boundary of SDB3.1 by moving slightly westwards to reflect local settlement pattern more accurately.</p>
RAM17	4.1.20	<p>Amend paragraph 4.1.20 and insert new paragraph after 4.1.20:</p> <p>The Sustainability Appraisal and Habitats Regulations Assessment for the Local Plan has carried out plan level assessments not included assessment of the impact of development proposals on greenfield sites identified as having significant constraints, such as in AONB. As such, it will be necessary for any development coming forward on those sites to be assessed <u>at a project level</u> in its own right, but also on the cumulative impacts taking account of development on more sustainable / less constrained sites in the Bay.</p> <p><u>Torbay has significant environmental constraints, including being within the flight paths and foraging zone of the South Hams Special Area of Conservation. The Habitats Regulations Site Appraisal Report of the Torbay Local Plan (Kestrel Wildlife 2014) identifies a number of mitigations measures for safeguarding the integrity of the SAC. The greater horseshoe bat mitigation strategy should be implemented within development areas. Further details are set out in Policy NC1 and the Strategic Delivery (“SD”) policies of this Plan. This includes maintenance of darkened corridors to maintain flight paths, and the use of developer contributions to manage increased recreational pressure on the South Hams SAC resulting from increased housing numbers and recreational pressures.</u></p>
RAM18	4.1.21	<p>Amend last line: natural <u>and historic</u> environment</p>
RAM19	4.1.32	<p>Add to end of paragraph: <u>Masterplans have been prepared for Torquay Gateway, Great Parks Paignton, and Collaton St Mary, Paignton as well as Torquay and Paignton Town Centres. The Masterplan for Great Parks was completed in 2013 as supplementary guidance. The Town Centres Masterplans were adopted by Council as Supplementary Planning Documents on 1 June 2015. The Masterplans for Torquay Gateway and Collaton St Mary will be adopted as SPD following adoption of the new Local Plan. This suite of Masterplans are expected to inform Neighbourhood Plans.</u></p> <p><u>Whilst the Masterplans are based on sound evidence and have undergone public consultation, all capacities identified by them will be treated as provisional until HRAs and drainage infrastructure assessment has been carried out for specific development proposals, and appropriate mitigation strategies put in place. Mitigation strategies should be informed by bat survey evidence using standards set out in the 2010 South Hams SAC Guidance.</u></p> <p>After paragraph insert new text: <u>Greater horseshoe bat mitigation strategies for the four Future Growth Areas should be</u></p>

		implemented as recommended by the HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan) 2014.
RAM20	SS3	Amend first sentence of Policy SS3: ...positive approach reflecting in accordance with the presumption in favour...
RAM21	4.1.36	Add to end of paragraph add: <u>"It will be noted that paragraph 119 and footnote 9 of the NPPF indicates that some matters such as AONB, Habitats Regulations, flooding and coastal erosion and designated heritage assets may outweigh the presumption in favour of sustainable development."</u>
RAM22	4.2.20	Add new penultimate sentence: <u>For example, this could involve using South Devon College's expertise in delivering renewable energy solutions in new, and upgraded existing development.</u>
RAM23	SS5	Add sentence to end of second paragraph (starting "This will include"): <u>In the case of mixed use developments, an element of cross subsidisation of employment uses from higher value land uses will be sought, to ensure the speedy delivery of employment element of developments.</u> Amend penultimate paragraph of SS5 (Proposals for the loss of...): <u>Where there is no reasonable prospect of the site being used for Class B other (i.e. non Class B) employment purposes or such a use would conflict with the Local Plan, preference will be given to other employment generating uses subject to other policies in the Local Plan alternative uses that help deliver sustainable local communities will be supported.</u>
RAM24	4.2.26	Add to end: <u>Whilst Policy SS5 allows for a mix of employment types, there is a need for class B1 and B2 jobs to increase the Bay's value added and rebalance the economy away from the service sector. On this basis proposals that provide a high proportion of "B" space will be encouraged. The 25% noted above will not be seen as a maximum (see Glossary for definition of "B" space).</u>
RAM25	4.2.27	Amend paragraph as follows: Table 4.2 sets out potential employment sites in Torbay, for information purposes. This should be read in conjunction with the Strategic Delivery Area policies (SDT, SDP and SDB). In the early stages of the Plan, employment is expected to come forward from employment land with planning permission at Edginswell Business Park (2.8ha) and White Rock (8.8ha). The Plan also seeks early delivery on employment sites on previously developed land such as Brown's Bridge (Torquay), <u>South Devon College and new Innovation Centre, Bookhams/ Devonshire Park, Yalberton Road and Claylands (Paignton)</u> ; and existing sites, such as Yalberton, that are in need of a 'refreshed' offer. There will also be an emphasis on regenerating the three town centres to bring forward improvements of existing and addition of new employment space. <u>Masterplans setting out regeneration proposals for Torquay and Paignton town centres were adopted by the Council as SPD in June 2015. These</u>

		<p>sources of are expected to provide at least 10 years of new employment space delivery.</p> <p>Add text to end of paragraph: <u>In order to secure the delivery of modern employment buildings, an element of cross subsidy will be sought from Masterplans and in the consideration of strategic development schemes (see glossary), This will be secured either through land equalisation agreements, direct provision of servicing of employment land/infrastructure or through developer contributions.</u></p>
RAM26	4.3.17	Amend: reduce rat-running <u>including</u> through Marldon, Berry Pomeroy, <u>Galmpton</u> , and reduce further afield impacts.
RAM27	4.3.18	Add after first sentence: <u>Detailed routing will need to address matters such as rights of way.</u>
RAM28	4.3.23	Add at end of paragraph: <u>such works should have regard to the requirements of the Habitats Regulations and be acceptable in terms of the Candidate SAC and Marine Conservation Zone.</u>
RAM29	SS7	<p>Infrastructure phasing and delivery of development</p> <p>Amend paragraph 2 as follows:</p> <p>In order to be permitted, development must be supported by provision of the critical infrastructure required for the development to proceed. <u>Development that does not provide critical infrastructure such as flooding, highway safety or ecological/environmental improvements to meet Habitat Regulations will not be permitted.</u></p> <p>Add additional point to paragraph 6:</p> <p>In seeking developer contributions, regard will be had to:</p> <p><u>2) The need to prioritise critical infrastructure provision, e.g. flood defence works, highway safety works and/or ecological/environmental improvements to meet Habitat Regulations requirements.</u></p>
RAM30	4.3.27	<p>Amend sub-paragraph 1 as follows:</p> <p>1. Critical infrastructure: physical and enabling infrastructure, which must be delivered on time to allow proposed development to proceed in narrow physical or safety terms (e.g. road access, flood defence works, sewerage capacity, water and electricity). <u>Infrastructure necessary to make development comply with Habitats Regulations requirements, particularly affecting the SAC and Marine cSAC will be treated as critical infrastructure:</u></p>

RAM31	4.3.29	Add text to end of paragraph: <u>The Assessment of Future Sewer Capacity Study to 2032 (AECOM 2014) identifies the need for a programme of sustainable urban drainage (SuDs) and water sensitive urban design (WSUD). Policies ER1, ER2 and W5 deal with flood risk and water management in more detail.</u> There will be a need for developer contributions, whether s106 or CIL, to help bridge infrastructure funding gaps. <u>Matters that deal with critical infrastructure, such as flood protection, will be given the highest priority, and development will not be permitted if such matters cannot be satisfactorily addressed.</u>
RAM32	4.3.34	Add to end of paragraph: <u>However, notwithstanding the above considerations, developments that are unable to mitigate successfully matters such as flood risk will not be permitted.</u>
RAM33	4.4.3	Add penultimate sentence: <u>The south of the Bay is part of the South Devon AONB</u>
RAM34	SS8	<p>Amend Policy SS8 as follows: All development should have regard to its environmental setting and should positively contribute to the conservation and enhancement of the natural assets and setting of the Bay.</p> <p>The Council will seek to safeguard, conserve and enhance the valued qualities, features and attributes of sites protected under European legislation and other important natural landscape, including tranquillity, dark night skies, <u>bathing waters</u>, biodiversity and geodiversity <u>commensurate with their importance. It will ensure that:</u></p> <p><u>New Point 1: Sites, species and habitats protected under European, or equivalent, legislation will be protected from development. Development, around the edge of the built up area will be required to protect and manage wildlife and habitats, including corridors between them, in accordance with Policy NC1. Particular attention must be paid to greater horseshoe bat flight paths, and ciril buntings.</u></p> <p>2 (former 1) Delete “natural” before landscape in Line 2</p> <p>3 (former 2) Development proposals outside the AONB will be supported where they conserve or enhance the distinctive landscape character <u>and biodiversity</u> of Torbay.</p> <p>Add to end of point 3 (former 2): However, it will be particularly important to ensure that development outside the AONB does not have an unacceptable impact on the special landscape qualities of an adjoining or nearby AONB <u>or other valued landscapes such as country parks.</u></p> <p>4 (former 3) The Council will, in considering major planning applications, seek long term land management practices to maintain or restore landscapes, greenspace, <u>dark corridors</u> and amenity open spaces, integrating biodiversity and green infrastructure objectives including improved public access. If development impacts adversely upon biodiversity, geodiversity or countryside management, developer contributions <u>and mitigation measures will</u> may be required to improve management or enhancement of the natural environment with a goal of achieving a net gain in biodiversity.</p>
RAM35	4.4.6	Add to end of paragraph: <u>In addition to national sites, Torbay has a network of locally important wildlife sites and corridors.</u>

		<p>These are shown on the Policies Map and are addressed by Policy NC1 “Biodiversity and geodiversity”. Other policies in the Local Plan such as C4 “Trees, hedgerows and natural landscape features” are also relevant.</p> <p>Regard should be had to the Nature of Torbay – a Local Biodiversity and Geodiversity Action Plan 2006-16 in respect of all target habitats and species in Torbay.</p>
RAM36	4.4.7	<p>Amend second sentence: The Council will <u>require no overall detriment</u> and seek net gains in the natural environment as a desirable outcome in accordance with paragraphs 9 and 117 of the NPPF</p> <p>Add to end of paragraph: <u>However such mitigation measures cannot be used to compensate intrinsically unsuitable development (see Policy NC1). High quality bathing waters are an important asset both for ecology and tourism in Torbay. The Bathing Waters Directive requires that the quality of sea water be improved. Policies ER2, ER3 and W5 seek to minimise the impact of waste water upon bathing water qualities, for example by removing existing and restricting new surface water connections to combined sewers.</u></p>
RAM37	4.4.9	<p>Add to end of paragraph: <u>Much landscape is man-made and there is an interrelationship between the historic and natural environment for example when considering hedgerows, field patterns and other naturalized features (see Policies HE1 and C4.</u></p>
RAM38	SS8.1/HE1	<p>Note that Policy HE1 will be re-badged as a strategic policy and inserted at this point (after SS8)..</p>
RAM39	HE1 / SS8.1	<p>The Council will seek to Development will be required to sustain and enhance those monuments, buildings, areas, walls and other features which make an important contribution....</p>
RAM40	6.3.3.1	<p>Add to the end of the paragraph: <u>The Council will keep under review the need both for amendment to existing Conservation Area boundaries and for the designation of new Areas.</u></p>
RAM41	6.3.3.11	<p>Add text at end of (HE1) to refer to the Heritage Strategy:</p> <p><u>The Torbay Heritage Strategy was adopted in 2011. Its purpose is:</u></p> <ul style="list-style-type: none"> • <u>to develop a strategy that will help maintain the local and community identity</u> • <u>to be mindful and respectful of the things that make Torbay a special place</u> • <u>to contribute to the quality of life for residents and the community</u> • <u>to initiate conservation-led regeneration to maintain geographical and historical character</u> • <u>to restore original and sentimental character to heritage assets</u> • <u>to encourage an already thriving tourist economy.</u> <p>Policies SS8 and C3 are also relevant to natural features and naturalised manmade features (such as hedgerows or historic</p>

		<u>ruins) of historic or landscape significance.</u>
RAM42	SS9	Add new criterion after e): f) <u>Maintain existing and contribute to new tree planting and woodland creation</u>
RAM43	4.4.13	Amend paragraph and add new sentence: ...Aller Valley GI link and cycle link (Teignbridge District Council), and enhanced access to and within the <u>Yalberton Valley and Kingswear Peninsular (South Hams District Council). The Recreational Impacts on Berry Head Study (Footprint Ecology 2014) has indicated that development within 5km of Berry Head (broadly equivalent to SDB1 Brixham Peninsula) could place additional pressure on this component of the South Hams SAC, and identified measures needed to be carried out to enhance the management and durability of Berry Head (See Policy NC1 below).</u>
RAM44	4.4.15	Add: <u>Yalberton Valley between Great Parks and White Rock</u> Add at end of paragraph: <u>Country parks and other green infrastructure are often of historic importance, particularly Cockington and Berry Head, Brixham. Policy HE1 (SS-) is relevant to consideration of these historic assets.</u>
RAM45	4.5.12	Amend introductory text: <u>Evidence of Torbay's housing requirement need will be kept under review, particularly as population and household projections are regularly refreshed (see Section 7.5 below). The current evidence is set out in:</u> Add new bullet point: <u>The most recent demographic data is currently the 2012 based ONS population projections (published 2014) and the 2012 based DCLG household projections (published 2015).</u>
RAM46	4.5.13	Add to end of paragraph: <u>The 2012 (published 2014) based population projections indicate a population increase of 11,000 people between 2012-32, which is a third lower than the 2011 based figure. Analysis of the projections shows that they are dependent upon high migration rates.</u>
RAM47	4.5.14	Bullet 1: add <u>ONS projections have been adjusted downwards over the past 10 years.</u> Bullet 3: replace "Household sizes are falling" with <u>Household sizes did not fall between 2001-11, but may fall in the future, but any fall is likely to be less fast than predicted...</u> Last bullet: add <u>However, deaths in Torbay still outnumber births by approximately 5:4.</u>
RAM48	4.5.25	Amend sentence: This may trigger a review of homes required, <u>either upwards or downwards.</u>
RAM49	4.5.26	Amend sentence: ...20 years <u>and possibly beyond</u>
RAM50	SS10	Point 5: add <u>...whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict.</u>

		Point 13: amend to clarify meaning as follows- Provide a good standard of residential accommodation especially in community investment areas, identified on the policies Map , by seeking to retain small to medium size homes (2-4 bedrooms) and resisting change of use of these homes to HMOs and small self contained flats. <u>This applies especially in community investment areas identified on the Policies Map, and other areas with poor quality housing.</u>
RAM51	4.5.30	Add text at end of paragraph: <u>Planning should create safe and accessible environments where crime and the fear of crime do not undermine quality of life or community cohesion (NPPF paragraph 58 refers). The Police Architectural Liaison Officer (ALO) will provide advice and recommendations on designing out opportunities for crime, disorder, antisocial behaviour and community conflict in the built environment. In addition to design, the location and management of development are relevant. In appropriate cases the Council will work with the Police ALO to assess the potential crime (etc) impact of development and, where impacts can be mitigated, necessary management or mitigation measures (see also Policy TC5 Evening and nighttime economy and DE1 Design).</u>
RAM52	4.5.32	Penultimate line: delete " over the next 5 years ".
RAM53	SS11	Revise last sentence of paragraph 3 as follows: Development <u>within the Brixham Peninsula (SDB1)</u> should have regard to Policy NC1 concerning the need for developer contributions to mitigate the impact of <u>increased</u> recreational pressure on the South Hams SAC. Amend first sentence of last paragraph: The overall provision of homes will be carefully monitored to ensure that it is provided in a sustainable manner <u>and maintains a rolling five year supply of deliverable sites in accordance with Policy SS12.</u>
RAM54	4.5.34	Amend after fourth sentence and add new text: <u>This figure meets the demographically implied provision in the 2012 based population projections and household projections derived there from, with an allowance for economic prosperity and meeting a backlog of need from hidden households. This figure will need to be reviewed and adjusted for changes in migration rates household size and economic performance (and concomitant housing demand) as part of a major review of the Plan which will take place on a 5 yearly basis.</u> <u>The Council will also keep vacant properties under review. Short term vacancies will arise because of market churn (e.g. dwellings being vacant between moves or whilst being refurbished) and should be added to housing requirements. Conversely long term vacant dwellings (for longer than 6 months) represent a wasted resource that the Council is seeking to bring back into occupation (see 4.5.32 above), and can be used to meet need. Current evidence indicates that the number of short and long term vacant dwellings are roughly the same in Torbay (917 short term and 1047 long term in Autumn 2014), and therefore largely cancel each other out.</u>
RAM55	4.5.38	Amend first sentence: The NPPF requires councils to maintain a 5 year (+5%) supply of housing land as the

		first phase of a 15 year land trajectory <u>insofar as consistent with other policies in the NPPF</u>
RAM56A	4.6.12	Delete at end of paragraph, to reflect Government guidance on Allowable Solutions: : Where carbon offsetting/allowable solutions are used to reduce the carbon emissions associated with a development proposal, they should be focused on local projects with proven carbon saving performance that occur within Torbay.
RAM56B	4.6.17	Add at end of paragraph: <u>It can also boost Torbay's "green" economy</u>
RAM57	SDT1	Add at end of paragraph 2: <u>whilst conserving or enhancing the historic and natural environment</u> Add at end of paragraph 3: <u>Priority species such as ciril buntings and greater horseshoe bats will be safeguarded. All development will be required to minimize or reduce surface water draining into combined sewers, in accordance with Policy ER2 in order to safeguard the Marine Candidate Special Area of Conservation.</u> Note that housing numbers in SDT1 are amended as a Main Modification. Note: Policies Map changes – see Annex 1. (See also Replacement Main Modification 14 to Appendix D).
RAM58	5.1.1	Add to last line: <u>strong built and natural environmental assets. The reef off of Torquay is an important part of the Marine cSAC, whilst the combined sewers elsewhere in Torbay are nearing capacity.. In order to avoid harm from combined sewer outfalls, development should avoid additional surface water run-off into combined sewers in accordance with the hierarchy set out in Policy ER2.</u>
RAM59	5.1.3	Add after Class B Space in second line: <u>See Glossary</u>
RAM60	5.1.4	Add sentence to end of paragraph: <u>Regeneration proposals should maintain or improve provision of public open space.</u>
RAM61	Table 5.2	SHLAA sites elsewhere in SDT1 add note: <u>Includes Sladnor Park, Maidencombe, Torquay subject to landscape, biodiversity and access (etc) considerations.</u> Note that Table 5.2 has been amended as a Replacement Main Modification.
RAM62	SDT2	Add to end of first paragraph: residents and visitors , <u>whilst conserving or enhancing the area's historic character and environmental value</u>
RAM63	5.1.1.1.	Add to end of paragraph: <u>The lower part of the town is within Torquay Harbour Conservation Area and development will be expected to complement the area's historic character.</u>
RAM64	SDT3	Amend second sentence of paragraph 3: Any proposals that may lead to significant effects on sites protected under European Legislation, <u>including bats and ciril buntings,</u> will only be permitted where no adverse effects on the integrity of the site can be shown.

		<p>Add text after paragraph 3:</p> <p><u>Any detailed proposals for development in the area must be informed by appropriate bat and cirl bunting surveys undertaken, in accordance with Policy NC1 and the 2010 South Hams Bat Guidance (or subsequent guidance). Any biodiversity impact from development should be offset. Particular attention should be given to loss of grassland (foraging) habitat and hedgerows. A buffer of darkened hedgerow should be provided and maintained, particularly along the western boundary, in accordance with Policy NC1.</u></p>
RAM65	5.1.2.2	<p>Insert new sentence after “location of the site”: <u>In particular the setting of Edginswell Hall and Village will be conserved or enhanced.</u></p>
RAM66	Table 5.5	<p>Edginswell Future Growth Area. Add note at the end of text in the fourth column: <u>This should make allowance for the high pressure gas pipeline north of the Future Growth Area, in consultation with National Grid</u></p>
RAM67	SDP1	<p>Add at end of paragraph 4: <u>Priority species such as bats and cirl buntings and their habitats will be safeguarded and any impacts mitigated.</u></p> <p>Note that housing numbers in SDP1 have been amended as a Replacement Main Modification.</p>
RAM68	5.2.2	<p>Add to end of paragraph: <u>Regard should be had to the conservation or enhancement of the built, natural and historic environment, particularly within conservation areas, in accordance with other policies in this Plan</u></p>
RAM69	5.2.5	<p>Add text after end of 5.2.5: <u>Greater horseshoe bat mitigation measures for SDP3 and SDP4 Strategic Delivery Areas should be implemented according to the recommendations of the HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan) 2014.</u></p>
RAM69A	5.2.1.3	<p>Amend first sentence of paragraph 5.2.1.3:</p> <p>It is critical that flood defence works are put in place, probably in the form of a new sea wall and coastal defence to alleviate the impact of climate change, <u>wave action</u> and upstream flooding.</p>
RAM70	SDP3	<p>Amend paragraph 1, amend line 2: range of <u>housing especially</u> family housing, employment, <u>local</u> recreation and local retail facilities.</p> <p>Add to paragraph 4 after “South Hams SAC” add: <u>as well as other species such as cirl buntings in accordance with Policy NC1</u></p>

		<p>Add to end of paragraph 4: <u>Greater horseshoe bat mitigation objectives for Great Parks, Collaton St Mary Future Growth Area, and Brixham Road, should be implemented as recommended by the HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan) 2014.</u></p> <p>Note that numbers of dwellings in SDP3 will be amended as a Replacement Main Modification.</p>
RAM71	5.2.2.1	<p>Add text to middle of paragraph:</p> <p>The west of Paignton offers the largest area of land for expansion within Torbay, although there are infrastructure requirements that need to be met prior to or in parallel with major development. A significant amount of growth is already underway at Yalberton and White Rock. Further development is committed at Great Parks. <u>This is shown as a grey (committed) site on the Policies Map. However, in the event of the development taking longer to build out than anticipated, it will be treated as a Future Growth Area (see SS2 and below).</u> These commitments, along with urban sites, are expected to provide Paignton's housing supply for at least 10 years from the Plan's adoption. The Council owned former waste site at Claylands is being promoted for development by the Torbay Development Agency and expected to deliver around 6.8 hectares of employment land early in the Plan period.</p>
RAM72	5.2.2.5	<p>Add to end of paragraph: <u>For example redevelopments in the area should consider opportunities for habitat enhancements, such as planting to provide bat and wildlife links through the area.</u></p>
RAM73	5.2.2.7	<p>Add after "Great Parks Country Park": <u>which should be designed and landscaped to minimise flood risk</u></p>
RAM74	5.2.2.10	<p>From line 4 amend as follows:These sites should provide a significant amount of employment floor space although mixed use residential schemes will be supported where they provide enabling development, <u>and help to meet housing needs. The Local Plan promotes them for mixed use development comprising a significant element of residential development to assist in the short to medium term supply of housing. As a broad guide, around 25% of the former Nortel site (Devonshire Park) and 25% of Yalberton Road (Jackson Land) will be sought for employment uses, and 75% for residential. ...Strategic landscaping...(As existing to end of paragraph, then add): <u>Early delivery of employment will be required, subject to other Local Plan considerations.</u></u></p>
RAM75	Table 5.12	<p>Amend SDP3.3 last line: brownfield land <u>will be promoted</u> in the shorter term.</p> <p>Add note to SDP 3.4: <u>The former Nortel site (Devonshire Park) is within Policy SDP3.4. Early delivery of brownfield sites such as this will be supported.</u></p> <p>Note that Table 5.12 has been amended as a Replacement Main Modification.</p>
RAM76	SDB1	<p>Amend paragraph 2, penultimate line, as follows: ...interests of priority species such as the greater horseshoe bat <u>and cirl buntings</u> can be addressed <u>safeguarded. Greater horseshoe bat mitigation measures will be required as recommended by the HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan) 2014.</u></p>

		<p><u>Mitigation measures for the wider SDB1 strategic delivery area include:</u></p> <ol style="list-style-type: none"> 1) <u>protection and management of existing trees</u> 2) <u>retention of former hedge lines, managed as part of the development</u> 3) <u>no increase in lighting in bat flyways to greater than 0.5 lux</u> 4) <u>reduction of the impact of additional recreational pressure on the SAC</u> <p>Note that housing numbers in SDB1 have been amended as part of the Replacement Main Modifications (including a Policies Map change – see Annex 1).</p>
RAM77	5.3.1	<p>Add new text after paragraph 5.3.1: <u>“The Recreational Impacts on Berry Head - additional HRA work for the Torbay Local Plan” (Footprint Ecology (2014)), has identified that the level of growth proposed by the Local Plan could realistically increase the recreational pressure on Berry Head to Sharkham Point component of South Hams SAC.</u></p> <p><u>The data available suggests that there is a zone of influence of approximately 5km driving distance (roughly equivalent to development in the SDB1 Brixham Peninsula Policy area. The report recommends a number of mitigation measures. The following measures need to be implemented to ensure the integrity of the SAC is not compromised as a result of increases in recreational pressure:</u></p> <ol style="list-style-type: none"> (i) <u>habitat management required to increase the resilience of the site over and above that already required to maintain the interest features of the site;</u> (ii) <u>increased visitor engagement work;</u> <p><u>All mitigation must be delivered within a timescale linked to that of the development and targeted to resolve impacts on the European site.</u></p>
RAM78	5.3.2	<p>Add to end of paragraph: <u>Regard should be had to the conservation or enhancement of the built, natural and historic environment, particularly within conservation areas, in accordance with other policies in this Plan.</u></p>
RAM79	5.3.4	<p>Amend first line to read: ..reduce reliance on the private car <u>and rat running</u>, given...</p>
RAM80	Table 5.14	<p>Amend SDB3.1 and SDB3.2 (Wall Park):</p> <p>“Note: <u>Development at Wall Park Future Growth Area should be brownfield only (see SA/HRA recommendations) unless there are significant benefits from development of larger area including the enhancement and safeguarding of AONB and biodiversity features, particularly for greater horseshoe bats.</u> (Note that planning permission for the development of Wall park has been issued so this text is no longer relevant).</p>

		Note that housing numbers in SDB1/Table 5.14 have been amended as part of the Replacement Main Modifications (including a Policies Map change – see Annex 1).
RAM81	SDB3	Add after South Hams SAC in second paragraph: <u>“...Adequate mitigation should be provided, in accordance with the HRA Site Appraisal Report (2014), that ensure: (i) there are no further restrictions on potential movement of GHBs along the strategic flyway through the future growth area; and (ii) the retention and enhancement of foraging and on-site roosting opportunities.</u>
RAM82	5.3.2.1	<p>Amend 5th and 6th sentences as follows: ...sensitive <u>locations including drawing back development from the AONB in the most sensitive areas.</u> All development will be expected to conserve and enhance the undeveloped coast area (<u>Policy C2</u>) and maintain or enhance a coastal margin. This should include provide provision for its long term management (as existing text to the end of the Paragraph).</p> <p>Add a new paragraph or text after 5.3.2.1: <u>"The Recreational Impacts on Berry Head - additional HRA work for the Torbay Local Plan by Footprint Ecology (2014), has confirmed that the level of growth proposed by the Local Plan would increase the recreational pressure on the Berry Head component of South Hams SAC. The evidence has also recommended a number of mitigation measures. These measures need to be implemented to ensure the integrity of the SAC is not compromised as a result of increases in recreational pressure, as follows.</u></p> <ul style="list-style-type: none"> (i) <u>habitat management required to increase the resilience of the site over and above that already required to maintain the interest features of the site;</u> (ii) <u>increased visitor engagement work;</u>
RAM83	5.3.2.2	Add new text at end of paragraph: ... <u>including flight paths of greater horseshoe bats. Consideration should be given to the long term integrity of habitats, flight paths and foraging areas, taking into account climate change management (see Policies NC1 and C3).</u>
RAM84	Table 5.17	Amend text as follows:... <u>village envelope, or built up area of Brixham</u>
RAM85	Table 5.18	<p>Delete Wall Park Future Growth Area (site has planning permission).</p> <p>Note: Wall Park Future growth Area should be brownfield development only (see SA/HRA recommendations) unless there are significant benefits from development of a larger area.</p> <p>Note that housing numbers in SDB3/ Table 5.18 have been amended as part of the Replacement Main Modifications (including a Policies Map change).</p>

RAM86	6.1.1.1	Add after second sentence: <u>It will also support the role of towns providing a range of other activities such as theatres, galleries etc.</u>
RAM87	6.1.1.2	Insert text in first line: Tourist, <u>cultural</u> and leisure retail provision
RAM88	6.1.1.3	Add to end of paragraph: <u>All town centres contain historic elements, and Policy TC1, in conjunction with the area policies (SDT, SDP, SDT) and Policy HE1 seek to make use of the historic environment to add value to the economy.</u>
RAM89	TC2	Retail Hierarchy table- add to Local Centres in the Paignton Area: <u>18.Great Parks (when completed) and 19. White Rock (when completed)</u>
RAM90	6.1.1.4	Add to end of paragraph: <u>There are retail and Tourism Business Improvement Districts (BIDs) for each of the three towns centres as well for the Babbacombe Bay area. These are business led schemes to improve and regenerate commercial areas by promoting additional services or new initiatives.</u>
RAM91A Former RMM13	TC3	Amend last line of TC3 (D1) to reduce comparison retail impact test threshold trigger from 1000 sq m to 500 sq m as follows: Proposals for A1 retail comparison goods and town centre uses over 4,000 500 sq m gross and A1 convenience retail uses over 500 sq m gross must provide a retail impact assessment. For Information: RAM91A is the former RMM13. Paragraph 71 of the Inspector's Report indicates that this is a relatively minor alteration to the Plan which does not need to be considered as a Main Modification. The previous RAM91, which relates to the same matter now becomes RAM91B
RAM91B	6.1.1.11	Add to end of paragraph: <u>The Torbay Retail Study Update (GVA 2013) recommends that out of centre proposals of more than 500sq m of convenience or comparison retail floorspace should be accompanied by a retail impact assessment (see paragraph 6.31 and 6.32)</u>
RAM92	6.1.1.20	After family friendly appeal in line 4 add: <u>For example the Plan supports the provision and enhancement of cultural facilities such as theatres, art galleries etc.</u>
RAM93	TO1	Replace green tourism with <u>sustainable tourism</u> in last line of first paragraph. Revise the last sentence of last paragraph as follows: Development <u>within the Brixham Peninsula (SDB1)</u> should have regard to Policy NC1 concerning the need for developer contributions to mitigate the impact of <u>increased</u> recreational pressure on the South Hams SAC.
RAM94	6.1.2.3	Seventh line add: <u>"high quality year round new facilities..."</u>

RAM95	6.1.2.5	Add to end of paragraph: <u>In particular proposals for new 4 or 5 star hotels would be supported in order to meet a growing demand for high class accommodation.</u>
RAM96	6.1.2.6	Amend 4 th sentence as follows: It should not be inferred that all areas within CTIAs are either suitable or proposed for development. For example they contain Babbacombe Downs, and the lakes at Clennon Valley, <u>and the coast near to Berry Head</u> , where a significant emphasis will be on conservation of the environment,..."
RAM97	TO3	Amend first paragraph: ...consistent with wider environmental, historic environment , landscape, biodiversity, ecology, amenity and defence objectives. Sites of importance to marine based activities will be protected for such use, subject to other policies in the Plan. Amend paragraph 2 to read: The following schemes are proposed will be investigated
RAM98	6.1.2.26	Add text to end of paragraph: <u>Accordingly, sites that are of importance to the marine economy will be safeguarded for such use (see also Policy C2 below).</u>
RAM99	6.1.2.27	Line 3, amend to: including the seabed, <u>reefs and sea caves.</u> Amend second sentence to: Where harm <u>to a protected species of European significance (e.g. Lyme Bay and Torbay Marine cSAC)</u> cannot be avoided; and the public benefit it generates overrides the ecological benefit- <u>compensatory measures can only be allowed as a last resort, where the Secretary of State is able to confirm that the objectives of the development cannot be met in other ways, and that the proposal is of overriding public interest.</u> However compensation is only a last resort, particularly for sites of European significance (e.g. Lyme Bay and Torbay Marine cSAC. In such instances <u>In order to demonstrate this, a determination of Imperative Reasons of Overriding Public Interest (IROPI) will be required for the Secretary of State¹. Advice on such matter may be obtained by the Marine Management Organisation (MMO)</u> Add footnote 1: See Sections 61-62 of the Conservation of Habitats and Species Regulations 2010
RAM100	6.1.2.28	Add at start of paragraph: <u>Projects are promoted subject to their acceptability in terms of environmental impact from physical impacts, contamination, and nontoxic changes (e.g. to salinity, turbulence nutrients, organic matter etc), as well as minimizing the impacts on main wildlife e.g. through piling, noise or other disturbance. Under the Conservation of Habitats and Species Regulations 2010 (as amended), a licence will be required to carry out works affecting marine mammals or their habitats.</u>
RAM101	6.1.2.29	Add to end of paragraph: <u>Torbay has an important maritime history and all three harbours are within conservation areas. Policy HE1 is relevant when considering historic assets.</u>
RAM102	TA2	Amend TA2.3: Contain high quality provision for non-car sustainable modes of transport Amend paragraph 3 last line:...where there is an unacceptable impact on road safety and or severe impact (including cumulative effects) on the function and operational safety of the Networks.

RAM103	TA3	Amend first line: The Council will require appropriate provision of car, commercial vehicle and cycle parking spaces....
RAM104	C1	<p>Paragraph 3 add to bullet point 1: New homes for which there is a proven agricultural need or self build affordable housing where acceptable under Policy H3</p> <p>Amend last paragraph, from fifth line, as follows:....Development in the countryside should not have adverse effect on the integrity of the South Hams SAC or other important habitats. It should also have regard to Policy NC1 to assess the 'in combination' effects of multiple developments that could affect greater horseshoe bats and the integrity of the South Hams SAC concerning the need and the scope for developer contributions to mitigate the impact of increased recreational pressure on the South Hams SAC. The Countryside Area is shown on the Policies Map.</p> <p>Note: Policies Map changes to extent of Policy C1 at Wall Park and Sharkham Village, Brixham (RMMs 12 and 14 refer).</p>
RAM105	6.3.1.2	Add to second bullet: <u>and maintain important green wedges.</u>
RAM106	6.3.1.4	Add to line 1: Areas of undeveloped countryside, <u>country parks</u> and green space are important...
RAM107	6.3.1.6	Add after "appropriate" in penultimate line: <u>and reflected in the choice of lighting solutions to minimise the impact of light pollution, particularly on greater horseshoe bats (see Policy SS8) and other wildlife. In this context Within these parameters...</u>
RAM108	6.3.1.8	<p>Add to line 3: <u>great visual and historic importance.</u></p> <p>Add text to end of paragraph:</p> <p><u>Proposals for development will be considered in the context of the Torbay Landscape Character Assessment. This identifies areas of distinctive character and key characteristics to protect, conserve or enhance to help maintain those features which contribute to that distinctive character. It also describes the sensitivity of the landscape to change and potential mitigation and management strategies. The related Brixham Urban Fringe Study uses the LCA as the basis for a more detailed analysis of landscape compartments in the South Devon AONB surrounding Brixham, providing recommendations for conserving, maintaining and enhancing the integrity of the various designations.</u></p>
RAM109	C2	<p>Add to line 2: seek to enhance its distinctive landscape, seascape, biodiversity geological, recreational and cultural value</p> <p>Note: Policies Map change to include northern strip of land at Broadsands within C2. (see Annex 1)</p>
RAM110	6.3.1.15	Add after boat repairing in second sentence: <u>(see also Policy TO3 above)</u>
RAM111	C3.3	<p>Point 1, add: marine ecology and the integrity of sites protected under European Legislation...</p> <p>Point 3. ...significant further coastal protection and sea defence works in undeveloped or developed coastal locations or inhibit the ability to access, maintain and/or improve existing sea defence or coastal management assets.</p>

RAM112	6.3.1.21	<p>Add to last bullet point: Sea defence, flood risk and erosion, <u>including the safeguarding of development and habitats, including corridors.</u></p> <p>Add new text after last bullet point: <u>Some marine works will require an Environmental Impact assessment, as covered in Policy T3. Early engagement with the Marine Management Organisation (MMO) and Natural England is advised.</u></p>
RAM113	C4	<p>Add in paragraph 1, line 3:...landscape, historic or nature conservation...</p> <p>Add to end of second paragraph: <u>Development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.</u></p>
RAM114	6.3.1.22	Amend first line: Woodlands, trees and hedgerows can form important landscape features as well...
RAM114 A	6.3.1.23	Amend the final paragraph of 6.3.1.23: “...there may be other areas of woodland worthy of designation, <u>expansion</u> and protection”
RAM115	6.3.1.24	Add at end of paragraph: <u>Established hedges have substantially more historic and environmental value than new hedges, which take time to mature and do not reflect historic enclosure patterns. Therefore existing hedges etc should be retained wherever possible. This is particularly important where they form part of the greater horseshoe bat corridors identified in Policy SS8. Maintenance of hedgerows may be essential to maintain the integrity of the South Hams SAC and must be considered at an early stage of the planning process, in accordance with Policies SS8 “Natural environment” and NC1 “Biodiversity and geodiversity”.</u>
RAM116	6.3.1.25	Add at end of paragraph: <u>Whilst orchards are often not protected by TPOs, and permission is not needed to prune trees grown for the production of fruit, orchards can nevertheless serve a valuable green infrastructure and local heritage role as well as being an excellent form of sustainable food production. Traditional orchards are a priority habitat under Section 41 of the Natural England and Rural Communities Act 2006. The Authority has a duty to conserve and enhance priority habitats when undertaking their functions. On this basis, proposals affecting orchards will be considered on the basis of Policies SS9, C4 and SC4.</u>
RAM117	6.3.1.32	Delete last sentence and replace with: <u>This is considered to be compatible with the ULPA designation in principle. However, it is possible that a new railway halt may have some impact on part of the ULPA. In the event of any conflict, the operational and safety needs of network rail will need to be given appropriate weight. The Council will seek to minimise any impact on the ULPA, whilst recognising that Network Rail’s operational and safety standards must be met.</u>
RAM118	C5	ULPA numbers 51-57 are renumbered as a result of printing error (No change to sites designated or Policy wording).

RAM119	Policy NC1	<p>Amend Policy NC1 Biodiversity and geodiversity as follows:</p> <p><u>Development in all areas</u></p> <p>The Local Plan seeks to conserve and enhance Torbay's biodiversity and geodiversity, through the protection and improvement of the terrestrial and marine environments and fauna and flora, commensurate to their importance. The promotion, improvement and appropriate management of Torbay's special environmental and geological qualities, and corridors between them, will be supported and will be a key element in promoting sustainable tourism and fostering pride in the area's unique environment.</p> <p>Development should not result in the loss or deterioration of irreplaceable habitats or wildlife corridors. Where development in sensitive locations cannot be located elsewhere, the biodiversity and geodiversity of areas will be conserved and enhanced through planning conditions or obligations. Development proposals should minimise fragmentation, and maximise opportunities for the restoration and enhancement of natural habitats, including trees and ancient woodlands. The integrity of wildlife corridors and important features shown in the Torbay Green Infrastructure Delivery Plan should be preserved conserved and enhanced.</p> <p>All developments should positively incorporate and promote biodiversity features, proportionate to their scale. Where there is an identified residual impact on biodiversity, proposals will be expected to deliver a net gain in biodiversity through the creation or provision and management of new or existing habitats, in accordance with the Torbay Biodiversity and Geodiversity Action Plan and the Torbay Green Infrastructure Delivery Plan. If avoidance and mitigation are not sufficient, residual impacts must be off-set in a manner deemed acceptable by the Council.</p> <p><u>Internationally important sites and species</u></p> <p>Internationally or nationally important sites and species will be protected. <u>Avoidance of likely significant effects should be the first option.</u> Development likely to affect an international site will be subject to assessment under the Habitat Regulations and will not be permitted unless adverse effects can be fully mitigated.</p> <p><u>In addition, development likely to have a significant effect on the integrity of the South Hams SAC will be required to provide biodiversity conservation measures that contribute to the overall enhancement of greater horseshoe bat habitats.</u></p> <p><u>Development around the edge of the built up area that is within the Berry Head SAC Sustenance Zone or likely to affect strategic flyways of greater horseshoe bats will as appropriate be required protect existing hedgerows (including remnant hedges and veteran trees) that surveys show are being used as bat flyways. Such development will also enhance the existing flyways by providing features, such as linear corridors of hedgerows, to maintain and improve the ecological coherence of the landscape necessary to maintain the Torbay population of greater horseshoe bats in 'favourable conservation status'. This will include maintaining lighting levels at 0.5 lux.</u></p> <p>Developer contributions will be sought from <u>development within the Brixham Peninsula (i.e. SDB1 Policy Area) towards</u></p>
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		<p>measures needed to manage increased recreational pressure on the South Hams SAC resulting from increased housing numbers or <u>visitor pressure</u>.</p> <p><u>Nationally important sites and species</u></p> <p><u>Development on or likely to have an adverse effect on sites of national importance, such as Sites of Special Scientific Interest, will not normally be permitted. Such proposals will only be permitted in exceptional circumstances where the following can be met:</u></p> <ul style="list-style-type: none"> <u>i) The benefits from development clearly outweigh the impacts on the site, and broader impacts on the national network of SSSIs or other nature conservation interests; and</u> <u>ii) Nature conservation impacts can be fully mitigated/compensated.</u> <p><u>Consideration should be had of the cumulative impacts of developments.</u> Development likely to <u>cause</u> harm to such sites or species <u>that cannot be mitigated as above</u> will therefore only be permitted where there is an overriding public interest considered to outweigh the impact(s) on nature conservation, where a thorough assessment of impacts (both individually and in combination with other developments) has been undertaken, and where consideration has been given to reasonable alternative sites for development.</p> <p><u>Development that risks harm to cirl bunting habitats and territories will only be permitted where the benefits of development clearly outweigh the impacts, including in combination effects, and the impacts can be mitigated in full. Developers will be expected to provide mitigation on site, where practicable.</u></p> <p>In the circumstances where development is acceptable, schemes should minimise damage to nature conservation interests and provide appropriate mitigation, compensation and/or enhancement to achieve a net gain for biodiversity. If significant harm cannot be avoided, planning permission will be refused.</p> <p><u>Locally Important sites and species</u></p> <p>Development on locally important sites will only be permitted where there are no reasonable alternative sites, where the reasons for development clearly outweigh damage to nature conservation interests, where every effort has been made to minimise any such damage, and where appropriate mitigation and compensation measures can be put in place.</p> <p>Minor Policies Map boundary changes to County Wildlife Sites at Daddyhole Plain, Torquay, and Clennon Woods, Paignton (see Annex 1). New Regionally Important Geological Site (RIGS) at Hollicombe Head-Corbyn's Head, Torquay (see Appendix E).</p>
RAM120	6.3.2.1	<p>Add to start of paragraph:</p> <p><u>The NPPF requires local plans to identify and map sites of international, national and local importance; and to avoid harm where possible, followed by mitigation of impacts, and then compensation for harm as a last resort. Where harm involves protected species of European significance, it must be noted that compensation can only be considered where it can be</u></p>

		<u>shown that the development proposal is in the national interest.</u>
RAM121	6.3.2.2	<p>The habitats of the SAC are susceptible to degradation through scrub invasion, erosion by walkers and eutrophication through dog fouling. <u>The Council/TCCT have an existing responsibility to manage land in its ownership under the 2006 Natural Environment and Rural Communities Act</u> The Berry Head Conservation Management Plan 2007–2017 recognises that declines in calcareous grassland appear to indicate that current visitor numbers are in excess of the carrying capacity. The increase in housing numbers, and therefore residents, identified within this plan has the potential to increase recreational pressure on the SAC. Developer contributions to fund the mitigation measures needed to manage the increased recreational pressure on the SAC resulting from increased housing numbers will be sought.</p> <p><u>A report by Footprint Ecology (2014) “Recreational Impacts on Berry Head – Additional HRA Work for the Torbay Local Plan” identified that there is evidence to suggest that additional impacts on the Berry Head to Sharkham Point component of the SAC, arising from the level of growth proposed by the Local Plan, are a realistic possibility. The data available suggests that there is a zone of influence of approximately 5km driving distance (roughly equal to Policy area SDB1, Brixham Peninsula). The report concluded that the possibility of significant effects cannot be ruled out and mitigation measures will be necessary. The potential mitigation measures identified include:</u></p> <ul style="list-style-type: none"> <u>(i) habitat management required to increase the resilience of the site over and above that already required to maintain the interest features of the site; and</u> <u>(ii) increased visitor engagement work.</u> <p><u>Further work will be undertaken by the Council, and associated stakeholders, to further develop and provide estimated costs for the potential mitigation measures identified by the Footprint Ecology report to mitigate increased recreational pressure on the South Hams SAC within the SDB1 policy area. The Council will produce a Supplementary Planning Document to set out the evidence base, proposed zone of influence, mitigation costs and approach for securing developer contributions.</u></p> <p><u>Pursuant to this, each development proposal within the Brixham Peninsula (i.e SDB1) will be assessed, at a level proportionate to the scale and nature of the proposal, to determine whether there is potential to cause additional recreational impact. Where potential impacts are identified, appropriate mitigation, will be required to ensure that there will be no advisers impact on the South Hams SAC. Mitigation is likely to include habitat management and visitor engagement work.</u></p>
RAM122	6.3.2.3	<p>Add after Line 8: <u>Land required for compensatory measures for European sites will be given the same protection as the sites themselves. In relation to greater horseshoe bats, Policy SS8 is consistent with Regulation 39 of the Habitat and Species Regulations (2010) and with Natural England’s High Level Conservation Objectives for the South Hams SAC. It aims to maintain the GHB population at favourable conservation status (which is a requirement of the South Hams SAC conservation objectives), and favourable conservation status is defined in the Habitats Directive. The criteria in paragraph 3 of Policy NC1 are intended to address and mitigate the in-combination effects of development. Natural England has produced the South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance and Map. This guidance should be followed where a proposed development is located within a greater horseshoe bat sustenance zone or strategic flyway as identified within the</u></p>

		<p>Guidance. <u>This includes the requirement for full bat surveys to be carried out between April and October.</u></p> <p><u>Replacement Additional</u> guidance has now been prepared by Kestrel Wildlife Ltd, entitled 'Strategic Mitigation Strategy for the South Hams Greater Horseshoe Bat SAC', on behalf of the five South Hams SAC local planning authorities. Certain developments (such as building mounted wind turbines) which normally proceed as permitted development may require the LPA and English Nature to ascertain if the integrity of the SAC may be adversely affected.</p> <p><u>Further additional evidence for the Local Plan has been prepared by Kestrel Wildlife Limited, specifically to advise on the implementation of the Local Plan HRA Site Appraisal Report. This provides guidance on likely favourable buffers, and account should be had to this guidance in the implementation of Policy NC1, in particular the need to ensure the following:</u></p> <ul style="list-style-type: none"> • <u>The maintenance of GHB habitat connectivity across the landscape;</u> • <u>The provision of adequate foraging habitat;</u> • <u>The provision, where appropriate, of adequate permeability through built development following existing and new flight paths; and</u> • <u>The provision of new bespoke roosts where they will provide 'stepping stones' across the landscape.</u> <p><u>The Council and its partner agencies such as the Torbay Coast and Countryside Trust will monitor and review likely in combination effects of multiple developments, to ensure that the favourable conservation status of greater horseshoe bats and the integrity of habitats are not harmed, particularly in relation to the South Hams SAC. Where appropriate, developer Obligations or CIL, and other design solutions will be secured towards the management and mitigating of these effects.</u></p>
RAM123	6.3.2.4	<p>Add second sentence: Lines of vegetation, such as hedgerows, help bats navigate the landscape and should be protected. Negative light impacts should also be avoided. <u>As noted above, the Local Plan seeks to maintain and enhance a bat friendly corridor around the rural edge to link roosts and foraging areas within the South Hams SAC.</u></p>
RAM124	6.3.2.5	<p>Insert new sentence after existing third sentence:</p> <p><u>However targeted protection and management has achieved increases in the numbers of cirr buntings. Guidance on cirr buntings has been produced by Devon County Council in collaboration with RSPB (November 2014). Development should safeguard cirr bunting habitats, either directly or by contributing to offsetting by provision of receptor habitats. Torbay also has populations.....</u></p> <p>Add new paragraph at end of 6.3.2.5: <u>The Torbay Biodiversity Action Plan 2006-2016, "The Nature of Torbay" sets out key objectives and actions for protecting and enhancing priority habitats and species. Regard should be had to these when considering biodiversity offsetting. Supplementary Planning Guidance will be produced to set out how biodiversity offsetting will operate, and where appropriate how planning contributions towards biodiversity will be used.</u></p>
RAM125	6.3.2.7	<p>Add to end of paragraph:</p>

		<u>The Local Plan requires development to minimise the impact on sewer outfalls, particularly at Hopes Nose, Torquay. In particular the provision of sustainable urban drainage and water sensitive urban design is promoted by Policies ER1 Flood risk, ER2 Water management and W5 Waste water disposal.</u>
RAM126	6.3.2.10	Add to end of paragraph: <u>The Council supports the RSPB's aspiration for an average provision of 1 new bird or bat box per new dwelling. Supplementary guidance will be produced on maximizing opportunities for wildlife features in design and landscaping.</u>
		N.B. Former HE1 moved to SS8.1 See RAM38.
RAM127	6.3.3.17	Add text at start of 6.3.3.17: <u>Torbay has 864 listed buildings, so it is likely that a significant number of proposals will arise in the Plan period affecting them. Many are also within conservation areas. Guidance on these and other matters such as Historic Parks and Gardens is set out in Policy HE1 (moved to SS(new number)).</u>
RAM128	6.4.1.1	<u>After documents in line 3 add: Policy SS11 and SS12 set out that where there is a danger of a shortfall in provision, additional sites will be brought forward through site allocation development plan documents.</u>
RAM129	H2	Amend Policy H2 to reflect change to National Planning Practice Guidance: The provision of affordable housing will be sought on greenfield sites of 3 11 dwellings or more, <u>unless they are within the AONB or are rural exceptions sites, when a 6 dwelling threshold will apply. Affordable housing will be sought on</u> brownfield sites of 15 dwellings or more, to meet the housing needs of local people. Affordable housing will be sought on the following sliding scale, up to thirty percent (30%) of dwellings on qualifying sites: Development of Brownfield sites – unchanged Development on Greenfield sites: 3-5 dwellings: delete 40% usually through commuted payment and replace with <u>Zero</u> 6- 40 10 dwellings: delete 45% usually through commuted payment and replace with: <u>Zero unless site is within the AONB or a rural exceptions site, then 15% through commuted payment on sites of 6-10 dwellings. This will be payable on the completion of units within the development.</u> 11-14 dwellings/ 20% /Usually through on site provision. Commuted payments will only be accepted where this would achieve more effective provision of affordable housing, or bring significant regeneration benefits.
RAM130	6.4.1.7	Amend paragraph as follows: Torbay has relatively few large sites that can be developed and a large proportion of its housing supply has historically arisen from small sites. Accordingly, the Council will seek an element of affordable housing on <u>greenfield sites of 3-11 or more dwellings, unless they are within the AONB or approved as a rural exception site, when a 6 dwelling threshold will apply.</u> For brownfield sites of a 15 dwellings threshold will apply.

RAM131	6.4.1.9	Add after first sentence: <u>Developments should be “tenure neutral” as far as practicable, so that affordable housing is not distinguishable from market housing by layout, design or materials.</u>
RAM132	6.4.1.15	Add to end of paragraph: <u>In considering viability matters, regard will be had to best practice, particularly as set out in National Planning Practice Guidance (NPPG)</u>
RAM133	H3	(iii)The scale of provision, is limited to meeting the identified local need; <u>and</u>
RAM134	6.4.1.19	Add new paragraph after 6.4.1.19 referring to evidence of demand for self build housing: <u>In line with NPPF requirements, Torbay Council has made attempts to assess the demand for self-build housing within Torbay. An assessment from the Buildstore, the UK’s leading supplier to the self build market, indicated a ‘reasonable interest’ in self build within the Torbay area with significant numbers of their customers searching for self-build plots within a 25 mile radius of Torbay and also a significant number of members currently living within the Torbay area. In the first half of 2013 there were 121 active searches for self build opportunities within a 25 mile radius of Torbay. In addition, the Council has had discussions with a Community Interest Company called the Land Society, based in Torbay, who have carried out work to assess the demand for community self build housing in the area. Due to sufficient demand (e.g. 36 willing households are on the database for Brixham alone,) they are currently investigating the potential for schemes both within and outside Torbay.</u>
RAM135	6.4.1.24	At end of paragraph, add: <u>This will address matters such as how long plots need to be marketed before they may “cascade” as other forms of housing – 12 months will be used as a starting point. In addition, where self build plots are secured on rural exceptions sites or as affordable housing, planning conditions will be used to restrict occupancy to people with a local connection. The operation of this will also be addressed in further guidance.</u>
RAM136	H4	Reinstate missing text after first line of Policy: The conversion of HMOs to self-contained dwellings will be encouraged and supported. <u>Applications for new buildings or sub-division of existing buildings into non-self-contained residential accommodation (HMOs) will only be permitted where the following criteria are met:</u>
RAM137	6.4.1.31	Add to end of penultimate line: ...meet the tests of Policy H4 <u>(See also SS10)</u>
RAM138	H6	Amend point 1 as follows: All new dwellings should be capable of adaptation for disabled people, where practical. Housing developments of 50+ dwellings should provide a minimum of 5% new homes to meet Building Regulations Approved Document Part M4(2) <u>(accessible and adaptable dwellings) lifetime sustainable homes standards</u> . Disabled adaptations or annexes for relatives will be supported unless they significantly and demonstrably conflict with other Local Plan policies.

	6.4.1.43	<p>Amend paragraph as follows: Torbay Council's <u>Supporting People</u> and the <u>Torbay and South Devon Healthcare NHS Foundation Trust's</u> policy is to help people to live in their own homes for as long as possible. This is considered to be better for welfare and is cheaper than residential care. It is estimated that the Supporting People programme saves £270,000 a year in reducing the cost of residential care for the elderly. The policy of helping people to live in their own homes is likely to lead to a reduced overall local need for care homes. <u>However, the direct replacement and substitution of existing care homes which are not fit for purpose, to offer new facilities in Torbay with new models of care, in keeping with the aspirations of an Integrated Care Organisation, will be supported. Regard should be had to the design policies in the Local Plan in relation to the sympathetic conversion of such buildings (existing care homes), particularly the removal or improvement of unsightly features and additions.</u></p>
RAM139	DE1	<p>Add to end of first paragraph: ...and the settlement pattern of the three towns, <u>whilst designing out opportunities for crime and disorder</u></p> <p>DESIGN CONSIDERATIONS FOR DEVELOPMENT: FUNCTION</p> <p>Add to end of criterion 4: <u>Design should also minimise opportunities for community conflict, anti-social behaviour and maximise safety for all.</u></p> <p>Add to the end of criterion 7: Integration of the development and surrounding green infrastructure, <u>including sustainable drainage and water sensitive urban design.</u></p> <p>Add to end of criterion 8: Achieve a net gain in biodiversity <u>including tree and hedgerow planting and habitat creation; and</u></p> <p>Add new criterion 10: <u>Promote tenure neutral design, materials and location of affordable housing.</u></p> <p>DESIGN CONSIDERATIONS FOR DEVELOPMENT: QUALITY OF OPEN SPACE</p> <p>Add new criterion 10: <u>Provide opportunities for active lifestyles including walking and cycling ("Active Design").</u></p>
RAM140	6.4.2.4	<p>Add new text to end of paragraph: <u>Section 17 of the Crime and Disorder Act makes a legal duty for planning to consider crime prevention. Consideration should be given in the location, design, and management of development to preventing crime, disorder, community conflict and antisocial behavior. Such matters should be addressed in design and access statements. The Council will work with the Police Architectural Liaison Officer (ALO) to minimise crime, disorder antisocial behaviour and conflict. Design should seek to promote healthy and active lifestyles. Guidance and a developer checklist on "Active Design" are available from Sport England.</u></p>

RAM141	6.4.2.5	Add new text at end of first sentence as follows: To ensure that development proposals meet the requirements of this Policy, a Design and Access Statement should accompany planning applications <u>proportionate to the scale of the proposal</u> .																		
RAM142	Policy DE3	Amend criterion 7: Provision for useable amenity space, including gardens and outdoor amenity areas;																		
RAM143	6.4.2.10	Amend paragraph as follows: New dwellings should be self-contained as far as possible and of a reasonable size. All new homes, whether created by sub-division, redevelopment or new build should therefore provide a good standard of accommodation, having regard to safety, space, amenity, parking and design. The NPPF indicates that local authorities can set their own design codes where they could deliver high quality outcomes, so long as these do not impose specific architectural styles or stifle innovation. Regard will be had to the following minimum internal space standards, when considering applications: <u>Regard will be had to the Government's Nationally Described Space Standard when considering applications:</u>																		
RAM144	Table 6.1	<p>Replace existing table with new table as set out below:</p> <table border="1"> <thead> <tr> <th colspan="2">Table 6.1 Dwelling Size and Floorspace Standards N.B These standards will need to be amended in line with proposed mandatory housing space standard when formalised.</th> </tr> <tr> <th>Dwelling size</th> <th>Minimum internal floorspace standard</th> </tr> </thead> <tbody> <tr> <td>1 bed space shared housing</td> <td>30 to 35 sq m</td> </tr> <tr> <td>2 bed space shared housing</td> <td>45 to 50 sq m</td> </tr> <tr> <td>1 bedroom apartment</td> <td>51 sq m</td> </tr> <tr> <td>2 bedroom apartment</td> <td>66 sq m</td> </tr> <tr> <td>2 bedroom house</td> <td>77 sq m</td> </tr> <tr> <td>3 bedroom house</td> <td>93 sq m</td> </tr> <tr> <td>4+ bedroom house</td> <td>106 sq m</td> </tr> </tbody> </table>	Table 6.1 Dwelling Size and Floorspace Standards N.B These standards will need to be amended in line with proposed mandatory housing space standard when formalised.		Dwelling size	Minimum internal floorspace standard	1 bed space shared housing	30 to 35 sq m	2 bed space shared housing	45 to 50 sq m	1 bedroom apartment	51 sq m	2 bedroom apartment	66 sq m	2 bedroom house	77 sq m	3 bedroom house	93 sq m	4+ bedroom house	106 sq m
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Based on a combination of English Partnership's "Places Homes People" Policy Guidance (2007)/Parker Morris+10% Standards and The National Affordable Housing Programme's Housing Quality Indicators Form (updated 2008)

Table 6.1 Dwelling Space Standards.

This table reflects the Nationally Described Space Standard.

Number of bedrooms	Number of bed spaces	Minimum GIA (square metres)			Built in storage (sq metres)
		1 storey dwelling	2 storey dwelling	3 storey dwelling	
1b	1p	39 (37*)			1
	2p	50	58		1.5
2b	3p	61	70		2
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4
	8p	125	132	138	

		<p>*Where a studio has a shower room instead of a bathroom, the floor area may be reduced from 39 sq metres to 37 sq metres, as shown bracketed.</p> <p>The Gross Internal Area of a dwelling is defined as the total floorspace measured between the internal faces of perimeter walls that enclose a dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. GIA should be measured and denoted in square metres.</p>	
RAM145	6.4.2.19	Add at end of paragraph: <u>However, in some instances landscape or ecology considerations may dictate lower densities.</u>	
RMM146	DE5	Add new criterion 6. <u>No net additional surface water should drain into shared sewers (See Policies ER1 and ER2).</u>	
RAM147	6.4.2.30	Amend paragraph as follows: Cumulative increases in water run-off should be minimised as far as possible, for example by draining storm water into soakaways. and the use of porous surfaces, water butts etc. <u>The impact of “urban creep” (i.e. building over gardens etc) is identified by “An Assessment of Future Sewer Capacity in Torbay” (AECOM 2014) as having a greater impact on sewer capacity than the effect of new greenfield development. Accordingly measures to minimise surface water running into shared sewers will be sought. This could include permeable surfaces, increased planting, water butts, as well as promoting water efficiency measures in the home. See also Policy ER2 Water management.</u>	
RAM148	6.4.3.5	Add at end of paragraph: <u>Guidance on active design is available from Sport England.</u>	
RAM149	6.4.3.7	Add to end of paragraph: <u>Additional advice on Health Impact Assessments and the relationship between planning and health will be prepared by the Planning and Public Health Teams in the form of a Supplementary Planning Document.</u>	
RAM150	SC2	Amend criteria in last paragraph of Policy SC2 : There will be a presumption against loss of existing recreational and leisure facilities, unless: (i) There is clear evidence that they are surplus to requirements, and alternative recreational / leisure uses have been sought as replacement or improved facilities in lieu of existing provision which are able to address any new deficiencies that arise, and (ii) A compelling case is made for wider social and economic benefits arising from such a proposal. <u>i) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to</u>	

		<u>requirements; or ii) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or iii) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.</u>
RAM151	6.4.3.10	Update and amend last line: The Council is in the process of refreshing this evidence base with the development of a new Sports Facilities Strategy and Playing Pitch Strategy, which is due to be completed in early 2014 <u>2015</u> with a rolling programme of implementation
RAM152	6.4.3.17	Amend paragraph/last bullet point as follows: Detailed proposals need to be developed in partnership with Children's Services, schools, <u>South Devon College</u> , local communities and developers through masterplanning of Strategic Delivery Areas. Indicative projects include: <ul style="list-style-type: none"> the provision of studio schools, for 14–19 year olds, to provide specialist skills / education, <u>for example South Devon College High School.</u>
RAM153	6.4.3.21	Add at end of paragraph: <u>For example developers will be encouraged to use employment and skills plans to better establish links between education and employment.</u>
RAM154	6.4.3.25	At end of paragraph add: <u>Whilst orchards may also be covered by Policy C4 above, they are an excellent form of sustainable, local and healthy food production. The enhancement of orchards will be supported, particularly where this would strengthen the growing of local varieties of fruits.</u>
RAM155	6.5.1.6.	Add to end of paragraph: <u>Note that these standards are voluntary but could provide an effective design methodology to support the ability of new development to meet Building Regulations and Local Plan/NPPF policy requirements. The Government is also committed to introducing a range of 'Allowable Solutions' to allow off-site carbon abatement, where necessary, as part of implementing the Zero Carbon standard during 2016.</u>
RAM156	ER1	Amend paragraph 2 from line 3 as follows: ...Where development is necessary in areas at risk of flooding it should be laid out and designed to ensure buildings and their surroundings are appropriately resistant and resilient to all forms of flooding, would be safe and would not increase the risk of flooding to third parties. Mitigation measures such as Sustainable Drainage Systems (SuDS), Water Sensitive Urban Design (WSUD) and water storage areas will be required to restrict site discharge rates, alleviate downstream flood risk, prevent increased discharge from Ilsham Combined Sewer Outfall (CSO) during flood events and encourage biodiversity.

		<p><u>Proposals should have regard to the Council’s Local Flood Risk Strategy and comply with the requirements of any subsequent Action Plan. In this context, the Council will produce a Supplementary Planning Document setting out detailed guidance on the use and application of WSUDS and SUDS.</u></p> <p><u>Development that contributes directly to downstream flooding and increased discharge from Ilsham CSO during flood events will not be permitted until the appropriate flood protection measures referred to above are put in place. Development which is unable to provide surface water management measures (where not feasible on-site) will not be permitted until the appropriate measures are provided, either upstream or downstream depending on specific local drainage conditions. Developers will be required to contribute to these works as appropriate (see also Policy SS7 “Infrastructure, phasing and delivery of development”)</u></p> <p>SuDS should seek to maximise benefits for amenity, water quality, recreation and biodiversity and take account of the vulnerability and importance of existing ecological resources. A financial contribution may also be requested for capital improvement works to the existing drainage infrastructure.</p> <p>Amend paragraph 3 as follows:</p> <p>A Flood Risk Assessment (FRA) will be required for proposals with a site area of 1 hectare or greater within Flood Zone 1, including where they impact on catchments draining into Flood Zones 2 and 3, and for all new development within Flood Zones 2 and 3. <u>A flood risk assessment will also be required for development close to sea fronts within Flood Zone 1 where there may be a risk of flooding due to wave action.</u> Development of basement accommodation, <u>including changes of use or basement</u> parking will not be permitted where there is danger of inundation and consequent risk to life.</p> <p>...(remainder of Policy as per Proposed Submission Plan)</p>
RAM157	6.5.2.3	<p>Amend paragraph from line 3: More detailed information can be found in the Strategic Flood Risk Assessment (SFRA) <u>and emerging Torbay Local Flood Risk Management Strategy</u>. Most of the coastal...(text unchanged until end of paragraph).</p> <p>Add at end of paragraph: <u>It is important to note that coastal frontages may be at risk of flooding from wave action, event where they are mapped as Flood Zone 1. This must be recognized in planning for such areas.</u></p> <p>Insert new paragraph after 6.5.2.3:</p> <p><u>The Council’s approved Draft Local Flood Risk Management Strategy explains the key flood risks in Torbay, the measures that have already been taken to minimise these risks, and the measures and actions that will need to be taken in order to minimise these risks further. The ensuing Action Plan will be used to inform the medium term plan for flood defence funding in liaison with South West Water. It will allow flood risk management actions to be prioritised and for investment plans to be focused and coordinated. The first Action Plan is due to be produced in 2015.</u></p>
RAM158	6.5.2.6	<p>Amend first sentence: A sequential test should be undertaken, in accordance with the Technical Guidance to NPPF and <u>national Planning Practice Guidance</u>, to ensure...</p>

RAM159	6.5.2.12	Amend second sentence: The acceptability of such proposals will be determined with regard to the compatibility of land uses in the Technical Guidance to the National Planning Policy Framework <u>and National Planning Practice Guidance</u> , and the specific package of mitigation measures being proposed.
RAM160	6.5.2.13	Add new paragraph after last sentence: <u>The whole of Torbay is designated by the Environment Agency as a Critical Drainage Area (CDA). The catchments within Torbay are typically small, steep, and in the most part highly developed in nature. There is also a legacy of culverting (piping) of the watercourse channels which adds to the risk of flooding and as such all new development must deliver a reduction in current rainfall runoff rates. This requirement also applies to Brownfield sites that will have to match the same standards. All off site surface water discharges from new development should mimic Greenfield performance up to a maximum 1 in 10 year discharge. On site, all surface water should be safely managed in conditions up to the 1 in 100 event plus an allowance for climate change. To satisfy the above will require additional water sensitive urban design (WSUD) and water storage areas to be created within the site compared to the normal SUDS design thereby contributing to a reduction in flooding downstream. Policies ER2 Water management and W5 Waste water disposal also promote the use of SuDs and WSUD.</u>
RAM161	6.5.2.14	Add to end of paragraph: <u>Further details are set out Torbay's Flood Risk Management Strategy. A SuDS Design Guide will be prepared as supplementary planning guidance setting out how sustainable water management can be incorporated into development and retrofitted into the urban area.</u>
RAM162	6.5.2.17	Add to end of paragraph: <u>Details of the measures, proportionate to the scale and nature of the proposal, that will be used to address flood risk will be required when a planning application is submitted, Attention is drawn to paragraphs 103-104 and footnote 20 of the NPPF.</u>

RAM163	ER2	<p>Policy ER2 Water management</p> <p>2. Avoid harm to surface waters (including rivers, coastal waters), sensitive water reliant habitats and species protected under European legislation, and any adverse impacts on the quality and quantity of ground water. <u>Regard should be had to the cumulative effects of developments.</u></p> <p>4. Provide appropriate sewerage <u>sewage</u> disposal systems (both <u>with separate</u> foul and surface water disposal) and particularly through sustainable drainage measures, reduce water being discharged into sewers (<u>see also Policy W5 Waste Water Disposal below</u>).</p> <p>After Point 5, add the following new text:</p> <p><u>All development will be required to minimise the generation of increased runoff, having regard to the drainage hierarchy, whereby surface water will discharge to one of the following, listed in order of priority:</u></p> <ul style="list-style-type: none"> <u>a. an adequate infiltration system (e.g. swales, soakaways, infiltration basins, filter drains, rain gardens), or where that is not reasonably practicable;</u> <u>b. a main river or water course, or where that is not reasonably practicable;</u> <u>c. a surface water sewer or highway drain; or in the last resort where none of the above are reasonably practicable;</u> <u>d. To a combined (foul and surface water) sewer, where discharge is controlled to be at greenfield discharge rates.</u> <p><u>In Torquay, where development has not met criteria a, b, c or d listed above, it will be subject to an individual Habitats Regulation Appropriate Assessment.</u></p> <p>Development may need to be phased in accordance with the provision of adequate water-related infrastructure and a financial contribution, or works in kind, may be required in order for development to proceed. <u>This would include funding to ensure the provision of any necessary additional surface water management schemes.</u></p>
RAM164	6.5.2.18	<p>Add at end of paragraph: <u>The Council will seek to use development to bring about improvements to bathing waters and marine habitats through the design of development and off site contributions where appropriate.</u></p>
RAM165	6.5.2.20	<p>Amend last sentence: The physical <u>and chemical</u> modification of water bodies will be resisted where this harms their function or results in damage to habitats.</p>
RAM166	6.5.2.21	<p>Add to end of paragraph: <u>Further details are set out in Torbay's Local Flood Risk Management Strategy. Supplementary Planning Guidance will be prepared setting out how sustainable water management can be incorporated into development and retrofitted into the urban area. As set out above, the use of sustainable drainage systems such as swales, soakaways, tree planting, infiltration</u></p>

		<p><u>basins, filter drains, and rain gardens etc will be a first preference.</u></p> <p>Insert new paragraph:</p> <p><u>Natural England has expressed serious concerns about the effect of combined sewer overflows from Ilsham (also referred to as Hopes Nose), Torquay affecting the integrity of the marine reefs which are an important element of the Marine Candidate Special Area of Conservation (cSAC).</u></p> <p><u>In relation to Torquay, development will need to show that there is no likely significant effect (LSE) on the Marine cSAC, including the combined impact. In order to achieve this, proposals will need to show that:</u></p> <ul style="list-style-type: none"> • <u>Drainage discharges into (a) adequate infiltration systems, (b) a main river or water course, or (c) surface water sewer or highway drain (i.e. not a combined sewer) , and</u> • <u>Can demonstrate that they avoid or cancel out the risk of increased runoff, and thereby an increased risk of spills at the Ilsham CSO.</u> <p><u>However, where proposals are reliant upon discharge to the combined sewer system, posing a risk of increased spills at the Ilsham CSO, it is likely that they will contribute to a likely significant effect (LSE) on the Marine cSAC and will therefore require Appropriate Assessment, especially in order to assess their ‘in combination’ effect with other such proposals.</u></p>
RAM167	W5	<p>Policy W5 Waste water disposal</p> <p>Amend Policy as follows:</p> <p>(First Paragraph unchanged)</p> <p>Development proposals will be required to demonstrate that the proposal can be delivered and operated without giving rise to unacceptable impacts on water treatment and disposal or deterioration in the service received by residents and businesses. In considering minor development proposals the Council will have regard to the <u>in combination cumulative</u> impact of such developments and their effect on local capacity or flows.</p> <p>Proposals for housing developments, particularly in allocations relating to Policies SDT1, SDP1, SDB1 and related Future Growth Areas, will not be permitted if South West Water, Natural England or the Environment Agency confirm that:</p> <ol style="list-style-type: none"> 1. Waste water treatment works or other sewerage infrastructure serving these developments have insufficient capacity to accommodate the additional development without increasing the risk of overflows of untreated sewage into the environment; or 2. There would be an increase in the levels of pollutants or spills (see definition below) likely to have an adverse effect on the integrity of the Lyme Bay and Torbay Marine cSAC, due to insufficient capacity within the combined sewer system and/or treatment works; or 3. The proposal would otherwise increase the risk of overflows of untreated sewage into the environment. <p>Appropriate measures to reduce the impact of development on the sewerage system, such as natural or sustainable</p>

		<p>drainage and water conservation measures, will be required, proportionate to the scale and nature of development.</p> <p><u>In addition, development of previously developed land must be in accordance with the hierarchy set out in policy ER2 ensure that development schemes do not exacerbate sewer flooding and Combined Sewer Outfall (CSO) spills. This will apply in particular to development that discharges into Hope's Nose CSO</u></p> <p>A Health Impact Assessment will be required for new or extended WWT facilities.</p>
RAM168	6.5.3.25	Bottom line: delete shared sewer and replace with <u>combined sewer</u>
RAM169	6.5.3.26	<p>Amend paragraph as follows:</p> <p>Much of Torbay has shared <u>combined</u> sewers, which places additional load on the network, especially as the effects of climate change become more apparent. <u>Spills are defined as potential impacts caused by flood events that lead to consequential discharges from the land via Combined Sewer Outfalls (CSO), particularly at Ilsham/Hopes Nose, as a result these lead to changes in physical and/or chemical conditions of the overlying water above the qualifying features of the SAC (e.g. reefs) such as alterations to temperature, turbidity, salinity and increases in nutrients and organic matter.</u></p> <p><u>The Council, in partnership with South West Water, commissioned "An Assessment of Future Sewer Capacity in Torbay" (AECOM 2014) to consider the deliverability of the Torbay Local Plan within Torbay's sewer capacity. This confirms that the Local Plan is deliverable within the strategic sewer network's capacity. However the Study requires water efficiency measures, and reduction in water run off from urban creep to be achieved. Consequently new development should have separate foul and storm water drainage systems. In addition Water Sensitive Urban Design (WSUDs) and Sustainable Urban Drainage (SuDs) is recommended to reduce the impact of climate change and urban creep (hardstandings etc). The Council will support measures to reduce the amount of storm water and grey water (e.g. from run-off, washing or cooking) going into the shared sewer. Policy ER2 deals with water management in more detail.</u></p>
RAM170	6.5.3.27	<p>Add new paragraph after 6.5.3.27:</p> <p><u>It is important that water quality of the Marine Candidate Special Area of Conservation is not harmed by pollutants or outfall in storm events. Natural England is the advisory body with responsibility for such matters. Because of concerns about the capacity of Torbay's wastewater infrastructure, possible overflows of untreated sewage into the water environment and impact on bathing water quality, all planning applications should be supported by details of how the proposed development will be drained and waste water dealt with. Such details, and details of mitigation measures will be required at application stage, and not left to consideration through conditional approval. Details should be proportionate to the scale of the proposal.</u></p>

RAM171	6.5.3.28	<p>Add at end of paragraph:</p> <p>This will help meet Water Directive Framework objectives <u>Obligations</u>. The Council will ensure that development does not undermine these.</p>
RAM172	6.5.4.9	Replace “ sacle ” with <u>scale</u>
RAM173	7.4.11	Amend fourth bullet point: Specific infrastructure <u>including green infrastructure</u> needed for major developments...
RAM174	7.4.12	Amend penultimate line:reducing s106 Planning Obligations <u>or other requirements</u> on viability grounds ...
RAM175	7.4.16	Add at end of first sentence: directly on growth levels <u>and the future of the NHB scheme</u> .
RAM176	7.4.23	Add to end of paragraph: Masterplanned areas may require an element of cross-subsidy of employment (B space) land by <u>higher value uses, either through equalisation agreements or S106 contributions</u> .
RAM177	7.5.14	<p>Revise 7.5.14 as follows:</p> <p><u>The NPPF requires every effort to be made objectively to identify and then meet housing, business and other development needs in an area, insofar as this does not conflict with other policies in the Framework. Policy SS12 sets out how the delivery of housing will be adjusted to ensure an ample supply against economic and other needs within the range in Policy SS1.</u></p> <p><u>A more major review of the Local Plan will be carried out on a five yearly basis, to assess need, and whether this can be met within Torbay. It will also need to consider the characteristics of the local housing market area as part of the on-going cooperation with neighbouring authorities. Consideration of these factors may entail an adjustment either upwards or downwards of growth trajectories as part of a refreshed Local Plan.</u></p> <p>The Council is aware that Torbay is unusual in that population projections may <u>greatly</u> depending on migration rates <u>and assumptions</u> about economic success. The Housing Requirement Report (PBA 2013) sets out a detailed assessment of housing requirements at 2013. It will be monitored on an annual basis, but a major review will need to be carried out in 5 years. In particular this review will consider:</p> <p><u>Evidence of Housing Need and Demand</u></p> <p>Demographic trends: (including ONS population projections, DCLG household projections, birth rates). Torbay’s population is largely driven by domestic inwards migration and there is evidence that this has fallen in recent years. <u>In addition, household sizes in Torbay have remained relatively constant between 1991-2011.</u></p> <p>Economic Performance: (including job creation [from Busines Register and other surveys] , unemployment, GVA levels [from ONS data], employment floorspace created [from annual employment monitoring], degree of self containment). PBA’s fully assessed housing requirement is based on Torbay’s economy reversing recent trends and performing very successfully over the next 20 years. Whilst Local Plans should be positively prepared, they must also be realistic; and growth forecasts</p>

		<p>may need revising. The Plan seeks to minimise the need to travel (e.g. avoid excessive commuting levels that could arise if the balance between housing and employment get seriously out of step). <u>Therefore progress towards improving the quality and quantity of employment in Torbay will continue to be an important consideration when reviewing the Local Plan.</u></p> <p>Market and Social Signals: (including land and house prices, rents and lower quartile affordability [via Land Registry, Annual Survey of Hours and Earnings, local agents], updated Strategic Housing Market Assessment (SHMA), housing related deprivation [via household surveys/Indices of Multiple Deprivation], <u>waiting list data, homelessness and concealed households</u>).</p> <p><u>Supply factors: Environmental Capacity (i.e. whether need can be met without harming sustainability matters raised in the NPPF)</u></p> <p>Land Availability: Updated SHLAA and Housing Monitor</p> <p>Housing Monitor: (including data on completions, commencements and stock of planning permissions) Relevant to both a 5 year rolling supply and longer term trajectory of <u>deliverable developable</u> sites.</p> <p>Progress towards providing key infrastructure: Including, in particular, highway improvements/provision, <u>sustainable drainage</u> and sewerage capacity. Also progress towards Masterplanning of sustainable communities and progress/funding for necessary and desirable infrastructure.</p> <p>Evidence of landscape and biodiversity impacts: (including mitigation and management <u>and assessment of off-site impacts such as bathing water quality</u>), through measures such as: <u>Biodiversity Action Plan habitats proposed, created or managed; LVIA for any allocations within or affecting the setting of the AONB; other landscape assessments; the 2010 South Hams Greater Horseshoe Bat Guidance and information from masterplans, applications etc regarding bat activity; Site Conditions Assessments for Sites of Special Scientific Interest and European sites; Site Improvement Plans for European sites and; Marine Protection Zone Management Plans.</u></p>
RAM178	Table 7.1	<p>Add to footnote: <u>and are subject to five yearly reviews of the Local Plan. Note that delivery rates are dependent upon changed to Policy SS1 etc: See schedule of Replacement Main Modifications.</u></p>
RAM179	Appendix A	<p>Add Heritage Asset and Historic Environment to Glossary of Terms:</p> <p><u>Heritage asset:</u> <u>A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).</u></p> <p><u>Historic environment:</u> <u>All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed.</u></p>

RAM179 A	Appendix A	<p>Dark Corridors: Unlit areas of planting, hedgerow etc around the built up area which serve as bat flightpaths and other biodiversity roles. While these areas are likely to have a recreation role, they should be kept unlit and flightpaths maintained. (see Policies SS8 and NCV1)</p> <p>Self Build Housing: The Planning Practice Guidance applies the term self build (or custom build) to anybody who is building their own home or has commissioned a home from a contractor, house builder or sub-contractor. Self builders must own the property and occupy it as their principal residence for a minimum of three years after the work is completed. See also Policy H3 of the Local Plan</p>
RAM180	Appendix C	Add: Third Devon Local Aggregate Assessment 2004-2013, First Draft (Devon County Council, May 2014) to Appendix C (Infrastructure and Resource Management).
RAM181	Appendix E	<p>New Regionally Important Geological Site (RIGS): Hollicombe Head-Corbyn's Head, Torquay. Policies Map Change (see Annex 1)</p> <p>See also minor Policies Map boundary changes to County Wildlife Sites at Daddyhole Plain, Torquay, and Clennon Woods Paignton (RAM119) – see Annex 1.</p>
RAM182	Appendix G car parking requirements	<p>Amend parking requirements table as follows:</p> <p>Residential Column 3: Estimated <u>Minimum Requirement/guide</u> (N.B. Only applies to residential category).</p> <p>Other Parking considerations. (New point). <u>A parking space will be regarded as a minimum of 2.4ha by 4.8m. Parking spaces for disabled persons should be a minimum of 4.8m by 3.6m (or where side to side 4.8m by 2.4m with a minimum of 1.2 m between them). Parking courts will also require maneuvering space of 6m to enter and exit a space. Where parking spaces are accessed directly from the highway a space shall be 3.2m by 6m (5.5m minimum) to ensure that the highway is not obstructed. The Council's Highways design Guide and Manual For Streets 2 provide more general guidance.</u></p>

Appendix 5

Schedule of Proposed Replacement Additional (Minor) Modifications to Local Plan – Maps

[Derived from Examination Library Document TCRMOD/6 - see Council Report Background Document B.2]

Torquay Strategic Delivery Area

Submission Local Plan Policies Map
(Sheet 17) Notation:
Land at Daddyhole Plain, Torquay



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Proposed Replacement Additional
Modification Notation (RAM 119/181)
Extended County Wildlife Site Boundary at
Daddyhole Plain, Torquay



Torquay & Paignton Strategic Delivery

Areas

**Submission Local Plan Policies Map
(Sheet 16 & 22) Notation:
Land at Hollicombe Head – Corbyn's
Head , Torquay & Paignton**

**Proposed Replacement Additional
Modification Notation (RAM 119/181)
Addition of New Regionally Important
Geological Site (RIGS) Hollicombe Head –
Corbyn's Head**

Page 208



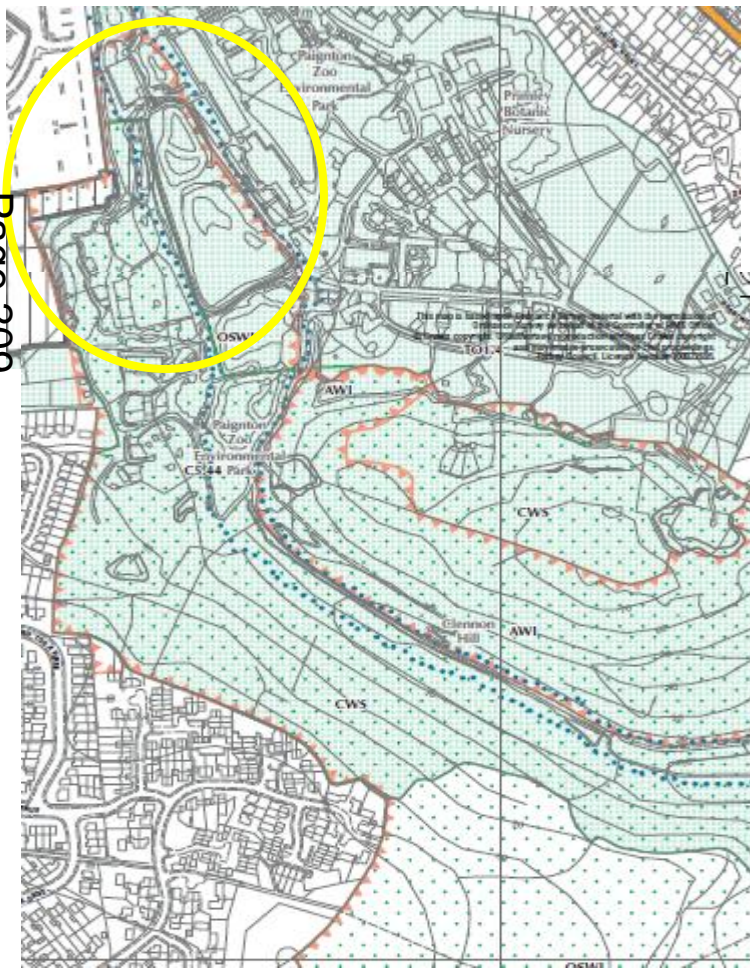
Paignton Strategic Delivery Area

Submission Local Plan Policies Map
(Sheet 24) Notation:
Land at Clennon Woods, Paignton

Proposed Replacement Additional Modification
Notation (AM 181)

Deleted County Wildlife Site (CWS) Boundary at
Clennon Woods, Paignton. Now identified as
Other Site With Interest (OSWI)

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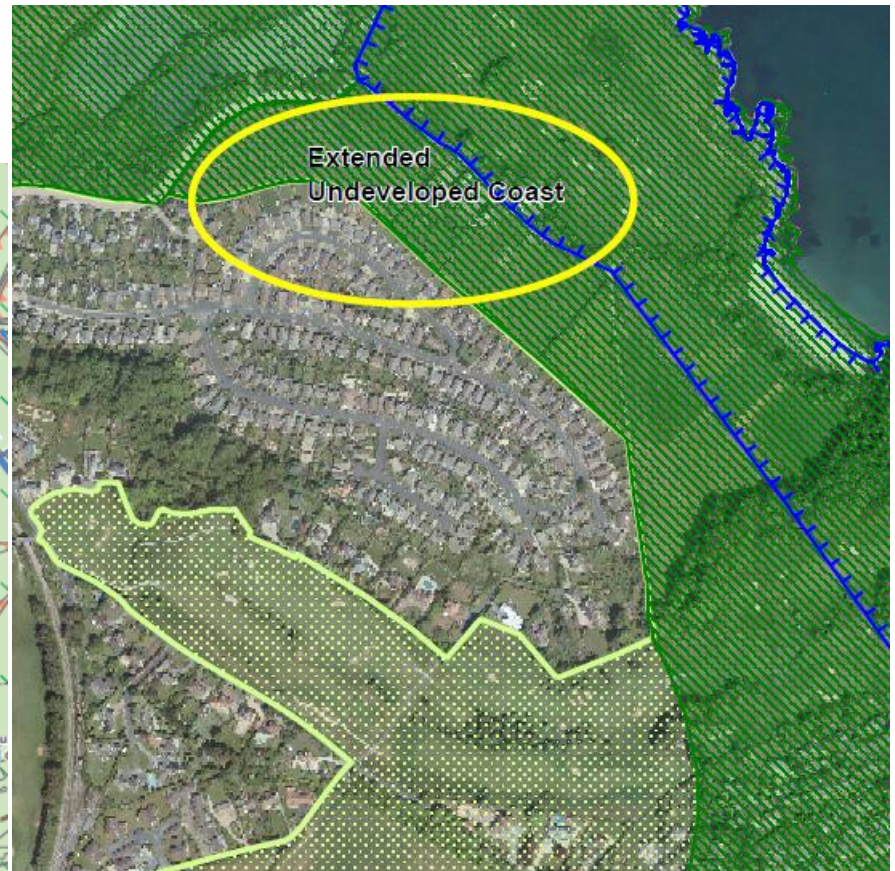
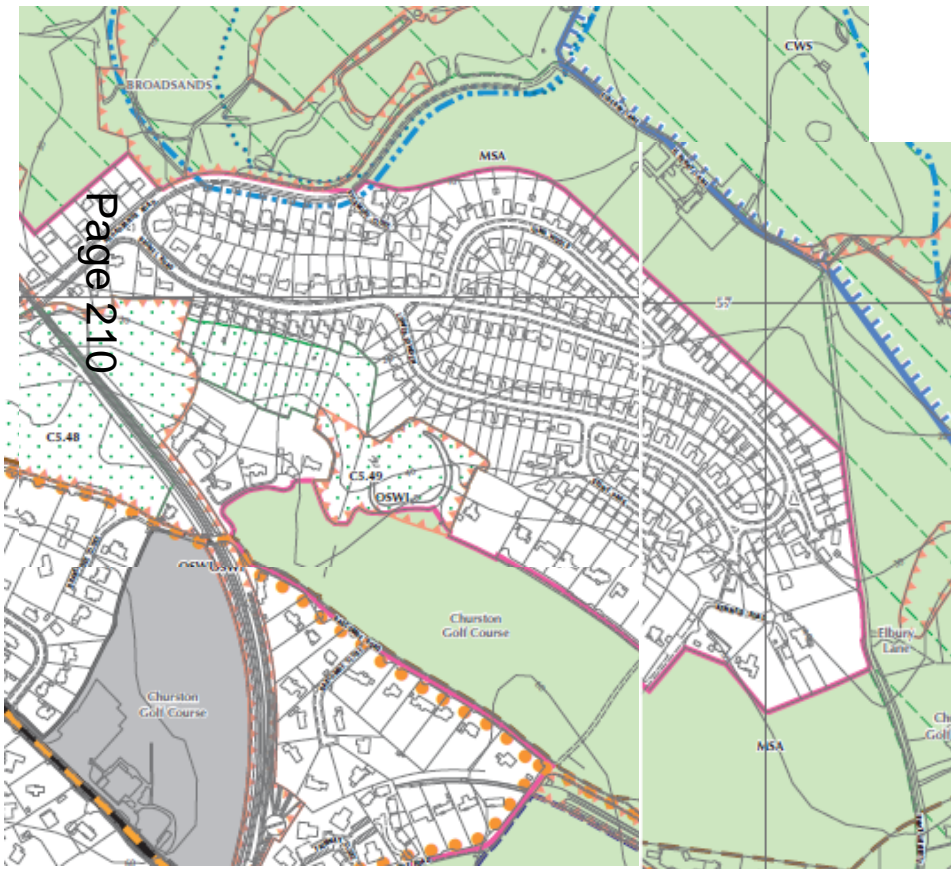


Brixham Strategic Delivery Area

Submission Local Plan Policies Map
(Sheet 30,31 & 32) Notation:
(Countryside Area C1)

Proposed Replacement Additional Modification
Notation (RAM 109)

Extend Undeveloped Coast (Policy C2) near
Broadsands to include a parcel of land south of
Elberry Lane (Elberry Farm)



Brixham Strategic Delivery Area

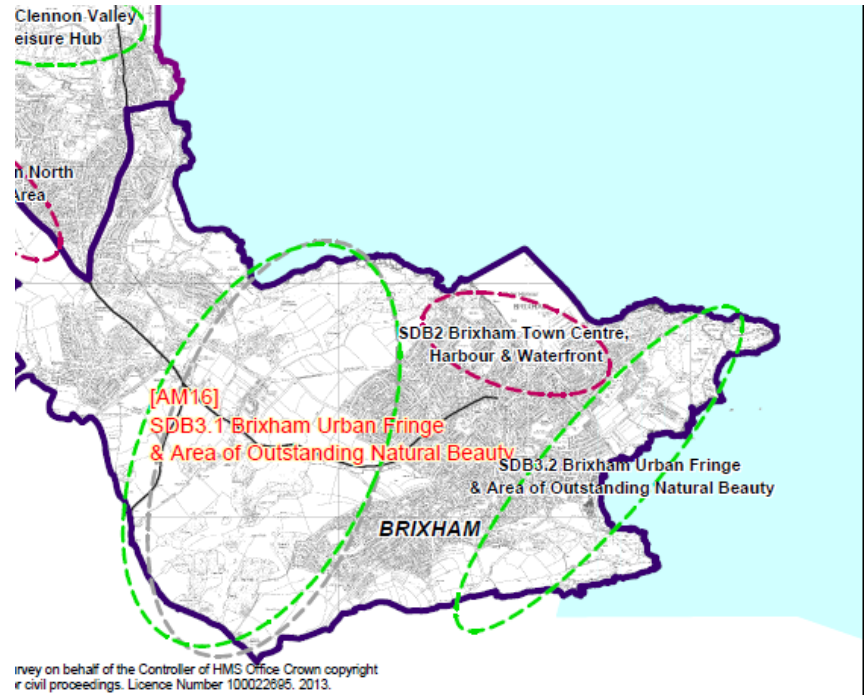
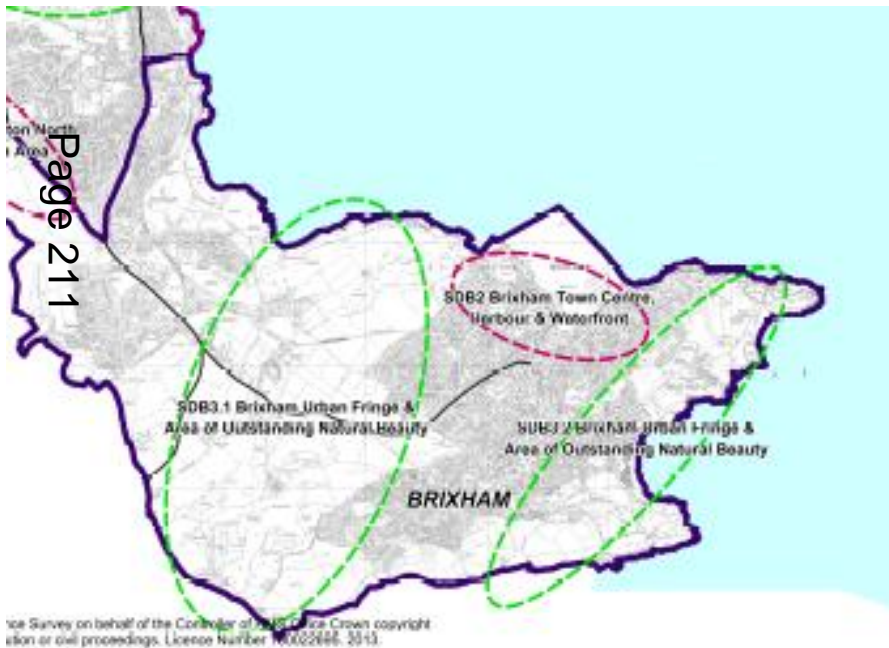
Key Diagram

Submission Local Plan Key Diagram

SDB3.1 Brixham Urban Fringe

Proposed Replacement Additional Modification Notation (RAM 16)

SDB3.1 Brixham Urban Fringe - indicative line moved slightly westwards.



Appendix 6

Schedule of Proposed Replacement Main Modifications to Local Plan – Maps*

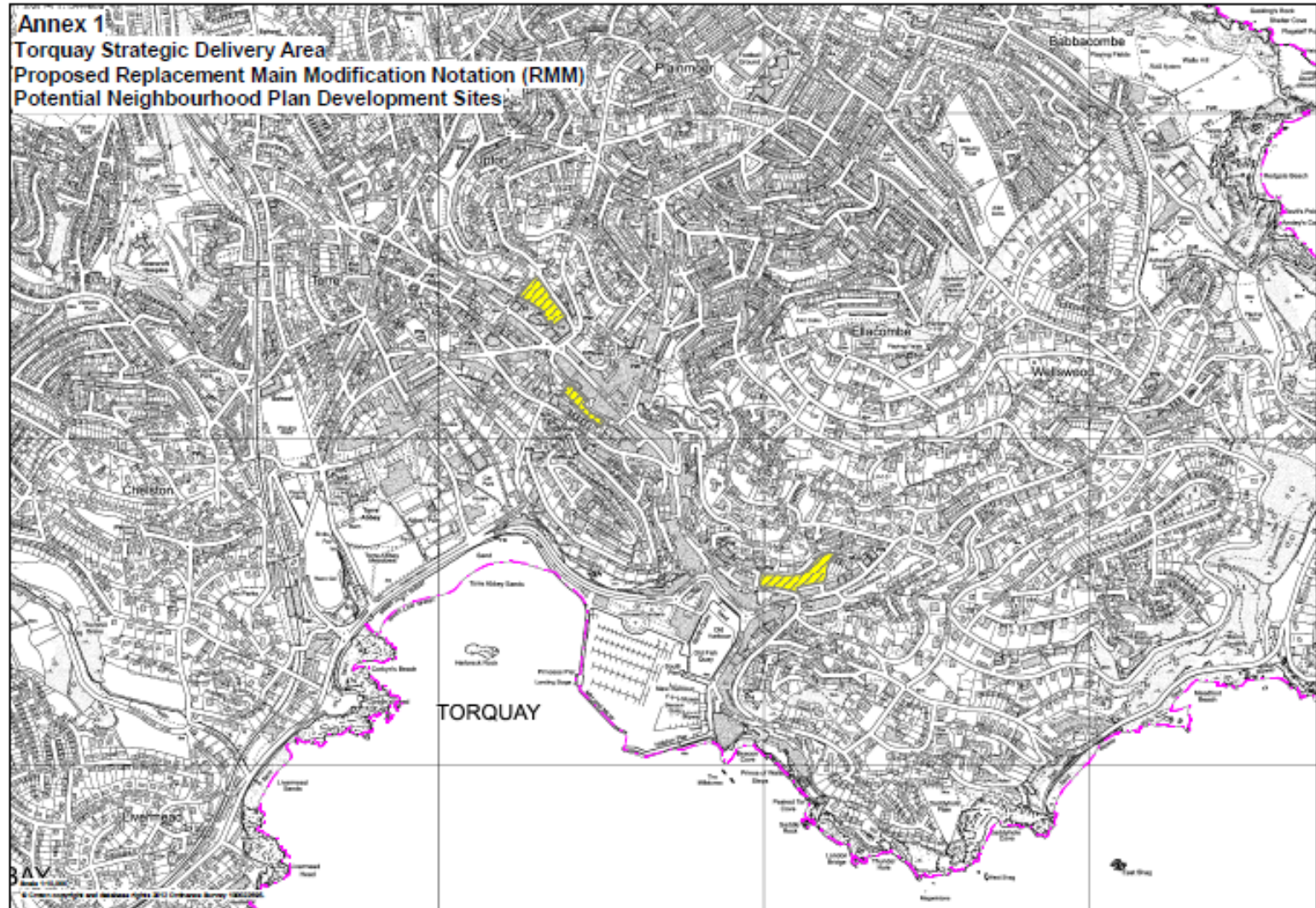
[Derived from Examination Library Document TCRMOD/3 - see Council Report Background Document B.3]

[*Note: Although these Map Changes were originally publicised as Main Modifications, they were subsequently considered by the Examination Inspector not to be Main Modifications. They are therefore included in this Additional (Minor) Modifications section]

Torquay Strategic Delivery Area

- Summary of Policies Map Replacement Main Modifications

Town Hall Car Park , Temperance Street/Lower Union Lane and Terrace Car Park

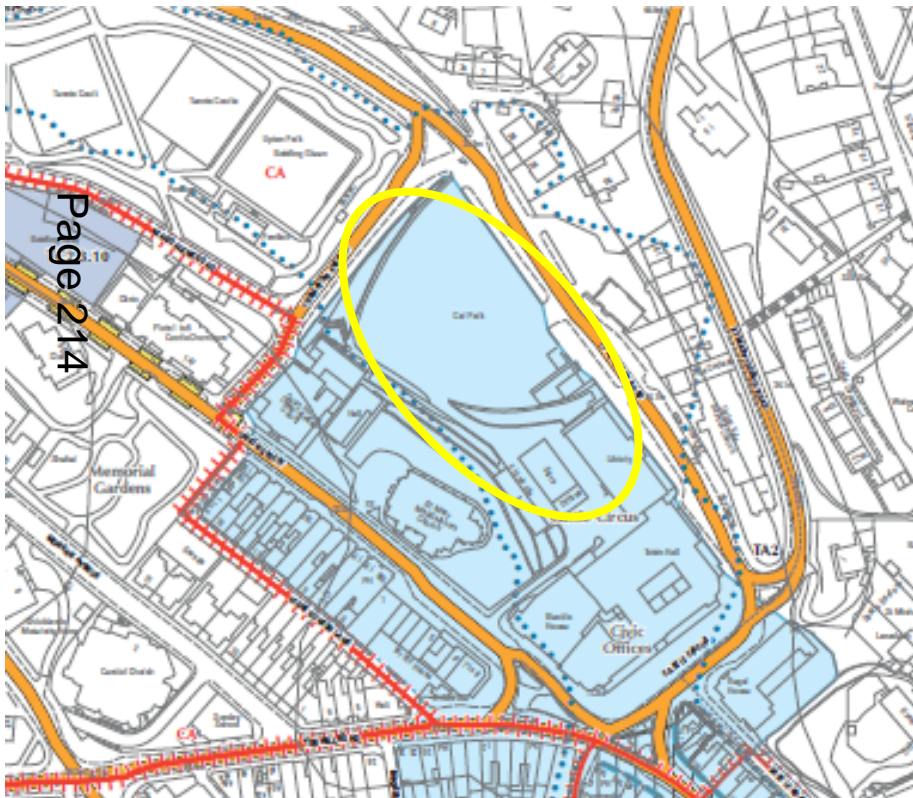


Torquay Strategic Delivery Area

Proposed Replacement Modification
Notation (RMM 14)

Submission Local Plan Policies Map
(Torquay Town Centre Map) Notation:
Town Hall Car Park

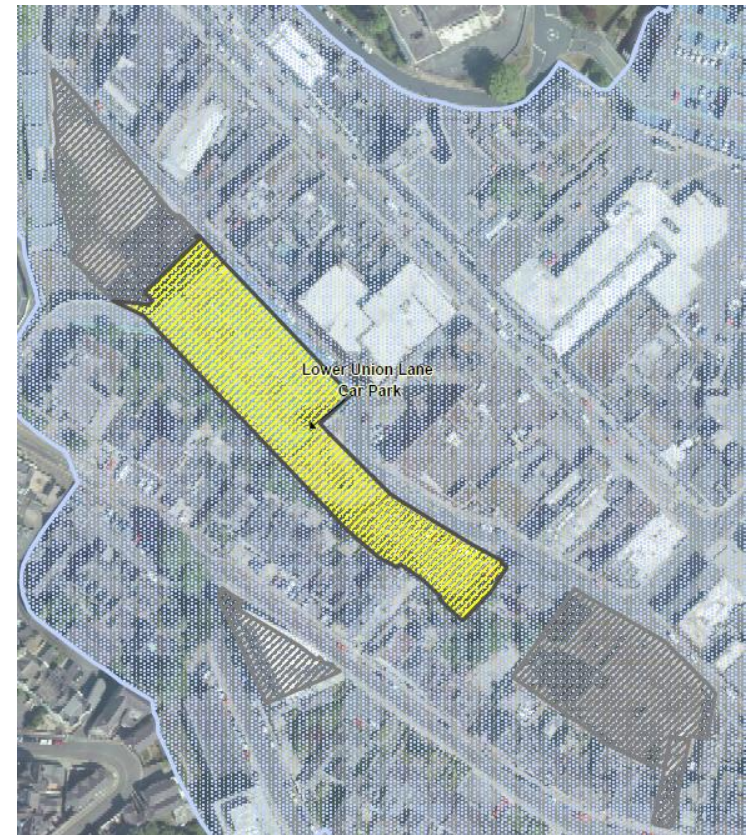
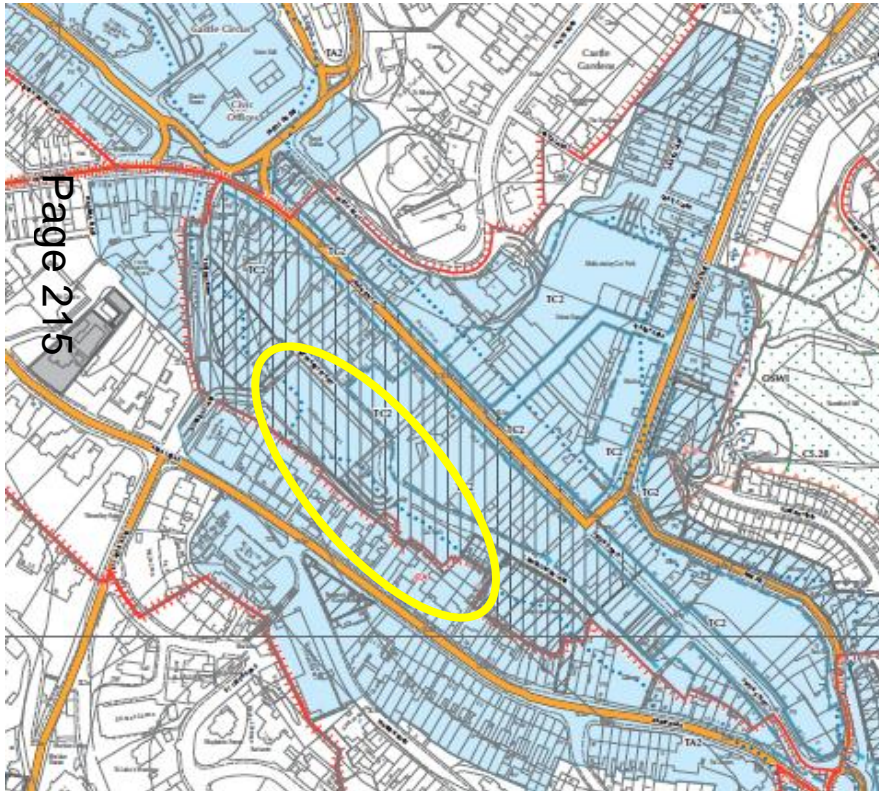
Food retail led development site, with
potential for housing as part of a mixed use
development, for consideration in the
Torquay Neighbourhood Plan



Torquay Strategic Delivery Area

Submission Local Plan Policies Map
(Torquay Town Centre Map) Notation:
Lower Union Lane and Temperance
Street Car Parks

Proposed Replacement Modification
Notation (RMM 14)
Potential housing development site (in
part) for consideration in the Torquay
Neighbourhood Plan



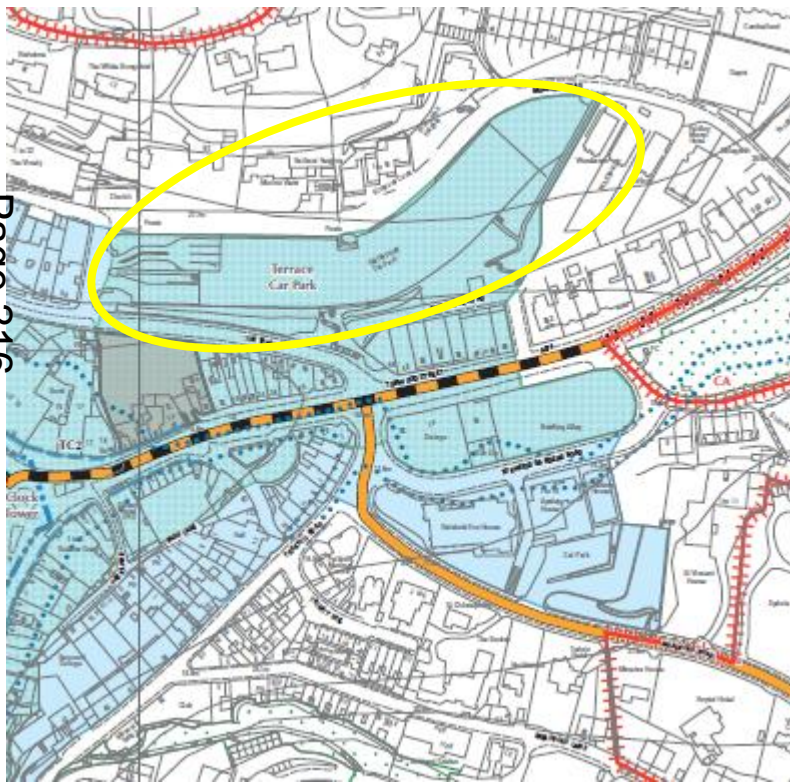
Torquay Strategic Delivery Area

Submission Local Plan Policies Map
(Torquay Town Centre map) Notation:
Terrace Car Park

Proposed Replacement Main Modification
Notation (RMM 14)

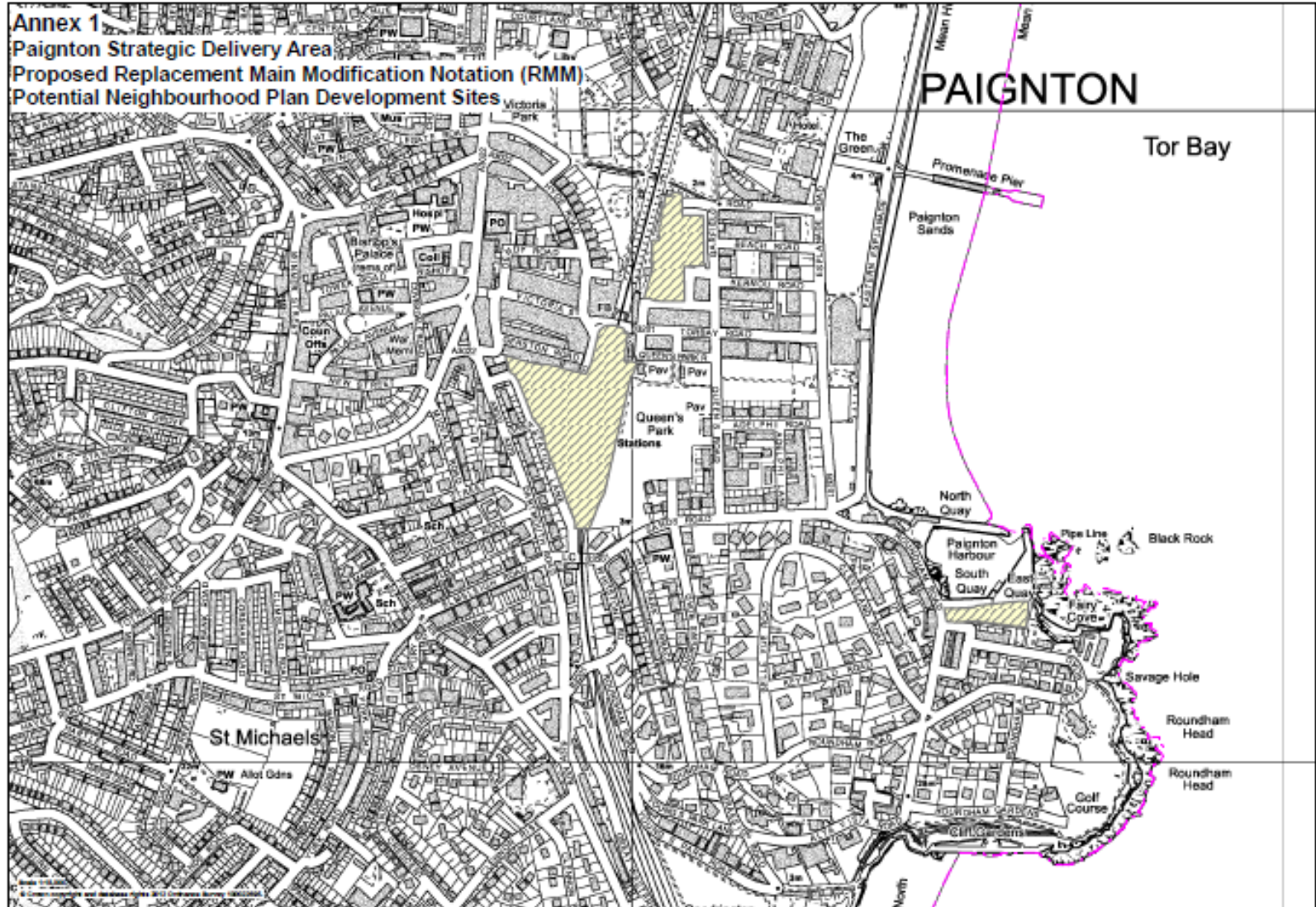
Potential housing development site (in
part) for consideration in the Torquay
Neighbourhood Plan

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Paignton Strategic Delivery Area

- Summary of Policies Map Replacement Main Modifications Victoria Square, Station Lane, and Paignton Harbour

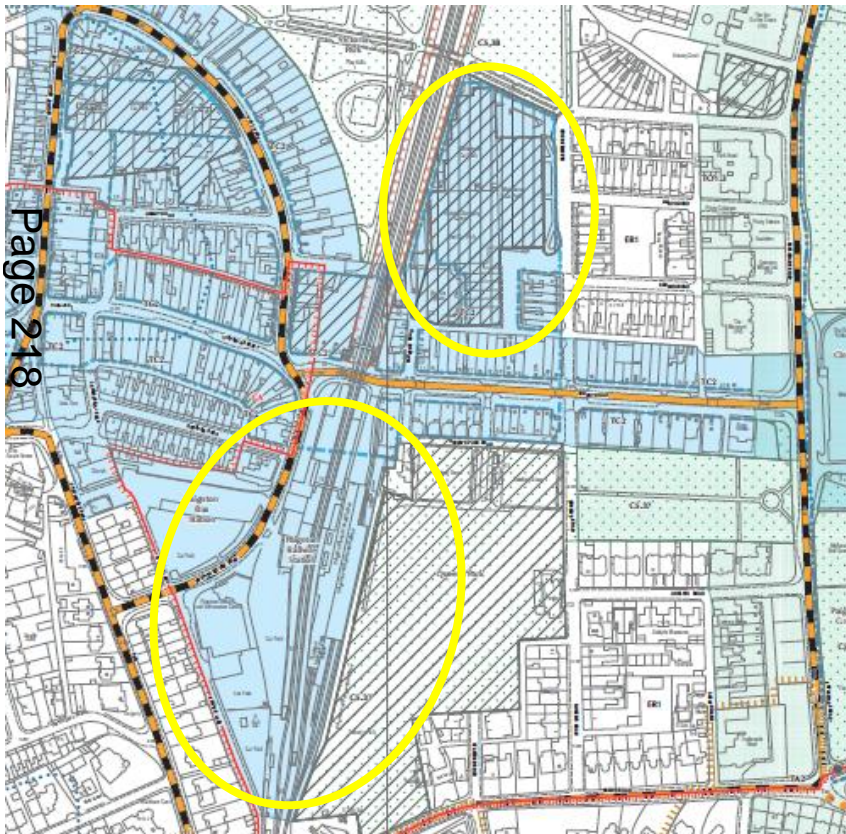


Paignton Strategic Delivery Area

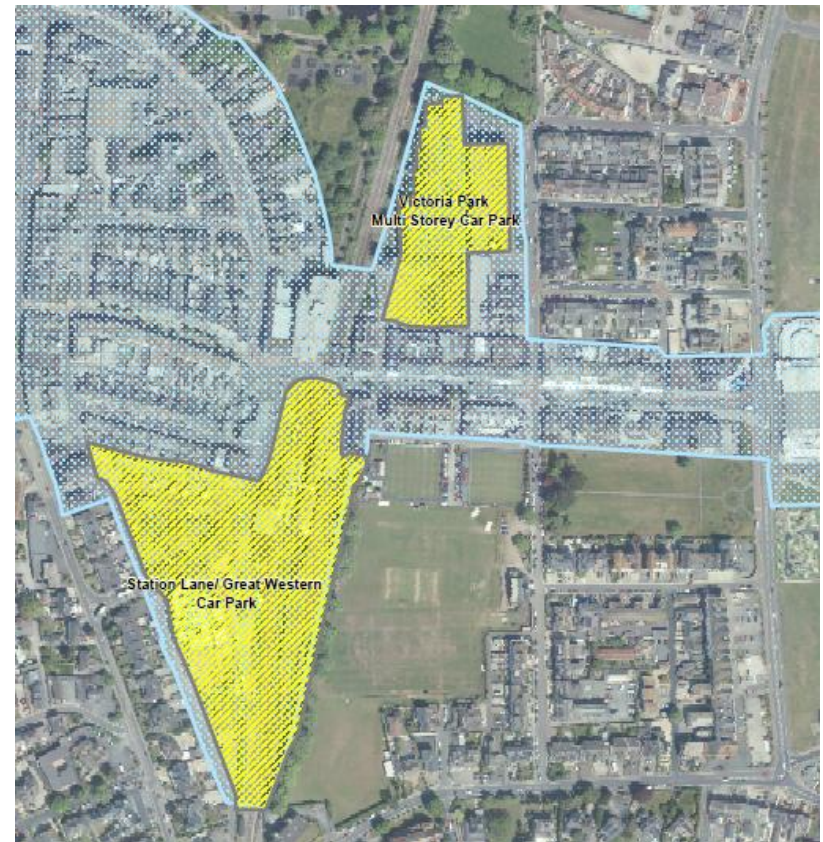
Submission Local Plan Policies Map
(Paignton Town Centre Map) Notation:
Station Lane/Great Western Car Park &
Victoria Square/Multi-Storey Car Park

Proposed Replacement Main Modification
Notation (RMM 14)

Potential housing development sites (in
part) for consideration in the Paignton
Neighbourhood Plan



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Paignton Strategic Delivery Area

Submission Local Plan Policies Map
(Paignton Town Centre Map) Notation:
Paignton Harbour Car Park

Proposed Replacement Main
Modification Notation (RMM 14)

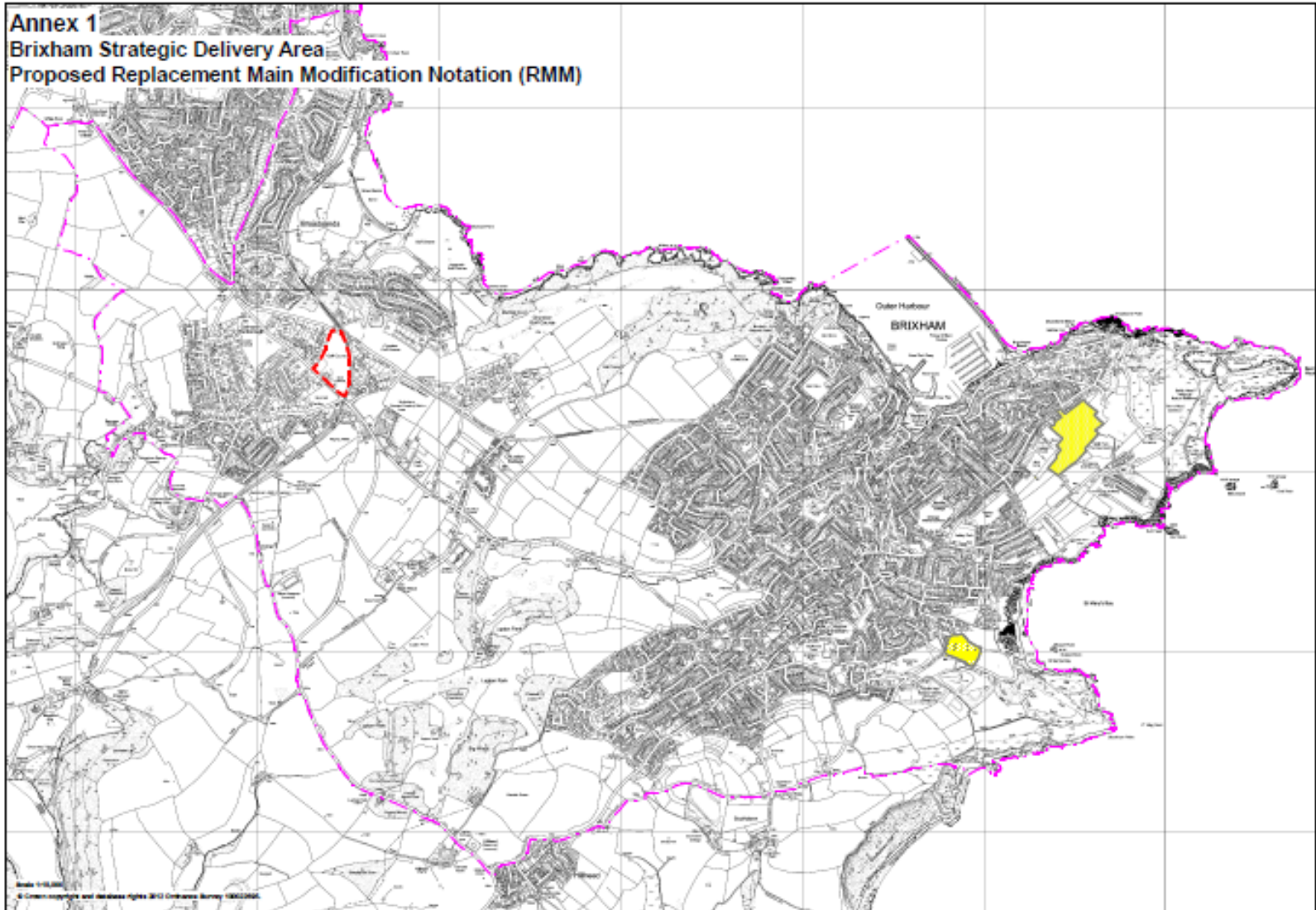
Potential housing development (in
part) site for consideration in the
Paignton Neighbourhood Plan



Brixham Strategic Delivery Area

- Summary of Policies Map Replacement Main Modifications

Churston Golf Club , Wall Park and Sharkham Village sites

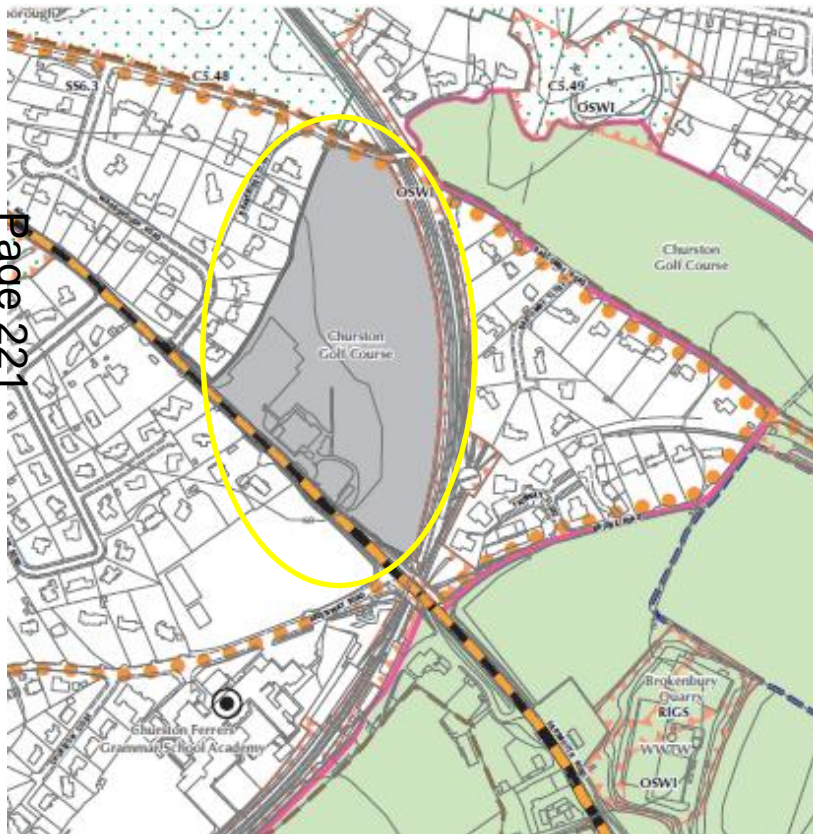


Brixham Strategic Delivery Area

Submission Local Plan Policies Map (Sheet 31) Notation: Churston Golf Club

Proposed Replacement Main Modification
Notation (RMM 12 & 14)

Remove designation as potential housing
development site for consideration in the
Brixham Peninsula Neighbourhood Plan



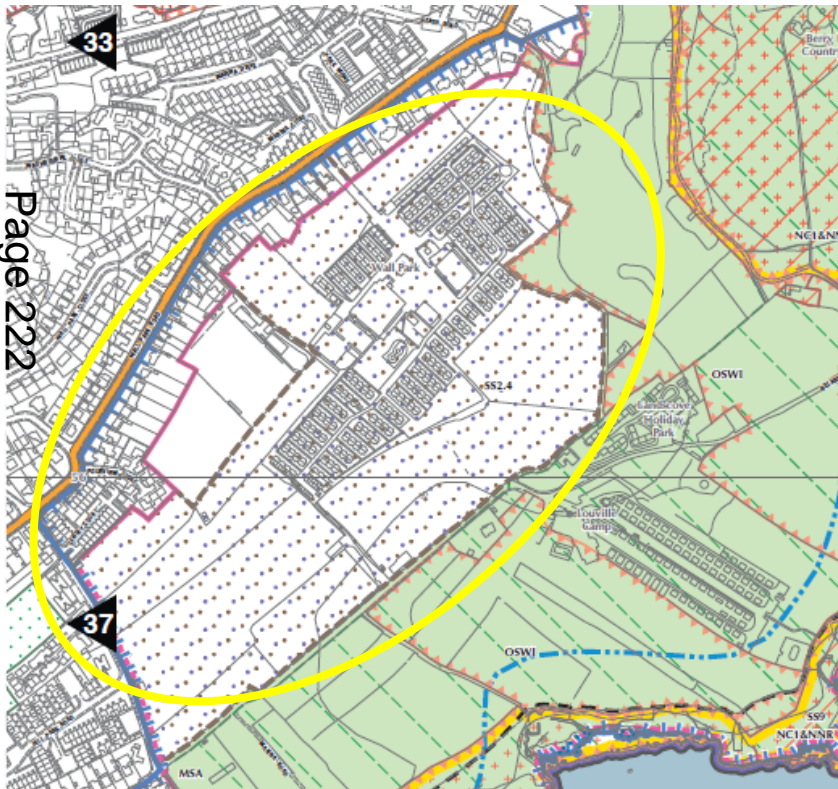
Brixham Strategic Delivery Area

Submission Local Plan Policies Map
(Sheet 34) Notation:

Wall Park Future Growth Area
(Policy SS2.4)

Proposed Replacement Main Modifications
Notation (RMM 3 & 14)

Delete Wall Park Future Growth Area : now
deliverable site (to form part of 5 year land
supply). Amend C1 boundaries accordingly

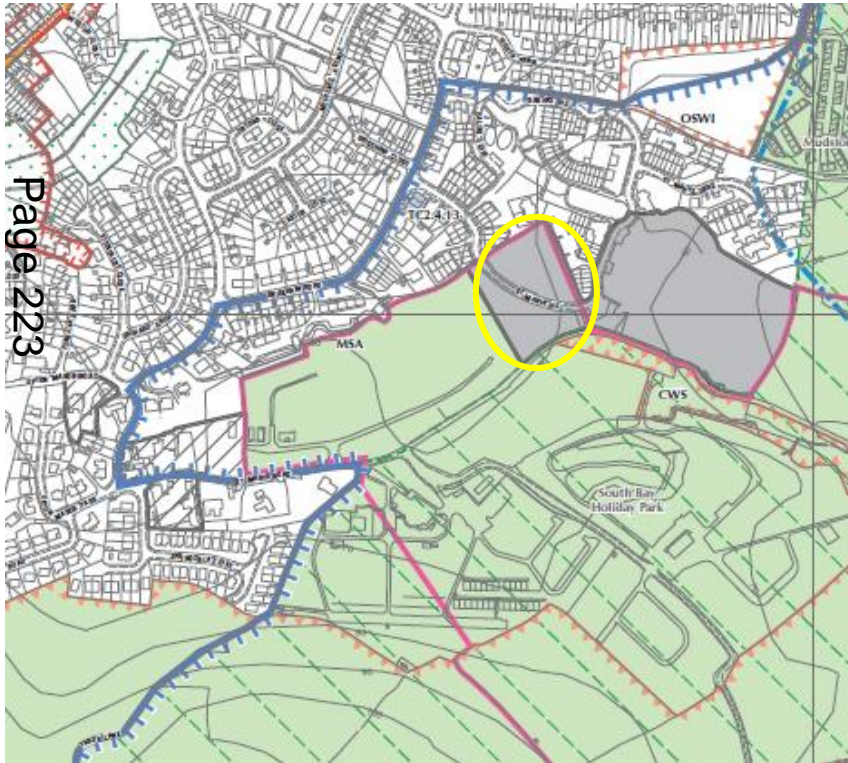


Brixham Strategic Delivery Area

Proposed Replacement Main Modifications
Notation (RMM 12)

Submission Local Plan Policies
Map (Sheet 39) Notation:
Sharkham

Remove designation as Committed Development
Site from section of Sharkham site that forms
part of offsite mitigation for approved
development. Amend C1 boundary accordingly.



Appendix 7

Summary of recommended Further Additional Modifications to the Submission Plan – Text
[Derived from Examination Library Document TCRMOD/18 – see Council Report Background Document B.4)

Explanatory note

This document summarises the Council's Recommended Further Modifications to the Submission Version of the Torbay Local Plan, in response to representations it has received on the Proposed Replacement Additional Modifications (RAMs) to the Local Plan. Each Recommended Further Modification is of a minor nature and has been classified as an Additional, rather than Main Modification. No Further Main Modifications are proposed to the Proposed Replacement Main Modifications (RMMs).

The majority of the Recommended Further Modifications are minor editorial matters that clarify the strategy set out in the Proposed Submission Version of the Local Plan and are amplified by the Proposed Replacement Main and Additional Modifications.

Because the Recommended Further Additional Modifications largely amend text of Replacement Additional Modifications (RAMs), the reference number has been kept the same where possible. So, for example the subject matter of FAM5 relates to the text previously modified as part of RAM5. Recommended Further Additional Modifications are highlighted in yellow below.

Recommended Further Additional Modifications	Local Plan policy/ paragraph	Summary of Recommended Further Additional Modifications to the Submission Local Plan
FAM5	1.1.15	<p>Add sentence to additional text in RAM5:</p> <p>However where there is market failure (e.g. a lack of delivery of new homes) other solutions to allocating more land are likely to appropriate likely to be appropriate. Conversely, there may be a case to reduce growth rates if there is evidence of oversupply against objectively assessed need and demand. Major changes arising....</p>
FAM17	4.1.20	<p>Add sentence to additional text in RAM17:</p> <p>The greater horseshoe bat mitigation strategy should be implemented within development areas. In accordance with Policies SS8 and NC1 (below) these should show how any adverse impacts of development are capable of being mitigated in perpetuity. Further details are....</p>
FAM19	4.1.32	<p>Add to the end of additional text in RAM19</p> <p>This is available on the Local Plan website (Local Plan Library document SD/26/Appendix B and Addendum).</p>
FAM22A (Formerly RMM3A)	SS4	<p>Amend second paragraph of Policy SS4</p> <p>The Local Plan supports the creation of at least 5,000-5,500 net additional jobs by 2030/31 with an emphasis on delivering 4250-4,500 around 1375 net new jobs in the first 5 years of the Plan period.</p> <p>Note that this relates to Policy SS4, which was previously the subject of RMM3A. However the Council considers that the further change now proposed is a minor one of clarification.</p>
RAM74	5.2.2.10 and table 5.11	<p>Some Representations have stated that RAM74 should be considered as Main Modifications. However, for the reasons set out in Torbay Councils Response to Replacement Additional Modifications, the Council is not recommending further changes to RAM74.</p>
FAM99	6.1.2.27	<p>Add to the end of paragraph 6.1.2.27:</p> <p>Works to harbours or off-shore facilities may require a Marine Licence from the Marine Management Organisation.</p>

FAM112	6.3.1.21	Add to the end of last bullet point of additional text of RAM112: Some marine works will require a marine licence and/or an environmental impact assessment as covered in Policy TO3.
FAM129	H2	Delete RAM129 (i.e. revert to the Submission Local Plan threshold for affordable housing). Note that some Representations have argued that RAM129 and RAM130 should be considered as Main Modifications.
FAM130	6.4.1.7	Delete RAM130 (i.e. revert to the Submission Local Plan text in paragraph 6.4.1.7)
FAM134	6.4.1.19	Add to the end of the first sentence of paragraph 6.4.11.19: ...for their own occupation. Where provided as affordable housing, they should also meet the definition of affordable housing in Appendix A of the Local Plan and Annex2 of the NPPF, i.e. be provided for people who cannot afford to buy or rent a house on the open market. Amend second sentence of Paragraph 6.4.24: The operation of this will also be addressed in further guidance, as will other implementation matters such as health and safety, length of build programme, working hours etc.
FAM143	6.4.2.10	Add to the end of RAM143 (inserted at the end of paragraph 6.4.2.14). "These (space standards) are intended to be operated flexibly with regard to viability and other considerations. However the creation of small apartments by subdivision/ conversion will be resisted where this would result in an unpleasant or unhealthy living environment, or exacerbate concentrations of deprivation (see also Policy SS10).
FAM144A	6.4.2.17	Amend Paragraph 6.4.2.17 to replace "lifetime" with "accessible and adaptable"
FAM155	6.5.1.6.	Delete last paragraph of RAM155 (inserted into paragraph 6.5.1.6): The Government is also committed to introducing a range of "Allowable Solutions to allow off site carbon abatement, where necessary, as part of implementing the Zero Carbon standard during 2016.
FAM169	6.5.3.26	Amend second added paragraph of RAM169 (inserted into paragraph 6.5.3.26) Consequently new development should will be required to have separate foul and storm water drainage systems. Details

		of these should be provided at planning application stage. In addition Water Sensitive Urban Design...
FAM177	7.5.14	Insert into 7.5.14 (as amended by RAM177): Economic Performance (including job creation from Business Register and other surveys, against a baseline of 59,000 jobs in Torbay in 2012 (NOMIS Business Register), unemployment...
Policies Map Booklet	-	Amend Policies Map (Brixham Town Centre Inset) to exclude area used as allotments from the Northcliff Hotel site.



Meeting: Council Meeting

Date: 10 December 2015

Wards Affected: All

Report Title: Torquay Gateway (Edginswell) Masterplan Supplementary Planning Document

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately

Executive Lead Contact Details: Mark King, Executive Lead for Planning, Transport and Housing, Telephone 07873254117, Email mark.king@torbay.go.uk)

Supporting Officer Contact Details: Andrew Gunther, Senior Planning & Public Health Officer, Telephone (01803) 208815, Email andrew.gunther@torbay.gov.uk)

1. Proposal and Introduction

- 1.1 The Torquay Gateway (Edginswell) Masterplan further defines the nature of future development within the Edginswell area of Torquay. This area is allocated as a Future Growth Area within the new Torbay Local Plan to deliver new homes, employment and infrastructure to facilitate new growth in Torbay. Note that the new Torbay Local Plan is also put before Members for adoption at this same meeting.
- 1.2 Members are asked to agree that this Masterplan should be adopted as a Supplementary Planning Document (SPD). This will give the Masterplan statutory weight in the planning process for the purposes of guiding development and promoting investment in this area.
- 1.3 The (Torquay Gateway) Edginswell Future Growth Area is strategically important in helping Torbay to meet needs for new housing and employment growth. It is identified as such within the new Torbay Local Plan which, after undergoing Examination, has been found sound subject to a small number of Modifications. The area is identified within the Local Plan to deliver high quality employment space, new homes and local infrastructure to serve local needs and raise the economic prosperity of Torbay. A high quality of design to enhance the built and natural environment, befitting of its Gateway position adjacent to the newly constructed South Devon Highway, is a key feature of the masterplan.
- 1.4 The Masterplan adds important detail to the Local Plan regarding matters related to future development within the Future Growth Area, including further defining the design, layout and massing relating to the provision of around 550 homes, the delivery of significant amounts of employment space, new green spaces, a primary

school and community facilities. This includes the delivery of high quality employment space at Edginswell Business Park.

- 1.5 In February 2014, the Council commissioned four Masterplans to be produced for Torquay Town Centre, Torquay Gateway (Edginswell), Paignton Town Centre and Collaton St. Mary. Both of the town centre masterplans were adopted in June 2015, on the back of the then existing Local Plan. The Torquay Gateway and Collaton St. Mary Masterplans could only be adopted once the new Torbay Local Plan is adopted as it is this document which agrees the principle of growth in these areas. SPDs must provide further detail on Local Plan policies. The Torquay Gateway Masterplan is ready to be adopted. The Collaton St. Mary Masterplan has required further minor modifications and consultation so will be ready to be put before Members for adoption in early 2016.
- 1.6 SPDs build upon and provide more detailed advice and guidance on the policies in a local planning authority's adopted Local Plan. Torbay Council has a number of SPDs currently in place covering a variety of matters such as the local approach to achieving quality urban design; planning contributions and affordable housing (under review); and the greenspace strategy. These documents provide a clear indication to applicants on how to make successful planning applications, as well as helping to provide clarity and certainty in the development process. SPDs must be produced in accordance with the Town and Country Planning Regulations 2012.
- 1.7 It is important to adopt the Torquay Gateway Masterplan, as soon as possible, for a number of key reasons:
 - a) Members will be aware of the disposal by Tesco of a number of sites across the UK. The Edginswell site is amongst those sites. An adopted masterplan will help secure employment space on that site in the future and helps protect the Council against speculative purchase of the site for other uses;
 - b) There is already significant and positive activity on behalf of the landowners in the Gateway area, working closely with a lead developer, to progress development of the site. This may result in the submission of an outline planning application, for around 35 ha's of the Gateway area, in the first half of 2016. An adopted masterplan will help secure the outcomes the Council requires for that site;
 - c) The Council has submitted an outline bid, under Growth Deal 3, to the Heart of the South West Local Enterprise Partnership, for significant funding to support early delivery of infrastructure within the Gateway area. Adoption of the masterplan will support that bid and any further, more detailed, funding applications.
 - d) Adoption of the masterplan will help the Council and TDA bring forward much needed employment space, to help maximise the benefits of the South Devon Highway and to meet business demand for space in this location.

2. Reason for Proposal

- 2.1 As this document is intended to become part of the Council's Policy Framework, it must be agreed by Members prior to adoption.
- 2.2 This masterplan has been the subject of extensive community engagement and is supported by the Torquay Neighbourhood Forum. Some events have been run by the community themselves. There is strong community and business support for

the proposals contained within the Masterplan. Now that the Council is in a position to adopt the new Torbay Local Plan, this Masterplan can now be adopted as an SPD and materially affect the future development of this area.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Torquay Gateway (Edginswell) Masterplan set out in Appendix 2 to the submitted be approved and adopted as a Supplementary Planning Document.

Appendices

Appendix 1: Supporting Information and Impact Assessment

Appendix 2: Torquay Gateway (Edginswell) Masterplan Proposed Supplementary Planning Document – www.torbay.gov.uk/masterplans

Appendix 3: Public Participation Statement – www.torbay.gov.uk/masterplans

Background Documents

Further background documents relating to earlier stages of the masterplan preparation process can be found on the Council's website – www.torbay.gov.uk/masterplans

Supporting Information and Impact Assessment

Service / Policy:	Torquay Gateway (Edginswell) Masterplan SPD
Executive Lead:	Cllr Mark King
Director / Assistant Director:	Anne Marie-Bond

Version:	2	Date:	27/11/15	Author:	Andrew Gunther
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Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>The proposal is to adopt a Masterplan for the Edginswell Future Growth Area, as outlined in the Council's new Torbay Local Plan, as a Supplementary Planning Document (SPD). SPDs expand on Local Plan policies to provide further guidance, principles and detail for how development proposals should be managed. Once adopted by a local planning authority, having been through a statutory plan making process, they hold material weight for the purpose of making decisions regarding planning applications.</p> <p>The Torquay Gateway (Edginswell) Masterplan SPD provides further detail on the delivery of new growth in the Edginswell Future Growth Area allocated in the new Torbay Local Plan.</p>
2.	<p>What is the current situation?</p> <p>Currently there is no local planning policy framework to positively facilitate growth at Edginswell. The new Local Plan, when adopted, provides a strategic framework for growth in this area (i.e. expected area and quantum of growth) but the Masterplan adds important further detail and guidance regarding the principles for the nature of development that should be delivered in accordance with the Local Plan as well as detailed design guidance.</p>
3.	<p>What options have been considered?</p> <p>Options for growth in Torbay have been tested in detail through the Local Plan process and were informed by a significant evidence base including but not limited to detailed Sustainability Appraisal, a Strategic Housing Land Availability Assessment (SHLAA), an Employment Land Review. For a full list of documents see the evidence base for the Torbay Local Plan.</p> <p>Different options for the nature and scale of growth in the Torquay Gateway area were tested during the masterplanning process, including through consultation with the community, before completion of the final masterplan</p>

4.	<p>How does this proposal support the ambitions and principles of the Corporate Plan 2015-19?</p> <p>The SPD builds upon and adds detail to policies set out in the Local Plan. Specifically this SPD will facilitate growth which supports a Prosperous and Healthy Bay through the provision of sustainable and high quality development. Development delivered in line with the principles set out in the Masterplan will create jobs, build economic prosperity, improve education provision, provide a well-connected and diverse living environment to support growth, improve accessible natural greenspace and improve transport links.</p>
5.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>All persons in Torbay will be affected directly and indirectly by new growth at Edginswell. The area is strategically important in terms of the new Local Plan's strategy for sustainable growth in Torbay. For this reason, masterplan preparation has included consultation with statutory consultees as well as other interested stakeholders from our Local Plan Consultee Database.</p> <p>The affected area lies in Torquay and will have a greater direct impact on Torquay residents and businesses, therefore additional consultation has been undertaken with a range of selected stakeholders in the form of specific workshops and meetings, to include businesses, residents, members of the Torquay Neighbourhood Forum, the Shiphay and the Willows Community Partnership and landowners. Extensive public consultation was also undertaken with the wider community at various points during the preparation of the Masterplan.</p>
6.	<p>How will you propose to consult?</p> <p>Extensive consultation has been undertaken in accordance with the Town and Country Planning Regulations 2012. The production of SPDs is a statutory process and consultation requirements are prescribed in the Town and Country Planning (Local Planning) (England) Regulations 2012 [as Amended], in the context of supporting primary legislation. Further guidance is set out in the Council's Statement of Community Involvement. A variety of methods of public participation have been used, detailed in the accompanying Public Participation Statement and the Masterplan document itself. There has been a considerable emphasis on bottom-up community engagement, with the Torquay Neighbourhood Forum playing a key role in its development and assisting the Council with ensuring the Masterplan reflects the hopes, desires and needs of the local community.</p> <p>Following Adoption of the SPD, the Council is required to publish an Adoption Statement and notify those persons who requested to be notified of its adoption, that this has happened. This needs to be carried out in a timely manner, in accordance with guidance in the Regulations.</p>

Section 2: Implications and Impact Assessment

7.	<p>What are the financial and legal implications?</p> <p>The Masterplan will be adopted within the legal framework of the Town and Country Planning Regulations 2012 to become a Supplementary Planning Document which would give it statutory weight as a material consideration when making planning decisions.</p> <p>The provision of new homes (shelter) and jobs (income) will contribute to the reduction in levels of deprivation. This will be augmented by healthy place-making principles which form a fundamental philosophy of the Masterplan (promoting physical activity, healthy homes, mixed and balanced communities, quality green space). Development proposals in this area will provide opportunities for income generation for provision of community facilities and infrastructure via S106 Agreements, Community Infrastructure Levy and award of new Homes Bonus (NHB). For instance, development proposals contained in the Local Plan and Masterplan for this area (Torquay Gateway) could deliver £4.62m of NHB and £48m of GVA.</p>
8.	<p>What are the risks?</p> <p>The importance of adopting the Masterplan as an SPD has been outlined in this Report, including within para 1.7. If the document is not adopted as SPD, the Council will be less able to influence planning applications which come forward in this area and therefore less likely to secure the principles and associated benefits contained within the Masterplan.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>The production of the Masterplan has utilised a specialist multi-disciplinary consultant team to produce the document in conjunction with technical input from Council officers and stakeholders (e.g. through consultation and engagement). The contract for this work was based on an existing framework agreement.</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>The National Planning Policy Framework requires local planning authorities to ensure that plan preparation is informed by an up-to-date, relevant and proportionate evidence base. Torbay Council has prepared wide range of studies for this purpose, both individually and jointly with other organisations, to inform Local Plan preparation. These documents have also been utilised to inform preparation of the Torquay Gateway (Edginswell) Masterplan.</p> <p>Evidence and data has been drawn from a wide range of sources. See supporting information relating to the new Torbay Local Plan for further information of those sources.</p>

11.	<p>What are key findings from the consultation you have carried out?</p> <p>Extensive consultation has influenced the proposals contained within the masterplan relating to all matters, including all details, guidance and principles which are outlined for future development at Edginswell.</p> <p>A detailed series of consultation was carried out prior to a formal consultation stage on the draft Masterplan. This included stakeholder workshops and meetings as well as numerous public exhibitions, an online survey supported by promotion of such events to consultees and the wider public. This meant that the draft Masterplan had a high degree of community engagement and the proposals which it contained were heavily influenced through the 'bottom-up' masterplan preparation process.</p> <p>12 individuals and organisation made formal representation on the draft Masterplan in November 2014. The relatively low number of respondents (and objectors) compared to those who participated during earlier consultation stages could be said to be reflective of the high degree of community involvement which is evident in the proposals. These representations can be viewed on the Council's website at www.torbay.gov.uk/masterplans . Since the consultation stage in November 2014, the Council has had further discussions with a number of these respondents to deal with and resolve issues that were raised. Some of these issues have been dealt with through modifications to the Masterplan and indeed other issues through modifications to the Local Plan – both documents work together to frame development proposals in this area.</p> <p>The final Masterplan document is supported by the community including the Torquay Neighbourhood Forum, the Shiphay and the Willows Community Partnership as well as local business network organisations such as the Torbay Business Forum and the Torquay Chamber of Commerce.</p>
12.	<p>Amendments to Proposal / Mitigating Actions</p> <p>See comments above (11) and supporting documents on the website for schedule of changes at www.torbay.gov.uk/masterplans .</p>

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	<p>The Masterplan delivers further guidance regarding facilitating acceptable developmental growth in accordance with the new Torbay Local Plan. The new Torbay Local Plan, as modified by the Inspector, contains various Policies that specifically support the needs of older and younger people. The Masterplan will help deliver objectives set out in Policies SS11 Housing, H1 Applications for new homes, H2 Affordable Housing, H3 Self-build affordable housing and exception sites, H6 Housing for people in need of care, SC3 Education, skills and local labour, SC5 Child poverty, and SS10 Sustainable Communities.</p>		
	People with caring Responsibilities			No differential impact
	People with a disability	<p>The Masterplan delivers further guidance regarding facilitating acceptable developmental growth in accordance with the</p>		

	<p>new Torbay Local Plan. The new Torbay Local Plan, as modified by the Inspector, contains various Policies that specifically support the needs of people with a disability. The Masterplan will help deliver objectives set out in Policies SS11 Housing, H1 Applications for new homes, H2 Affordable Housing, H3 Self-build affordable housing and exception sites and H6 Housing for people in need of care.</p>		
Women or men			No differential impact
<p>People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i></p>	<p>The Masterplan delivers further guidance regarding facilitating acceptable developmental growth in accordance with the new Torbay Local Plan. The new Torbay Local Plan, as modified by the Inspector, contains various Policies that specifically support the needs of people who are black or from a minority ethnic background. The Masterplan will help deliver objectives set out in Policies SS11 Housing and H1 Applications for new homes.</p>		
Religion or belief (including lack of belief)			No differential impact

People who are lesbian, gay or bisexual			No differential impact
People who are transgendered			No significant effect
People who are in a marriage or civil partnership			No significant effect
Women who are pregnant / on maternity leave			No significant effect
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The Masterplan delivers further guidance regarding facilitating acceptable developmental growth in accordance with the new Torbay Local Plan. The new Torbay Local Plan, as modified by the Inspector, contains various Policies that specifically address socio-economic impacts. The Masterplan will help deliver objectives set out in Policies SS3 Presumption in Favour of Sustainable Development, SS4 Economy and employment, SS10 Sustainable Communities, SS11 Housing, H1 Applications for new homes, H2 Affordable Housing, H3 Self-build affordable housing and exceptions sites, H6 Housing for people in need of care, SC3 Education, skills and local labour, SC5 Child poverty and ES1 Energy.		
Public Health impacts (How will your proposal impact on the general health of the	The Masterplan has been drawn-up with health as a key factor in defining the brief and it is		

population of Torbay)	expected that health will be positively affected through the development of quality green infrastructure, new homes for mixed and balanced communities, high quality employment and opportunities to undertake physical activity as part of normal life. In addition, the Masterplan delivers further guidance regarding facilitating acceptable developmental growth in accordance with the new Torbay Local Plan. The new Torbay Local Plan, as modified by the Inspector, contains various Policies that specifically address public health impacts. The Masterplan will help deliver objectives set out in Policies SS3 Presumption in Favour of Sustainable Development, SS4 Economy and employment, SS8 Natural environment, SS9 Green infrastructure, SS10 Sustainable Communities, SS11 Housing, H1 Applications for new homes, H2 Affordable Housing, H3 Self-build affordable housing and exceptions sites, SC1 Healthy Bay, H6 Housing for people in need of care, SC3 Education, skills and local labour, SC4 Sustainable Food production, SC5 Child poverty and ES1 Energy. The Local Plan and Masterplan require development proposals to		
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		undertake Health Impact Assessment to help further understand and inform planning applications for the Edginswell Future Growth Area..		
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	<p>The guidance and principles contained within the Masterplan add further detail to the Torbay Local Plan and together set a framework for sustainable development at the Edginswell Future Growth Area including the provision of new homes and jobs, and the protection and enhancement of the environment. The Masterplan also embraces corporate priorities.</p> <p>Where changes are made in Council wide policy, those with spatial implications, including Council-led development, has to be in accordance with the policies of the adopted Local Plan and the Masterplan SPD. The development management process should help to reinforce the positive impact of development and ensure mitigation of any harmful impacts.</p>		
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	<p>The guidance and principles contained within the Masterplan add further detail to the Torbay Local Plan and together set a framework for sustainable development at the Edginswell Future Growth Area including the provision of new homes and jobs, and the protection and enhancement of the environment. The Masterplan also embraces corporate priorities.</p> <p>Where changes are made across other public services, those with spatial implications, has to be in accordance with the policies of the adopted Local Plan and the Masterplan SPD. The development management process should help to reinforce the positive impact of development and ensure mitigation of any harmful impacts.</p>		



Torquay Gateway (Edginswell) Masterplan

Torquay Rethinking

A Vision for the Heart of the English Riviera



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PART 1 Background



Introduction

1.0

1.1 The Purpose of the Masterplan Document

1.1.1 The Brief

In January 2014 the Mott MacDonald team (Lavigne Lonsdale, Stride Treglown, iCube, Urban Movement) were appointed to deliver masterplans for specific areas of Torquay – the town centre and the gateway site at Edginswell. This has followed their involvement in the neighbourhood planning work with the Princes Foundation since 2012.

The main thrust of the masterplans is to;

- Be deliverable, commercially viable and realistic
- Respond and reflect the emerging Neighbourhood Plans and new Local Plan,
- Understand the uniqueness of the Torquay and the individual sites,
- Build on the sense of place,
- Consider 'game changing' ideas

The process of producing the masterplans included a significant amount of consultation and preparation which is identified in this report (refer to Section 3). A similar study has also been carried out for Paignton Town Centre and land at Collaton St Mary which has been done by a separate team that included Stride Treglown. This masterplan covers Torquay Gateway.

1.1.2 Torquay Today

Torquay is the largest town in Torbay. The economy is centred on tourism as well as a strong retail sector although this has suffered over the last 5 years. A high class natural environment focussed on the harbour and coast, makes the town an attractive place for visitors and investors. However, there are also communities with significant levels of deprivation and the economy has traditionally been hampered by infrastructure constraints.

Torquay needs planned growth and sensitive development (including new homes and jobs) to help deliver the social and economic changes needed to arrest decline whilst also protecting its strong environmental assets and tourism value.



In order to rise to the challenges of the 21st century and to improve Torbay's commercial and retail position, Torquay Gateway is an important area for the sustainable growth of Torquay. As well as providing much needed new homes and jobs, there will be opportunities to improve transport connectivity and green infrastructure. The highest quality of design will need to underpin what will create a special sense of place

Masterplan | Gateway

For the purpose of the Masterplan, we have subdivided the Gateway into three areas (refer to Figure 1);

1. Edginswell Valley
2. Edginswell Business Park
3. Kerswell Gardens

The Gateway area is immediately to the west of Shiphay and east of Hamelin Way, north of Torquay Road/ Riviera Way (A380/A3022) and to the south at Marldon Road.



The importance of this area for growth has been increased following confirmation of funding for the South Devon Link Road due for completion in December 2015. The Council identified the land to the east of Hamelin Way as a 'Future Growth Area' in the emerging Local Plan which has been reflected in the emerging Torquay Neighbourhood Plan providing the potential for jobs, homes and infrastructure, including green infrastructure.

The scale and nature of new development in the gateway must reflect the character of the individual area, as informed by Torbay's Landscape Character Assessment and should be green infrastructure led, consistent with the levels of growth set out in the Local Plan.

The northern area is the partly completed Edginswell Business Park, accommodating a range of established businesses.

The Torquay Gateway, according to the Council is expected to facilitate the following:

- a. The enhancement of a strong sense of community through the effective design and layout of homes and the provision of local facilities;
- b. Provision of a range of residential schemes that offer a mix of housing types;
- c. Creation of employment space, delivered in the early stages of development, designed to meet identified economic growth sectors;
- d. Essential transport and utilities infrastructure, including green infrastructure, and appropriate links to other planned facilities;
- e. A suitable range of recreational, leisure and tourism facilities;
- f. High quality design standards that embrace sustainable and energy efficient construction techniques; and
- g. Appropriate phasing to ensure overall a balanced provision of jobs, homes and Infrastructure (including green infrastructure).

Figure 1: Edginswell Identified Gateway Areas



2.1 The National Planning Policy Framework

This summary of the National Planning Policy Framework (NPPF) published by the Department of Communities and Local Government in March 2012 provides an overview of the NPPF.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan “should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise”. It is desirable that local planning authorities should have an up-to-date development plan in place. This masterplan helps to articulate the vision for the regeneration of the Torquay Gateway as underpinned by both the Council’s current Local Plan and its emerging, new Local Plan.

The UK Sustainable Development Strategy suggests there are three dimensions to sustainable development which translate into three roles for the planning system:

1. Economic Role

2. Social Role

3. Environmental Role

The NPPF is guidance for local authorities in drawing up plans, and a material consideration in determining applications.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

- For plan-making the presumption means that LPAs should positively seek opportunities to meet the development needs of their area.
- For decision making the presumption means approving applications that accord with the plan without delay in the absence of a plan or policies, granting permission unless adverse impacts would demonstrably outweigh benefits when assessed against the NPPF

Policies in Local Plans should follow the approach of the presumption in favour of sustainable development. In addition, the application of the presumption will have implications for how communities engage in neighbourhood planning. Neighbourhoods should:

- Develop plans that support the strategic development needs set out in Local Plans,
- Plan positively to support local development,
- Identify opportunities to use Neighbourhood Development Orders to enable development that is consistent with the Neighbourhood plan to proceed



Core planning principles in the NPPF are that planning should:

1. Be genuinely plan-led, with up to date, positive local and neighbourhood plans, that empower local people, and support predictable and efficient planning decisions.
2. Be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
3. "Pro-actively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. ...
4. "Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
5. "Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
6. "Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
7. "Contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework.
8. "Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
9. "Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
10. "Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
11. "Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
12. "Take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

2.2 The Emerging Local Plan

Torbay Council's new Local Plan, A Landscape for Success, will replace the current Adopted Torbay Local Plan 1995-2011 and provide a framework for guiding development and investment across Torbay for the next 20 years. This masterplan builds on the policies within A Landscape for Success for growth and development in Torquay Gateway which, together with the Torbay Economic Strategy, represents the strategic objectives of what this area should become.

The Local Plan

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

The Economic Strategy

<http://www.torbaydevelopmentagency.co.uk/dbimgs/efstrategy.pdf>

Relevant policies that relate to the study area include;

Policy SDT3 - Torquay Gateway

Torquay Gateway is an important area of growth for Torquay. In addition to providing new homes and jobs, there will be opportunities provided through strategic developments to improve connectivity for pedestrians, cyclists, public transport and motor vehicles within the area and to the town centre. High quality design that reflects the strategic context of closely situated but distinct development sites will be important to the area's functional success. This is particularly important considering the opportunities to provide place-making improvements.

The South Devon Link Road is a key piece of strategic infrastructure to support both short-term (including existing sites with planning permission) and long-term growth in this part of Torquay as well as the rest of Torbay. A range of sites are identified to support future growth. In particular, the Edginswell Future Growth Area has been identified for a large mixed-use development which could deliver around 550 homes and up to 37,600 square metres of employment space (subject to masterplanning). The site is developable but needs to be masterplanned to show how the necessary infrastructure can be delivered to unlock this development. An outstanding level of design will be needed due to the scale and location of the site. The effective provision of green infrastructure will be provided as part of the development to improve the accessibility of

greenspace in the area, improve connections between communities, manage flood risk (particularly minimising run-off into Aller Brook) and maintain and enhance the strategic green gap between Torquay and Kingskerswell.

2.3 The Emerging Neighbourhood Plan

The Torquay Neighbourhood Plan is being developed in parallel with the Torbay Local Plan, each plan informs and strengthens the other. The Local Plan (titled “a Landscape for Success”) provides the vision for the whole Bay, and the neighbourhood plans for Brixham, Paignton and Torquay will add detail about local outcomes, projects and sites.

The Torquay Neighbourhood Plan (TNP) is on-going. All current Community Partnership (CP) statements and draft TNP is on the TNP website - <http://torquaynp.org/>

Nine community partnerships have been set up across Torquay, each one aiming to ensure that the needs and aspirations of its area are included in the plan. Those partnerships are:

1. Barton and Watcombe
2. Cockington, Chelston and Livermead
3. Ellacombe
4. Shiphay and The Willows
5. Hele and Lower Barton
6. St Marychurch, Maidencombe and District
7. Torre and Upton
8. Torquay town centre
9. Wellswood and Torwood

The Gateway masterplan area falls within the Shiphay with The Willows CP area.

A neighbourhood plan has to comply with national planning policy, European guidance and regulation, and the local plan whose area it lies within. A statement of compliance for this plan is included in the plan. The plan also aims to complement and not conflict with other plans, particularly the neighbourhood plans for Brixham and Paignton.

The plan, in common with the local plan, covers the period from now until 2032 and beyond. The development proposals it contains relate to the local plan’s development horizon and further articulate how and where Torquay will develop.

The plan is for the whole of Torquay and for each of its neighbourhoods, aimed at securing sustainable development to promote investment in the town’s physical and social fabric, strengthening its economy, conserving its heritage, promoting its natural beauty and growing a safer and healthier community.

The plan has the following policies related to the Gateway:

Gateway Development and Design Principles

Successful development of this area will require a comprehensive master-planning approach. This plan does not specifically identify site proposals, but the opportunity exists now to establish some basic principles to guide the future design and planning of the area and help ensure that it contributes to the sustainability and well-being of existing neighbourhoods and the whole town.

The overarching principle of development in the gateway area should be to engender structured growth which will support existing neighbourhood centres at Shiphay and Barton, with housing developments focussed around the emerging district centre at The Willows and where appropriate creating new small local centres as part of new developments. The plan establishes principles for the planning, design and development of sites at the gateway.

The gateway area is a natural focus for development interest. It lies at the entrance to Torquay and the wider Bay area. It will be increasingly well connected as the South Devon Link Road is completed and a new local railway station is provided at Edginswell.

Successful development of the area will require a comprehensive master-planning approach. This plan does not specifically identify site proposals, but the opportunity exists now to establish some basic principles to guide the future design and planning of the area and help ensure that it contributes to the sustainability and well-being of existing neighbourhoods and the whole town.

The overarching principle of development in the Gateway area should be to engender structured growth which will support existing neighbourhood centres at Shiphay and Barton, with housing developments focussed around the emerging district centre at The Willows and where appropriate creating new small local centres as part of new developments.

The plan establishes principles for the planning, design and development of sites at the gateway.

Development at the Gateway should conform with an approved overarching masterplan for the area and include a detailed masterplan for each development area demonstrating:

- good pedestrian, cycle and vehicular connectivity to adjoining sites and existing neighbourhoods, enhancing existing local centres at Shiphay,

Barton and The Willows

- quality housing design, heights and density appropriately related to their local context (higher density town houses and terraces around local centres with detached homes towards the edge of neighbourhoods)
- a mix of uses including employment and community facilities, open space and retail at key junctions or focal points
- mixed building footprints (size and design) in local centres to enable a wide range of shop, business and community uses

Opportunities for infill development in and around The Willows district centre will be promoted in order to enhance its design distinctiveness and sense of place.

Development at the Gateway shall contribute both directly through its good design and indirectly through financial contribution to the creation of a striking, significant and attractive entrance to Torquay with improved public realm and public art.

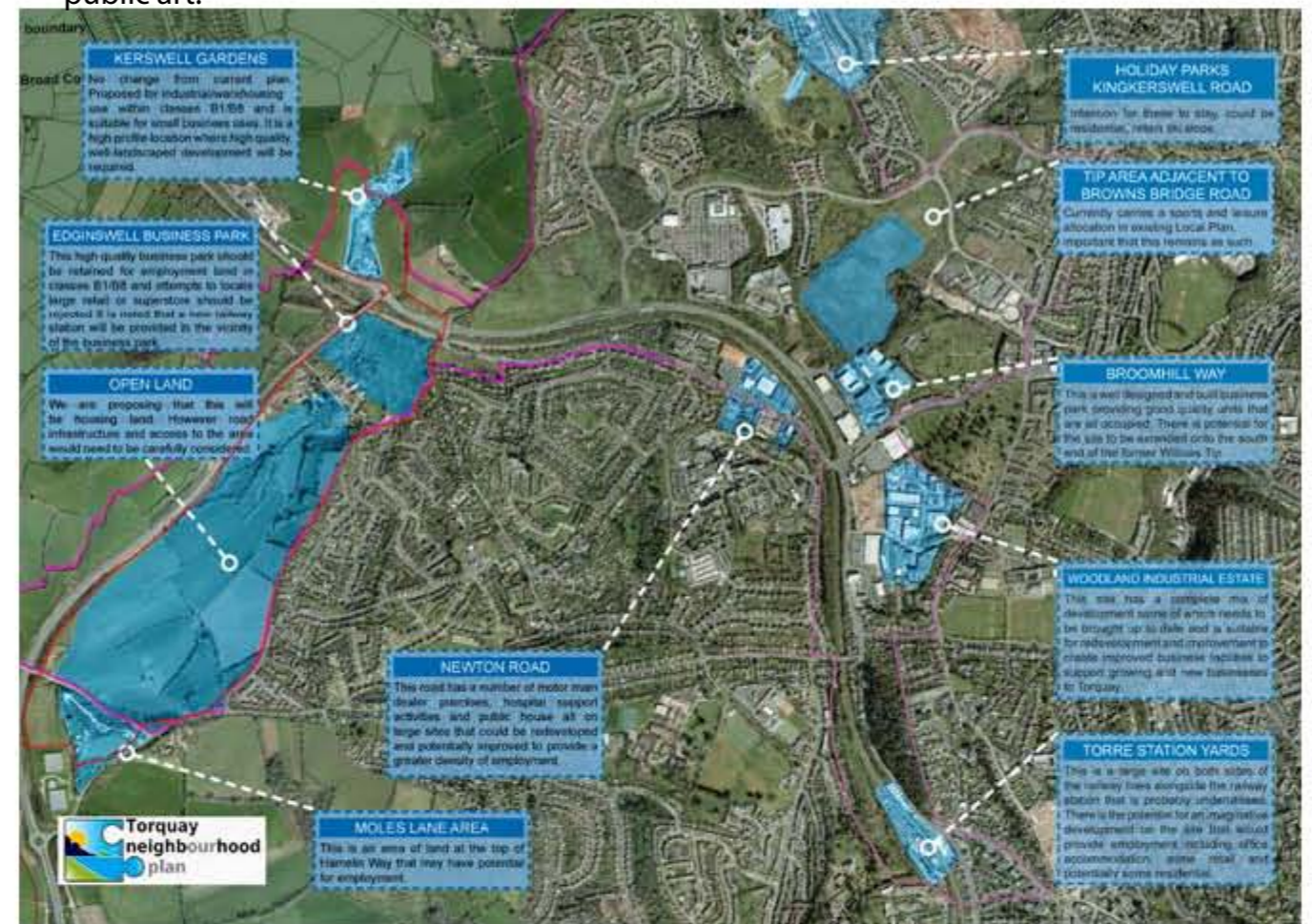


Figure 2: Torquay Neighbourhood Plan



3.1 Process

The first stage of the consultation and engagement process took place during the production of the first draft masterplan and included the following:

- 1st Public Exhibition 1st April 2014
- 1st Stakeholder Workshop 2nd April 2014
- 2nd Public Exhibition 21st May 2014
- 2nd Stakeholder Workshop 21st May 2014
- An online survey (to support the 2nd Public Exhibition) ran from the May to the August 2014.
- A number of stakeholder meetings with the following organisations- Torquay Neighbourhood Forum, business owners in Edginswell, land owners in Edginswell, as well as numerous other local community groups and representatives.

This work has been instrumental in terms of defining the areas of change and the content of the masterplan. Some of the main findings have been;

- Torquay has Unique Selling Points and Aspirations
- Torquay and the Bay has much to offer.
- Torquay is located in one of the Countries most attractive and aspiration Counties
- It has a unique and beautiful coastal, maritime and landscape setting
- It has outstanding schools
- It will have improved road and rail links (by 2015)
- It will have super fast broadband (by 2016)
- It has a rich history which is translated in its architectural merit.
- It has a vast amount of leisure activities on its doorstep.
- It has a strong and passionate community.

Through the process of talking to stakeholders, councillors and the community, the town's aspirations have been found to include;

- Building on the maritime and harbour experience
- Creating a vibrant, varied and higher quality evening economy which includes retail, restaurants, cafés & night clubs for all ages.
- Creating a thriving town centre which focuses on both a regional retail offer and a retail/leisure offer with a mix of high street stores and independent high quality retailers.
- Creating a cultural destination, linked to its growing creative industries.
- Providing an environment that allows and helps businesses to start, expand and grow within the town and compete in local, regional, national and international markets.
- Provide a culture that encourages excellence and ambition.
- Create a town where people have the opportunity to grow up in the town and stay in the town and get high quality, high value jobs and retain the knowledge economy within the Bay.

As part of the masterplan process, a comprehensive consultation process has been carried out to inform the masterplan. This augments the previous work that the team carried out as part of the Princes Foundation with the Neighbourhood Forum.



Objectives:

Critical issues to address:

'The Gateway is designed so as to:

- Avoid the creation of sub-urban Sprawl - Ensuring that the urban extension has a character and connects with the existing community to enhance the existing area and respond to the rural outlook. Avoid the creation of unconnected streets and isolated land use parcels
- Creating a centre - Ensuring that there is a natural centre to the scheme which could be connected to existing facilities or create new ones that serve both the new development and existing residents.
- Sustainability and Infrastructure - Ensure that there is sufficient infrastructure to cope with the increased population density health, education, access, shopping etc) Provide the opportunity for sustainable life styles, recycling and biodiversity.
- Movement - Consider the possibility of a new station at Edginswell
- Ensure that pedestrian, cycle and public transport links are provided
- Landscape - Protect views and respect ridgelines on this urban / rural edge.

As such development in the Torquay Gateway area will facilitate:

1. The enhancement of a strong sense of community and place through the effective design and layout of homes and the provision of local facilities;
2. Provision of a range of residential schemes that offer a mix of housing types;
3. Creation of employment space, delivered in the early stages of development, designed to meet identified economic growth sectors;

4. Essential transport and utilities infrastructure, including green infrastructure, and appropriate links;
5. A suitable range of recreational, leisure and tourism facilities;
6. High quality design standards that embrace sustainable and energy efficient construction techniques; and
7. Appropriate phasing to ensure overall a balanced provision of jobs, homes and infrastructure

A full summary of the outputs from the various consultation stages can be found in a separate document, on the Council's website.

A second stage of consultation took place on the draft consultation masterplan and was carried out in accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Torbay Council's Statement of Community Involvement 2014. The consultation ran for four weeks from 27 October to 24 November 2014. The draft masterplan was advertised and placed for consultation on the Council's website and at public libraries and buildings across Torbay. Consultation bodies were notified in writing. Public notices and news articles appeared in the local news media and public consultation events took place in conjunction with the Torquay Neighbourhood Forum and with local business representatives. Representations and comments made on the consultation draft masterplan have been taken into account in changes made to this final version.

PART 2 The Gateway

Edginswell Valley | Edginswell Business Park | Kerswell Gardens

The Torquay Gateway

There are three areas to the Gateway masterplan:

1. Edginswell Valley
2. Edginswell Business Park - The Riviera Gateway
3. Kerswell Gardens

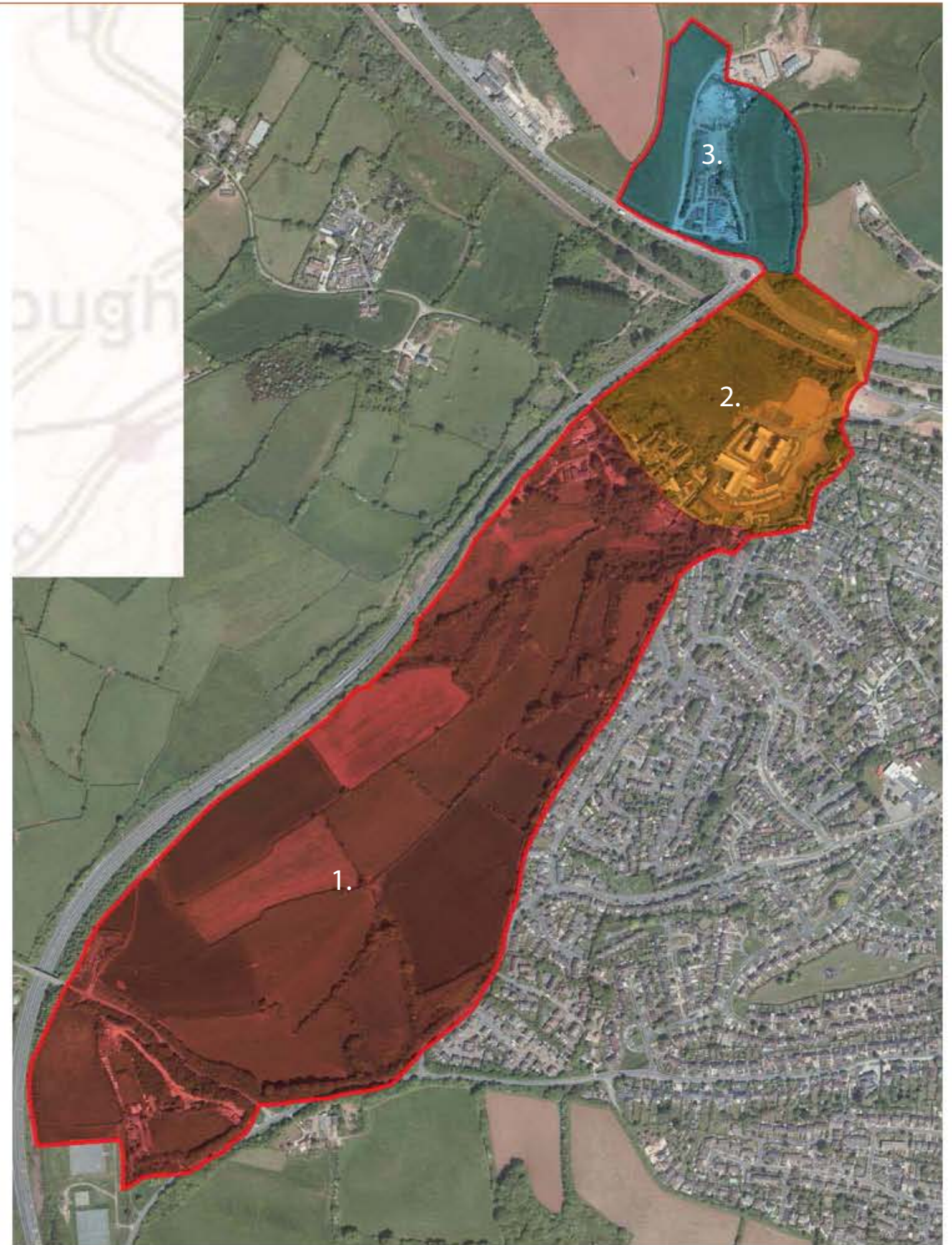


Figure 3: Gateway Area Location Plan

Context Issues

4.1 Landscape & Vegetation Cover

According to Enderby Associates (May 2010-Torbay Landscape Character Assessment), this area on the A380 Hamelin Way (Torquay by-pass) on the northern boundary of Torbay abutting South Wilborough in Teignbridge and extends around the upper slopes of the Edginswell valley, forming the setting to the valley and Edginswell hamlet (AoLC 3B). The area comprises a pattern of sloping arable and pasture fields defined by hedges that follow the contours. The hedgerows and trees along the eastern side of the area create a significant screen along the urban edge. The bypass " is becoming well integrated being partially screened by cuttings and establishing planting; the side slopes are identified as being of local conservation interest."

The Enderby Assessment stated that:

".....the Edginswell area does make a significant contribution to the local setting of Torquay; the bypass passes through a largely unspoilt fringe of well managed farmland that has a defined landscape pattern. This setting would be changed with development and a new edge to the built up area would have to be created; whilst the bypass may form a physical limit to any potential urban expansion this would need to be reinforced through extensive planting."

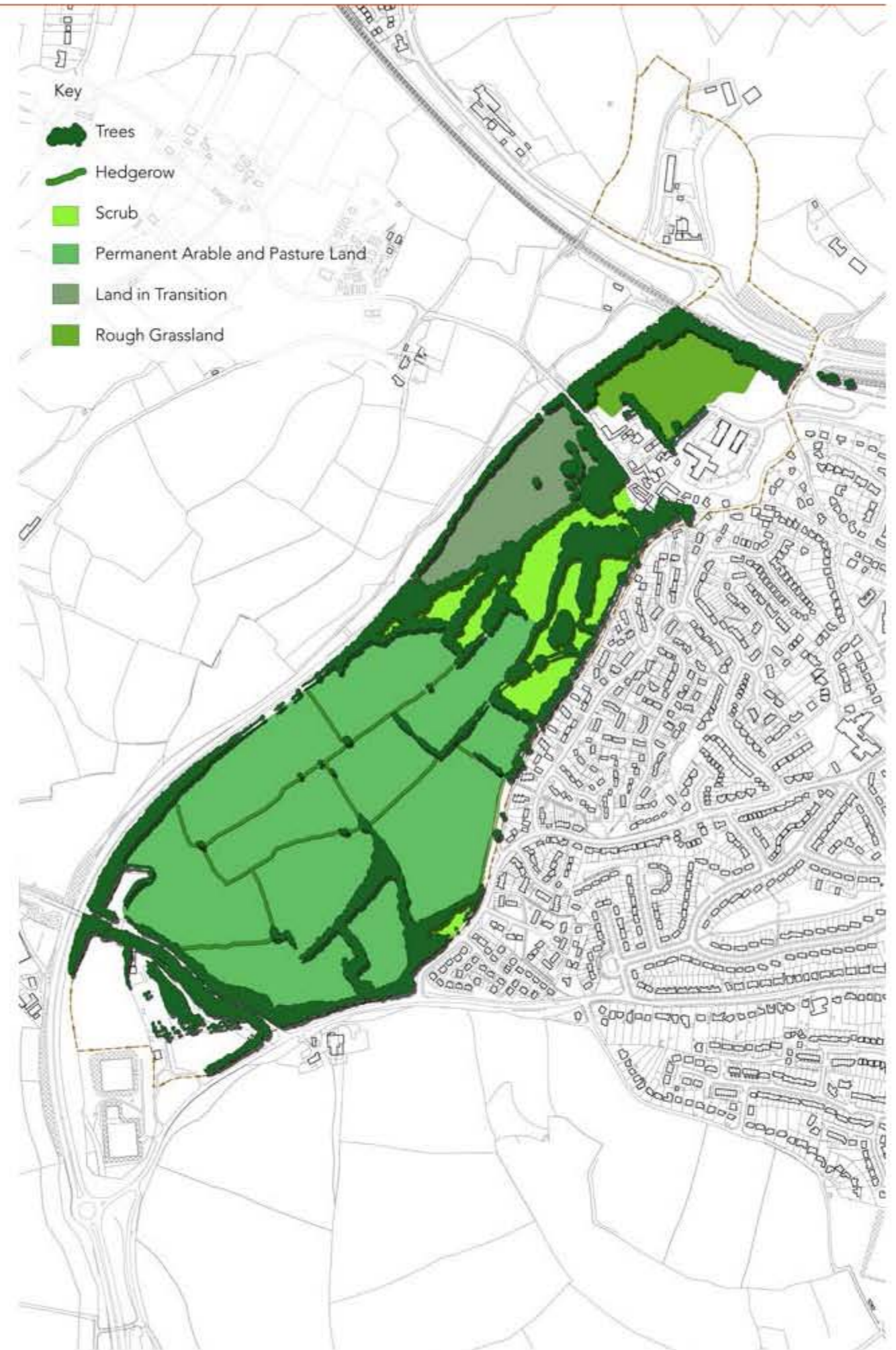


Figure 4 : Existing Vegetation Cover



4.2 Ecology

An initial ecological survey has been carried out by the Devon Biodiversity Records Centre (DBRC). The results of which have been translated into Figures 5 and Figure 6.

A summary of the findings are ;

The site is of large size and comprises a range of habitat types. Of the habitats present the hedgerows and unimproved grassland are of the most significance. The unimproved grassland areas are considered to show affinities to the NVC community MG5 (a BAP priority habitat). The quality of the unimproved grassland areas could be enhanced if managed more sensitively as many of these areas are currently managed inappropriately to maintain grassland diversity.

There has been a recent loss of unimproved grassland in Area 3 since 2010 due to the development of dwellings. This area now supports ruderals growing on bare earth. The quality of the grassland in Area 1a indicates that although some of the grasslands are over-grazed in the northern part of the site a relaxation in heavy grazing can result in the development of a very species-rich sward. As such it is recommended that Areas 1a-c and 2 are retained and managed in a sensitive manner for the benefit of wildlife.

The site as a whole supports suitable cirl bunting habitat in the form of scrub and grassland which offer nesting and summer and winter foraging habitat for this species. The site falls within a cirl bunting zone as identified by RSPB and this species have been recorded on and near to the site. Cirl bunting is listed on Schedule 1 of the Wildlife and Countryside Act and as such is a protected species.

Lesser and greater horseshoe bats, brown long-eared and pipstrelle bats have been recorded within a close proximity to the site. The site offers suitable commuting, foraging and roosting habitat for these species (as well as other bat species). As such it is highly recommended that the site is surveyed in more detailed as with regards to bats if development is considered further.



Figure 5: Wider Ecological Context

Signs of badger activity were noted during the survey, including the presence of a potential sett. The Protection of Badgers Act (1992) should be referred to regarding the presence of this species on site and potential development.

It is unlikely that all the hedgerows will be retained on site due to the need to carry out major earthworks on the site. Significant areas of greenspace should therefore be retained to provide the ability to mitigate by enhancement of existing habitats. Off-site mitigation will also be required in the form of enhanced Cirl Bunting habitats which is currently being carried out on adjoining land holdings.

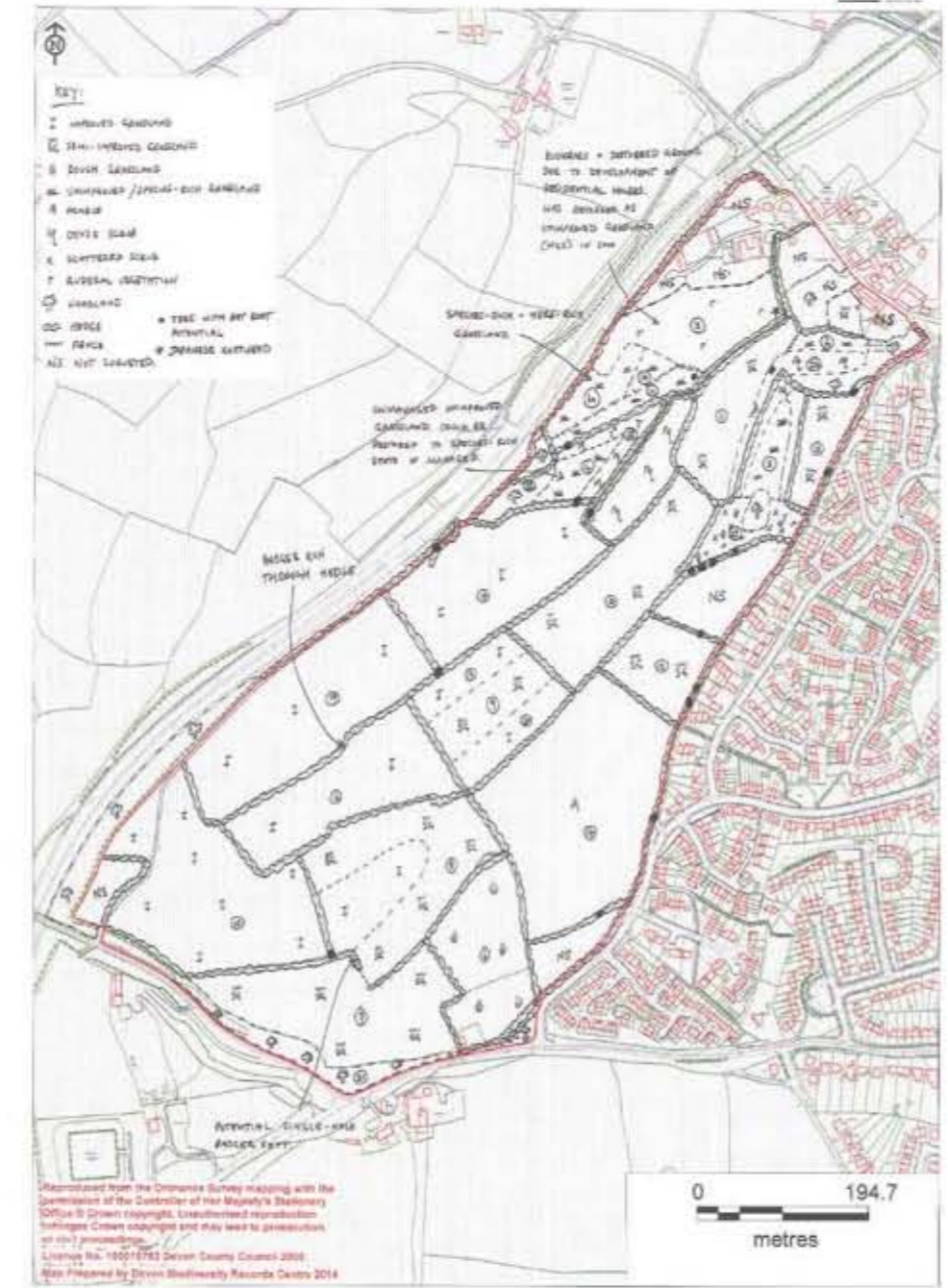


Figure 6 : Site Ecological Context

Further detailed Phase 2 habitats surveys and other ecological assessments will be required. Natural England's standing advice should be followed with regards to assessments. Any loss of habitats may necessitate off-site compensation to ensure an overall net gain in biodiversity. The proposals within this masterplan are subject to these assessments and any required off-site compensation being further identified and delivered.

4.3 Topography & Drainage

One of the principal issues and opportunities related to the site is the variation in topography and the steepness of the gradients. These vary considerably across the site and form a deep valley feature which runs north east towards Edginswell hamlet. The highest levels are located to the south west and form a ridge line which is already heavily vegetated.

A full detail topographic survey is required in order to test any emerging scheme proposals which were not available as part of this study.

The undulating topography could either provide an attractive built environment if treated sensitively or it could result in low quality public realm if treated poorly. It is essential that this is carefully considered in any emerging proposal.

There are no water courses on site but the drainage flows will follow the valley basin towards the north. Water attenuation will need to be considered. The vast majority of the site lies within flood zone 1 but special attention (supported by flood risk assessments) to providing Sustainable Drainage Systems (SUDS) and Water Sensitive Urban Design (WSUD) will be required, particularly due to the scale of development and particular topography in this area.

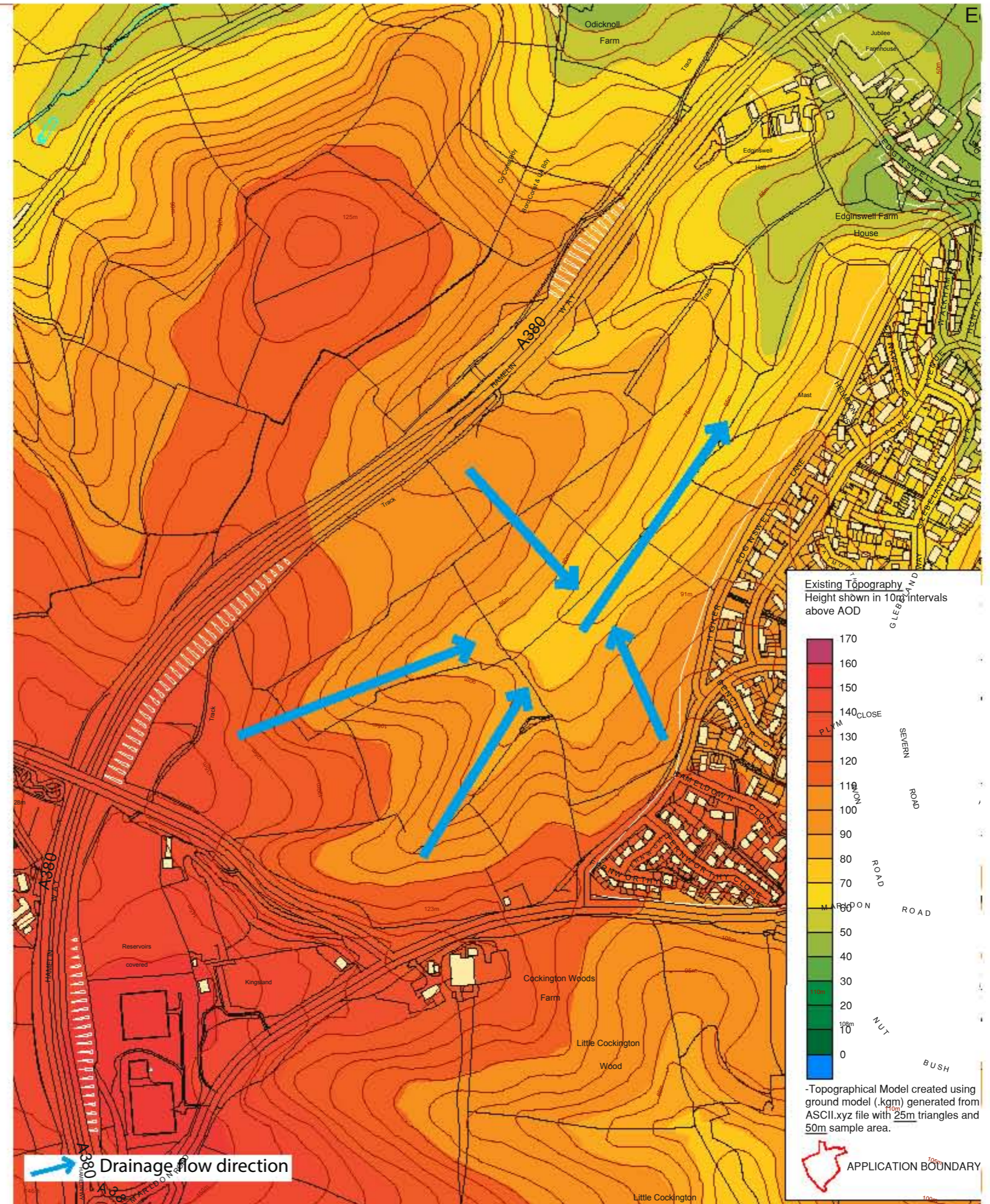
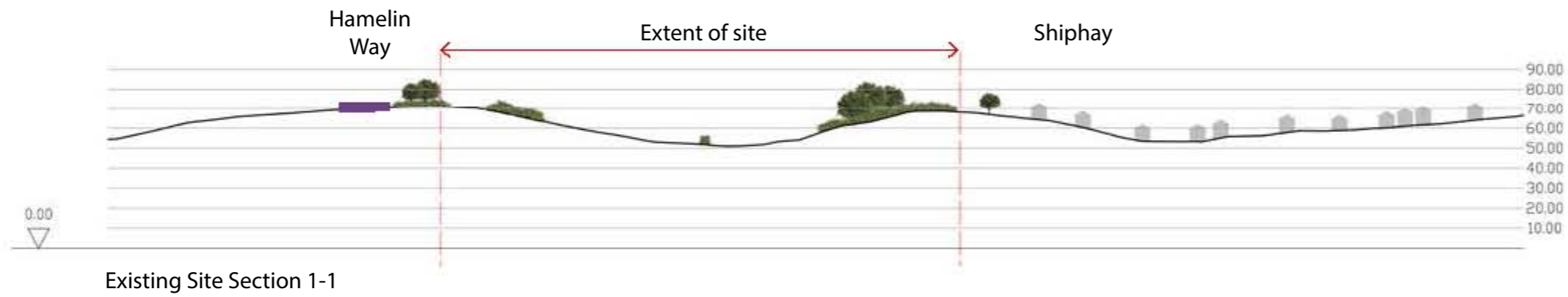


Figure 7 : Edginswell Valley Topography

Existing Site Sections



Section Location Plan

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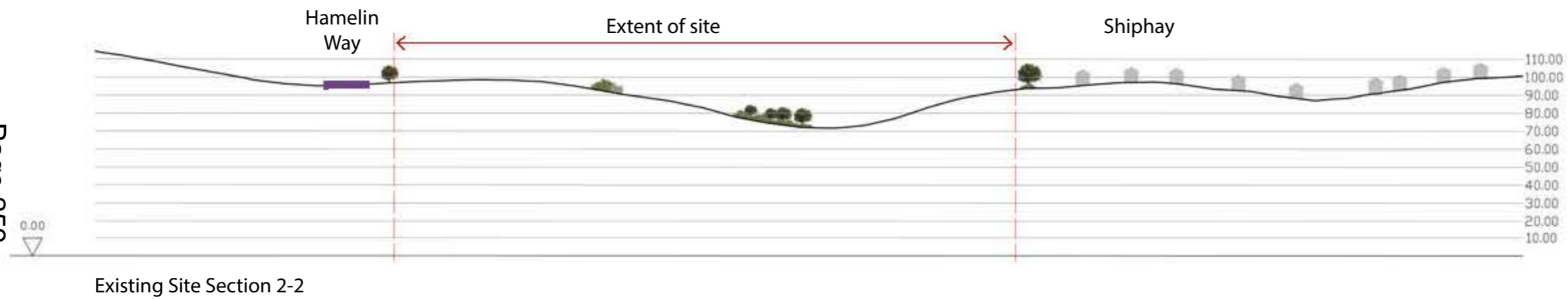


Figure 8 : Edginswell Valley Sections

4.4 Access

The failing of much of the northern area of Torquay is as a consequence of the lack of connectivity, the lack of walkable neighbourhoods, the segregation of uses and the sprawl of monotonous housing estates. It is critical that this be changed and that connected places, with integrated mixed use facilities and improved local facilities are provided in order to create a sea change in urban planning in this area of Torquay.

Access to the site is limited, both in terms of pedestrian, cycle, bus and car.

Pedestrian : There are no public rights of way on the site although the John Musgrave heritage Trail long distance path runs along Higher Edginswell Lane (refer to Figure 9). Parts of the site do appear to be used by the public for dog walking though, particularly along the edge of Higher Edginswell lane where existing alley ways from the existing housing estate provide some connectivity to the lane. These routes are seen as important links for the future development area.

Cycle : There are no definitive cycle routes on the existing site although there is a new cycle network to the north that connects Edginswell hamlet and the business park with the centre of Torquay and Kingkerswell. This route is being upgraded as part of the South Devon Link road improvements. There is therefore scope to connect onto this network.

Bus : There are bus routes along improved section of Higher Edginswell lane and Exe Hill that pass through the existing housing estate. Additional bus stops will be required within any development area to ensure that houses are no more than 400m away from a bus stop.

Vehicular : There are no existing roads within the site area. Access is available from Higher Edginswell Lane to the south and east and Moles Lane to the west. Both of these routes link onto the main Marldon Road which provides direct access onto the A380 and into the centre of Torquay .

Edginswell Lane to the north is a narrow lane with a limited capacity and one that we do not feel is appropriate to connect onto for vehicles given the character of the existing hamlet. Cycles and pedestrians should however be encouraged.

The South Devon Link Road is a major new road that will connect Hamelin Way to the dual carriageway section of the A380 to the north of Newton Abbot. This is a significant piece of regional infrastructure that creates a faster link to the M5 to the north and better connectivity to Exeter. The gateway site is very close to this junction and will therefore be highly accessible and desirable for new homes and jobs once the road is open. The link road can be seen on the access plan (figure.9)

Rail : The mainline railway is located to the north of the site and whilst Torre station is currently the closest station. A new station is proposed at Edginswell (subject to funding). This is anticipated to be open by 2016 and would provide an attractive option for commuters.

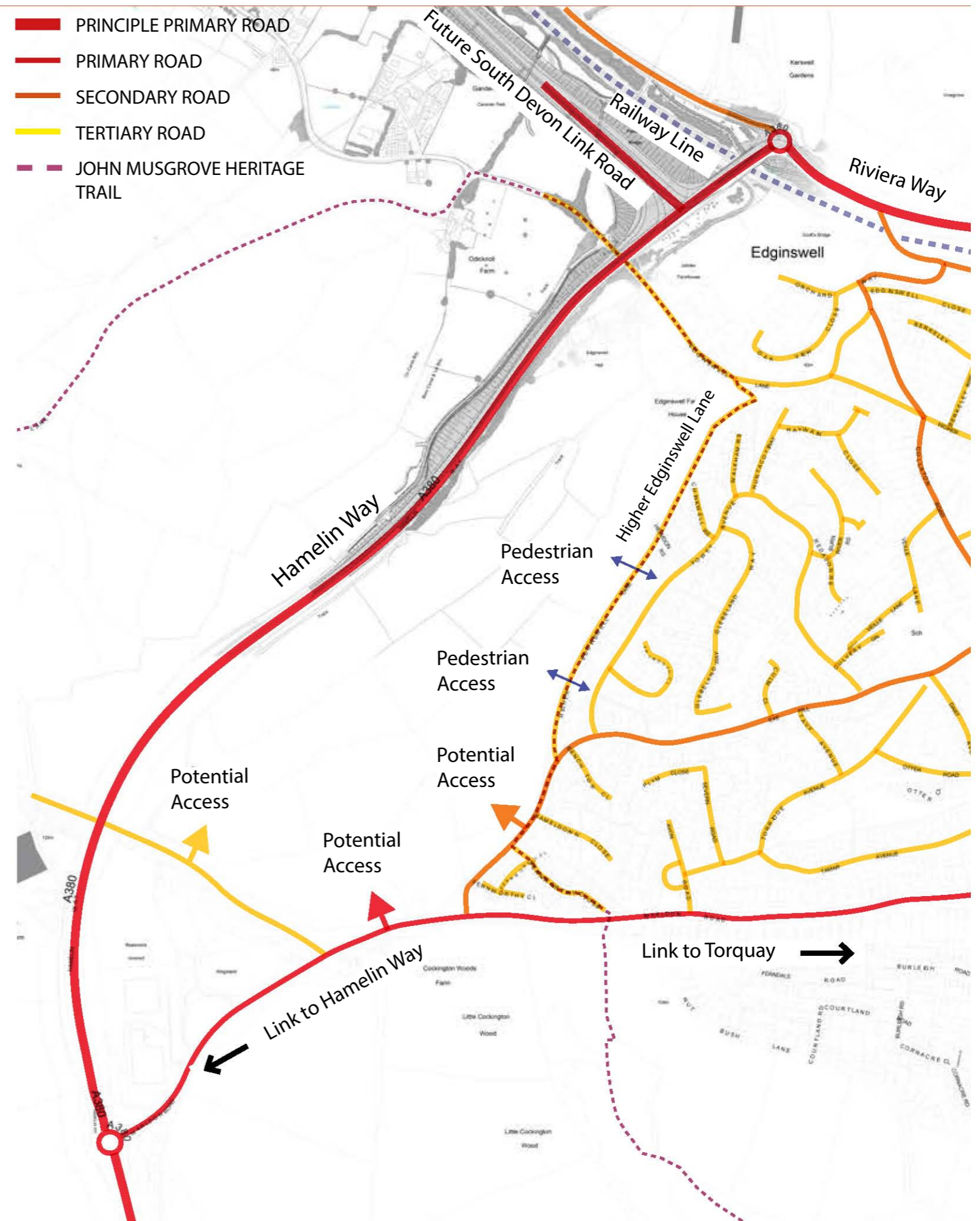


Figure 9 : Edginswell Valley existing road hierarchy & access plan

4.5 Upgrade Infrastructure

Proposed Junction Enhancement around the Gateway:

A scheme of road improvements has been identified in the Gateway by the Highways Authority. The scheme consists of junction enhancements along the key route between the Town Centre, development on the boundary of Torbay (Gateway) and the South Devon Link Road.

Additional capacity will be created at the key strategic junctions along the route. This will include additional lanes and road widening in places.

The changes will improve the accessibility to Torquay Town Centre, as well as other areas of Torquay given that this is the main route into the town. It will also open up the development potential in the Gateway area (marked with Hatching on the map)

How does the intervention address the problem?

This infrastructure delivery is crucial in supporting this future growth of the area. Improvements to the junctions along the overall route will greatly address the issues and allow for an improved flow of traffic towards the town centre in one direction and provides good access to the Gateway sites in the other.

An enhancement of the access to the town centre will have a knock on effect on the positive regeneration of the area. This will help to support additional jobs and make better use of the commercial premises within that area.

The improvement of transport infrastructure for all users will stimulate growth in the local economy by improving accessibility to the area and to markets and will develop and promote quality sites and premises away from the traditional tourist areas.

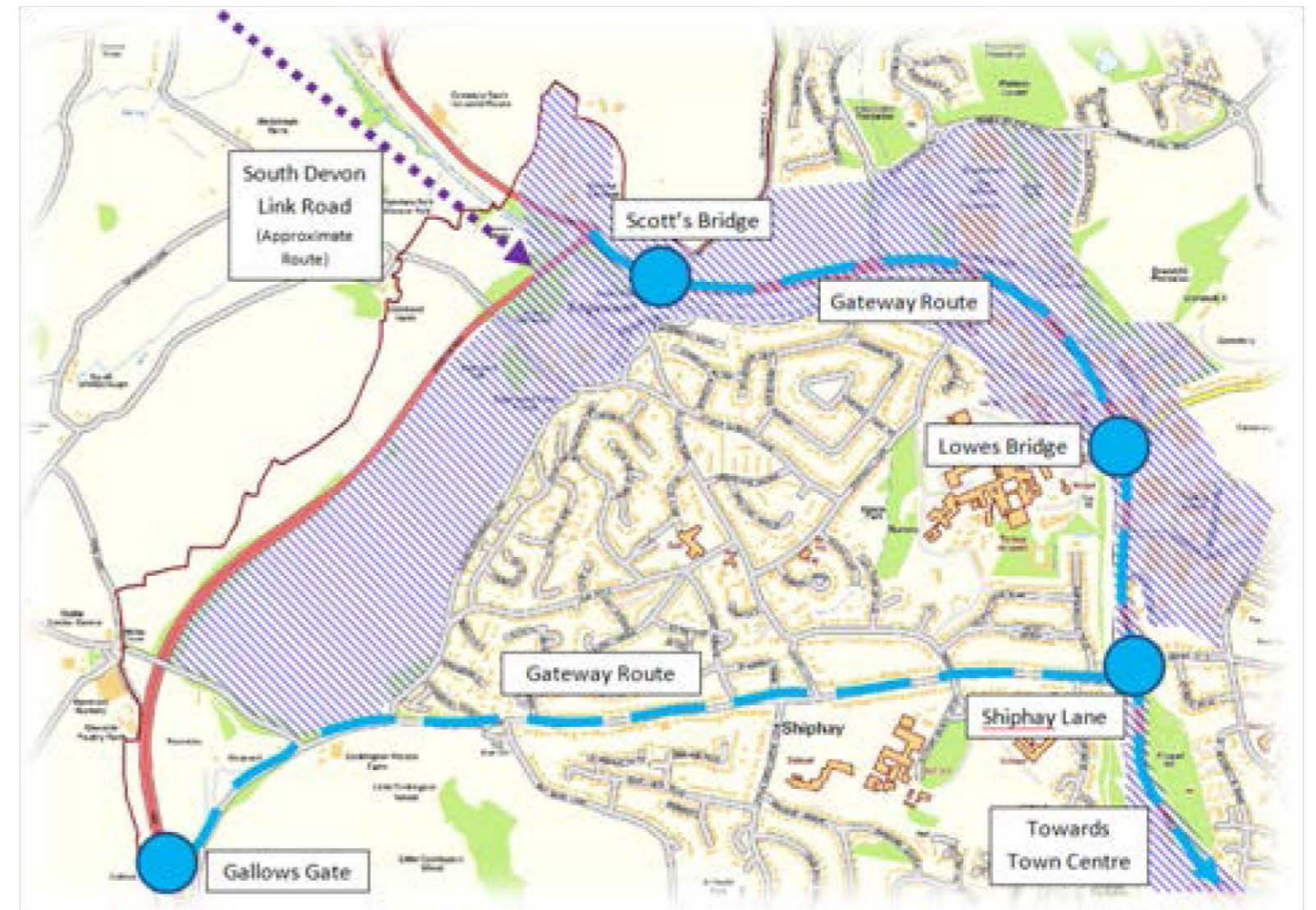


Figure 10 : Gateway road improvement initiatives

4.6 Land Uses

The site is currently used for agricultural purposes primarily although the agricultural uses to the north have however lapsed, particularly on the steeper slopes which are now regenerating naturally with scrub and tree cover.

To the south, on the opposite side of Moles Lane, the site is used for minor employment/storage and small holding uses, plus an adjacent SW Water reservoir.

The urban edge of Shiphay is located immediately to the west of Higher Edginswell Lane, however, due to the nature of the topography the site appears quite remote.

Edginswell hamlet forms the northern edge of the site and is an attractive, small settlement, very different to the suburban character of the Shiphay. Some additional housing is being developed at present within the hamlet, with the largest area being to the northwest on land associated with Edginswell House. This 'rural' character needs to be retained if at all possible.

4.7 Local Facilities

Figure 11 shows the location of the main local centres and community uses in proximity to the Gateway site. This includes Shiphay local centre, schools, offices and employment areas, public houses, health centres and hospital, Willows district centre etc.

The area is well served although the walkable distances (500m)* to some of the facilities would mean that additional community and local facilities would need to be provided on the gateway site to serve both the new community and existing fringes of Shiphay.

* walkable distances are generally circa 500m (5 minute walk) It is generally acknowledged that distances greater than 500m will result in people using a car to access the facilities.

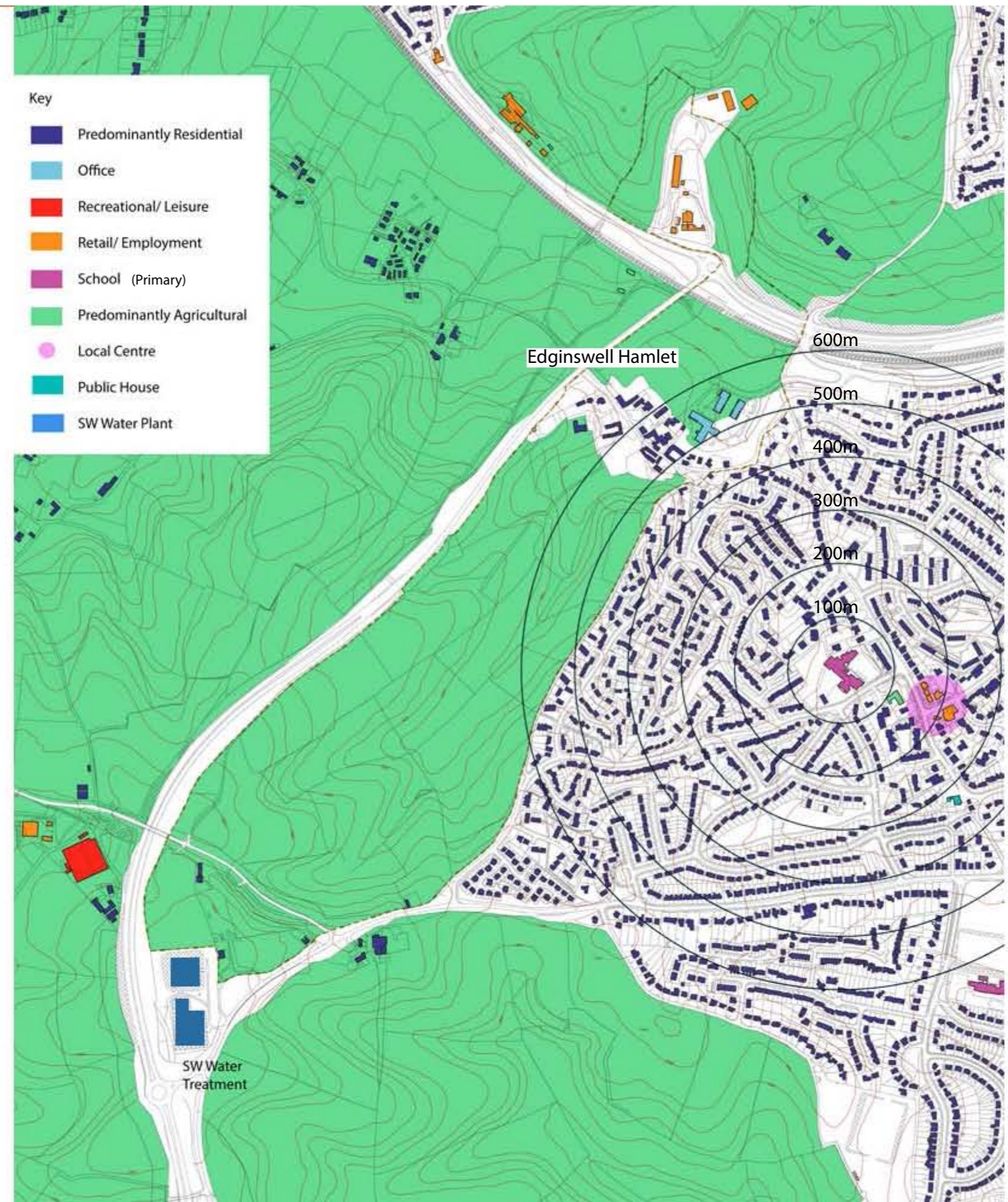


Figure 11: Edginswell Valley existing land use plan

Edginswell Valley Proposal

4.10 Edginswell Valley Concept Plan and Illustrative Masterplan

Figure 13 shows the concept plan and Figure 14 shows the illustrative masterplan. This delivers circa 550 homes and 19000 sq metres of employment land, and has been designed to reflect the design intent identified in the following headings;

- Retain Edginswell Hamlet as a distinctly separate settlement
- Allow for some additional development in Edginswell Hamlet that respects the 'Hamlet' character
- Provide footpath & cycle access between the two areas
- Retain a 'Green Gap' between the new urban 'village' extension and Edginswell
- Allow for some discrete low density development within the upper slopes of the green gap to provide some additional natural surveillance. This needs to be agreed with highways with access along Higher Edginswell Lane
- Provide S.U.D.S (Sustainable Urban Drainage System) Ponds within the valley alongside a variety of WSUD (Water Sensitive Urban Design) measures throughout the development to prevent down stream flooding
- Allow for potential inclusion of a primary school and sports pitches on flatter ground which also acts as a buffer to Hamelin Way
- Create an 'Urban Village' character (rather than sub-urban sprawl) with a focal centre and a range of house types & densities - lower densities on the upper western boundaries
- Include for specific feature built elements (crescents/ larger buildings, formal terraces etc) to respond to the historic elegance of Torquay and to help reinforce that approach but responding to contemporary living demands
- Create multiple access points to allow maximum permeability/ linkage to existing areas.
- Retain Higher Edginswell Lane as cycle/ access only route
- Potential for employment uses - close to the A380 Junction - B1, B2 and B8 uses
- Provide improved habitats for Cirl Buntings on council owned land and working with existing tenants
- Reinforce the woodland buffer and wildlife corridor on the western boundary
- Provide potential links to existing footpaths
- Links for cycles & footways to Edginswell Park & the future Edginswell Station

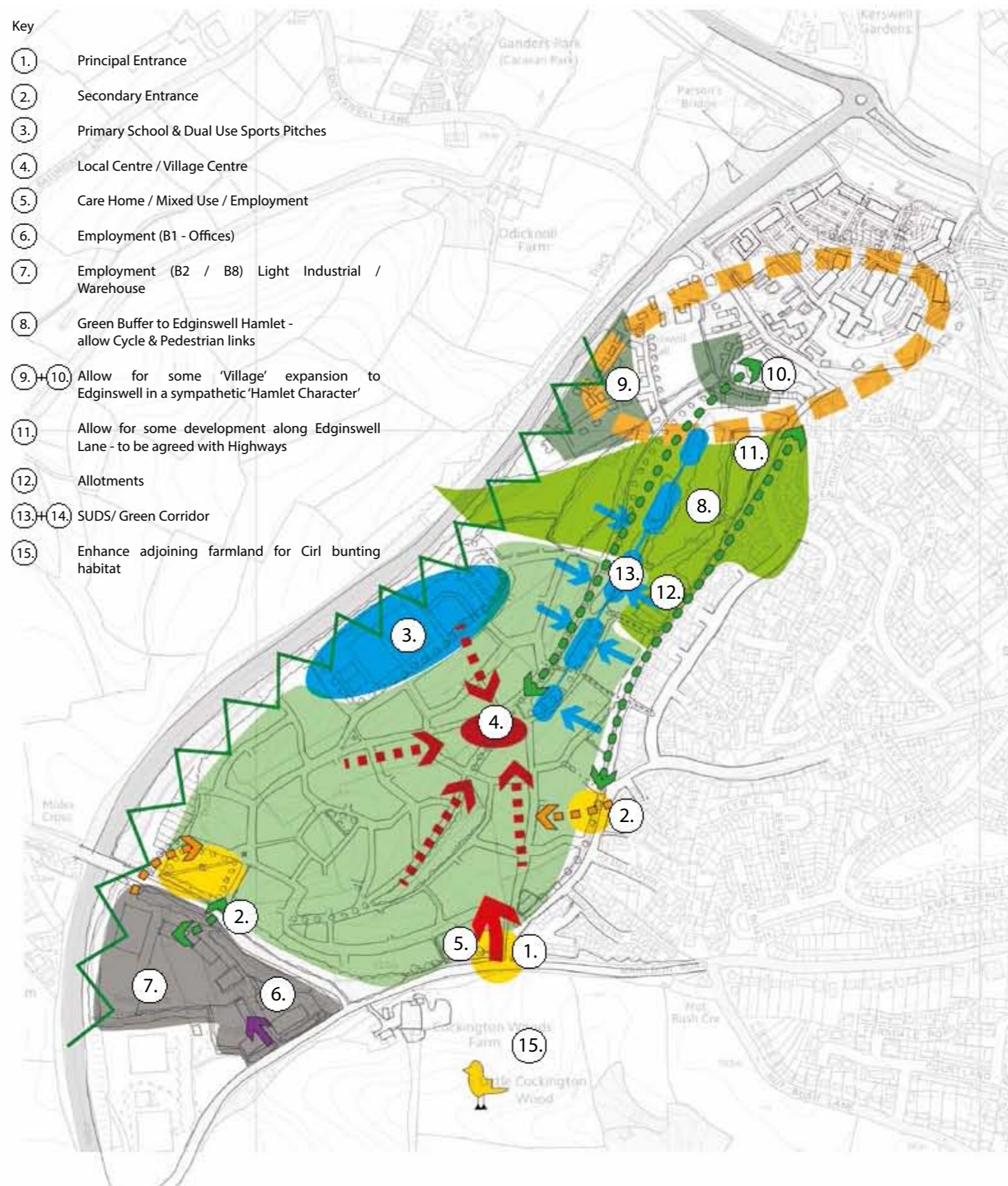


Figure. 13: Edginswell Valley concept plan

Key

- 1. Principal Entrance
- 2. Secondary Entrance
- 3. Primary School & Dual Use Sports Pitches
- 4. Local Centre / Village Centre
- 5. Care Home / Mixed Use / Employment
- 6. Employment (B1 - Offices)
- 7. Employment (B2 / B8) Light Industrial / Warehouse
- 8. Green Buffer to Edginswell Hamlet - allow Cycle & Pedestrian links
- 9.+10. Allow for some 'Village' expansion to Edginswell in a sympathetic 'Hamlet Character'
- 11. Allow for some development along Edginswell Lane - to be agreed with Highways
- 12. Allotments
- 13.+14. SUDS/ Green Corridor
- 15. 'Feature' developments to reinforce the character of Torquay



Figure. 14: Edginswell Valley Illustrative Masterplan



- Key
- 1. Principal Entrance
 - 2. Secondary Entrance
 - 3. Primary School & Dual Use Sports Pitches
 - 4. Local Centre / Village
 - 5. Care Home / Mixed Use / Employment
 - 6. Employment (B1 - Offices)
 - 7. Employment (B2 / B8) Light Industrial / Warehouse
 - 8. Green Buffer to Edginswell Hamlet - allow Cycle & Pedestrian links
 - 9. + 10. Allow for some 'Village' expansion to Edginswell in a sympathetic 'Hamlet Character'
 - 11. Allow for some development along Edginswell Lane - to be agreed with Highways
 - 12. Allotments
 - 13. + 14. SUDS/ Green Corridor
 - 15. 'Feature' developments to reinforce the character of Torquay

Figure. 15: Edginswell Valley illustrative sketch

Figure. 16: Edginswell Valley Open space distribution



Open Space Distribution :

The open space network includes :

- Retention of woodland blocks and species rich grassland areas,
- Dual use sports related to the primary school on the flattest land
- Creation of formal parks
- Creation of linear wildlife/green corridors linking the northern parts of the site to the southern.
- Provision of allotments
- Allowance for SUDS attenuation features within the valley bottom.
- Hedgerow reinstatement will need to be included in the open space areas.

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Figure. 17: Edginswell Valley cycle & pedestrian network

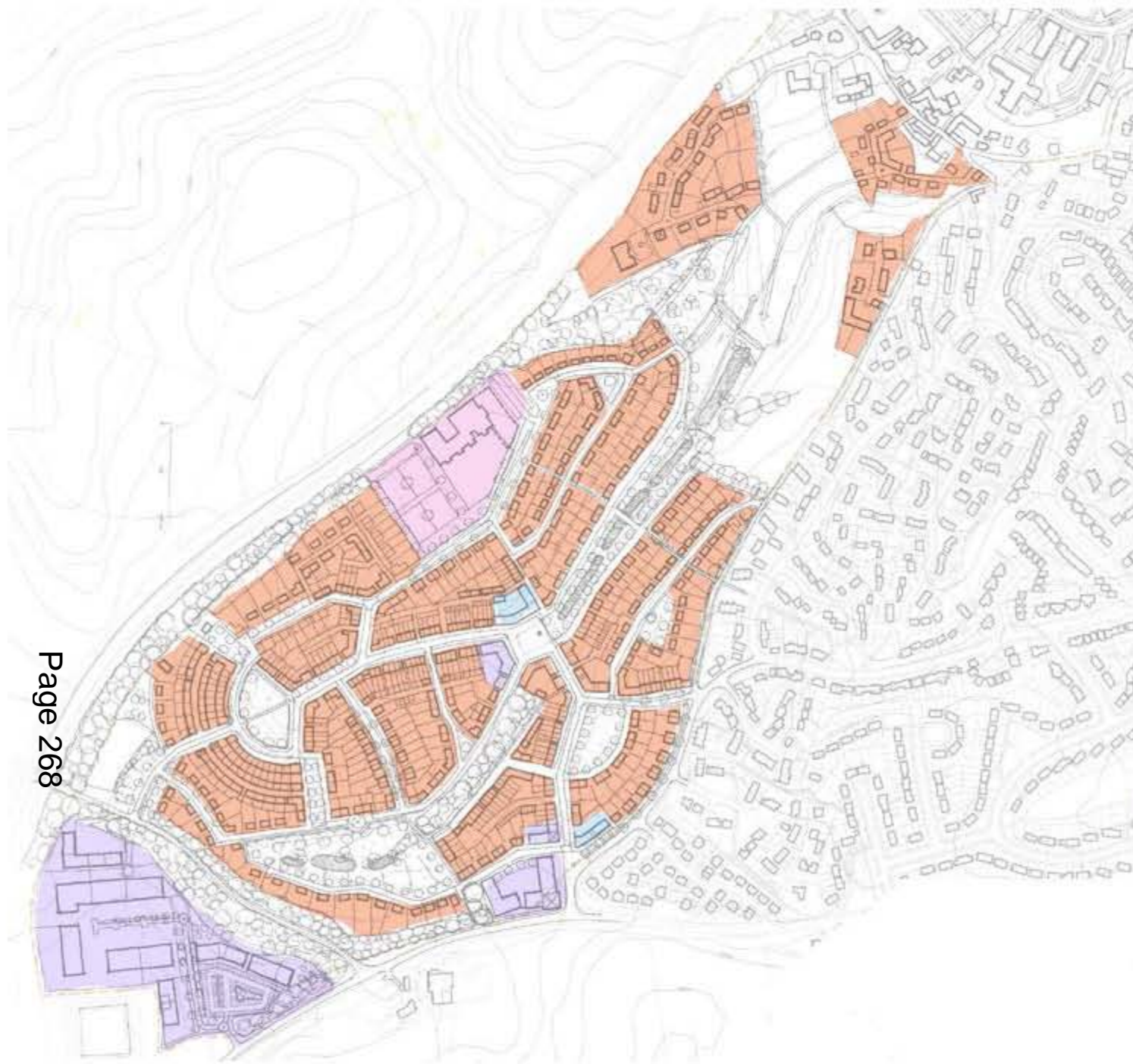


Pedestrian & Cycle Access

- All the streets are essentially pedestrian and cycle routes
- Dedicated or signed routes to 'attractors' (employment, school, shops etc) will be included.
- Link into the surrounding network of footpaths
- Provide a cycle link to Edginswell hamlet and Edginswell Business Park
- Provide footpath and cycle links to the new employment area adjoining Moles lane.

- - - - - Cycle/footpath links
● Attractors

Figure. 18: Edginswell Valley Land Use



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Land Uses

- The scheme needs to provide a mix of uses including employment (B1, B2 and potentially B8), small local retail, care home, primary school (2 form entry).
- The residential mix will include a small amount of apartments (1 & 2 bed), terraced 2 bed houses, terraced and semi 3 bed houses and detached 4+ bed houses.
- Densities will vary from very low (10 units/ha) to high density (70 units/ha) in the centres.

- Employment (4.36ha)
- Retail/ Community (0.09ha)
- School (Primary) (1.82ha)
- Residential (19.19ha)
30/ha = 575 units

Residential = at least 575 homes
Employment = at least 19,000 sqm of employment.

Figure. 19: Edginswell Valley access hierarchy



Road Hierarchy

- The street network needs to link into the existing street system
- The proposed network needs to be as permeable as possible but it is recognized that the levels may have an influence on this.
- There will be no vehicular link between the development and Edginswell hamlet apart from the existing Edginswell lane- however, this may be closed for access only.

- ⇄ Primary roads
- ⇄ Secondary roads
- ⇄ Tertiary streets & lanes

4.11 Design parameters

The following design parameters should be considered in any emerging proposals.

Avoiding the creation of sub-urban sprawl

- Ensuring that the urban extension has a character and connects with the existing community to enhance the existing area and respond to the rural outlook
- Avoid the creation of unconnected streets and isolated land use parcels
- Provision of a range of residential schemes that offer a mix of housing types;

Retain the integrity of Edginswell hamlet :

Provide a landscape buffer between Edginswell Hamlet and the new development so that the integrity of the hamlet is maintained. Allow for some sensitive development around the hamlet.

Creating an urban village:

Ensuring that there is a natural centre to the scheme which could be connected to existing facilities or create new ones that serve both the new development and existing residents. The enhancement of a strong sense of community through the effective design and layout of homes and the provision of local facilities;

Infrastructure:

Ensure that there is sufficient infrastructure to cope with the increased population density (health, education, access, shopping etc)

Movement:

Consider the possibility of a new station at Edginswell
Ensure that pedestrian, cycle and public transport links are provided

Landscape:

Protect views and respect ridgelines on this urban / rural edge.
The site is 'green field' and so a thorough understanding of the landscape needs to be considered, including a review of topography.

Employment:

Creation of employment space, delivered in the early stages of development, designed to meet identified economic growth sectors;

Development and Design Principles

The following development components are evident in the masterplan for the gateway. Each component is governed and guided by the principles set out in this report.

The masterplan : provides a benchmark for high quality, sustainable development. It will encompass the overall principle of place making where people want to work, live, meet and visit. The intensity of development (density), the street types and the design of the public places combines to establish a local distinctiveness.

Walkable neighbourhood : The residential valley is designed to relate to and not compete with existing residential neighbourhoods and is scaled and designed in accordance with the principles of a walkable neighbourhood, to provide an appropriate mix of housing to suit the needs of the whole community.

Green connections: to the surrounding context and countryside; the pursuit of leisure activities such as cycling and walking within the development is important. A landscape framework is provided that embodies green infrastructure and open space acknowledging existing landscape.

Transport : The masterplan will promote ways of traveling other than by car, specifically maximizing the opportunities to use public transport and local connections. An access and movement structure includes a hierarchy of routes which facilitates easy and safe walking and cycling within the gateway and to adjacent areas.

Employment : Being an edge of town location employment space, including live/work spaces to be provided. Such space should be integrated with the delivery of new homes to ensure the provision of high quality space, specifically to meet the needs of Torbay's growing sectors and SMEs.

Sensitivity : The way in which future development 'sits' within, respects and adds value to the landscape and ecology will be critical to the success of the masterplan. The masterplan should be led by a good understanding of the sensitivity of landscape to change.

Sustainability : Low carbon use and climate resilience should be seen as key objectives for the Gateway. For example, new development in the Gateway should demonstrate the use of sustainable building techniques to ensure high levels of energy efficiency and consider in detail options for the massing, orientation and use of new buildings in order to support low carbon lifestyles and limit the likelihood of summertime overheating. Whilst the character of the architecture and the finishing materials used should draw on the local context, the style of the buildings could include contemporary influences in so far as they reflect the influence of sustainable building design. The gateway should strive to become an exemplar scheme where public buildings demonstrate best practice in green building design.

Health: There are opportunities to positively influence the wider determinants of health through development at the Gateway through promoting healthy lifestyles, encouraging a leptogenic (as opposed to obesogenic) environment that supports physical activity and access to healthy food. This masterplan has sought to provide opportunities to support a healthy environment. Detailed development proposals should be screened to identify if a further Health Impact Assessment is required (which could be incorporated as part of EIA if required).

Building Communities : A wide range of housing types, sizes and tenures will be made available to ensure housing choice and inclusivity for the widest possible group of residents. The layout and design of residential areas will create local distinctiveness in response to the setting of the gateway and meeting the Councils aspiration of place making. Variety will be evident as people move through the gateway; however, a sense of unity should prevail as a result of the materials used. The requirements of "Building for Life" should be taken into account in preparing applications for the gateway.

The local needs of residents should be catered for through provision of a mix of services which are easily and safely accessible on foot, bike or by public transport. Higher order needs can be met through ensuring safe and attractive accessibility to Torquay town centre and the proposed Edginswell railway station. Planning for efficient and convenient public transport for those undertaking journeys beyond the gateway should be evident, and the use of alternative modes of travel should be made appealing and attractive for local trips.

Respond to Context : Development, according to the Councils Urban Design Guidance SPD (2007),

'should promote local character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, landscape and culture. Development should respond sensitively to the site and its setting, creating a place that is valued and pleasing to the eye.'

Local distinctiveness is enhanced through the application of character typologies, which reinforces the neighbourhood structure. The typologies inform the design of the built form, streets and spaces and landscape treatment. We have identified 'set piece' architecture in the form of crescents, terraces, squares, paired villas and large detached houses set within walled gardens. These typologies will help to define the densities and character of the development in order to avoid a monotonous suburban sprawl.

The plan allows for buildings should be designed to ensure architectural and design excellence. The built form should positively respond to and draw references from the many fine buildings and rich townscape which is a strong characteristic of Torquay.



Photographs 1 : Torquay Built Context

The plan allows for buildings should be designed to ensure architectural and design excellence. The built form should positively respond to and draw references from the many fine buildings and rich townscape which is a strong characteristic of Torquay.

The following photographs give an indication of the many beautiful buildings and set piece architectural gems that adorn the historic areas of Torquay. The scale of the buildings, the architectural details, the combined effect of connected streets and set pieces, the relationship with landscape all add to the character of the best areas of Torquay. These are the elements that any development proposal should seek to emulate and respond too, rather than the monotonous suburban sprawl that covers so much of the periphery of Torquay.

Photographs 2 show some contemporary interpretations of the Devon town vernacular with an emphasis on rendered finishes. High quality materials should firmly establish the character and identity of the Gateway, both in respect of the public realm and the built form of buildings and structures. Whilst so much of Torquay townscape has become a random mix of materials, there are locally distinct materials from when the town was at its heyday. This includes : natural stone, render and appropriate render details.

Parking : Vehicle and cycle parking should be well planned and designed to ensure that it does not have a detrimental impact on the amenity and character of the Gateway.

A range of parking typologies should be integrated into the scheme. This will include;

- On plot- set back behind the build line or in front on larger garden plots
- Rear lane (on plot) – providing rear lane access to houses with on plot parking set behind gates or garaging
- Rear Courtyard- small rear courtyards for houses or larger courtyards for apartment parking.
- On Street – non allocated parking on street.

The parking ratio will be as follows;

1 bed apartments	=	1 space/unit
2 bed apartments	=	1-1.5 spaces/unit
2 bed house	=	1.5-2 spaces/ unit
3 bed house	=	2 spaces/unit
4 + bed house	=	2-3 +spaces/unit

- Note : 1) This excludes on street parking which is additional.
 2) Disabled spaces will be 5% of the total, or allocated to specific housing plots.



Photographs 2: Devon town architectural context

4.12 Delivery & Phasing

Figure 20 shows an indicative phasing strategy for the site. This could be subject to change depending on the developer approach but this strategy is based on the Edginswell Valley area being delivered in a homogenous way which unlocks the wider site for development and support the early delivery of employment land as set out below;

Phase 1 :

- Development starting in the southern corner adjoining the main Marlton Road in order to give a frontage to the scheme (Higher Density- 1 & 2 bed apartments/ later living, terraced houses (2 & 3 bed), medium density 3 bed semi detached houses) . Develop down to the local centre. This minimizes the extent of road infrastructure
- The drainage and infrastructure (SUDS) along the valley will need to be implemented early to allow for future development.
- Land adjoining Edginswell hamlet in currently under construction and could come forward early (lower density housing - 3, 4 & 5 bed houses).
- Employment land to the south could come forward early due to its close proximity to Marlton Road. If viability was a barrier to delivering employment in this area (south of Moles Lane) consideration of using developer contributions from the wider Edginswell Valley area and/ or Section 278 agreements to help deliver site infrastructure will be considered. Alternatively, some mixed-use development to enable delivery of employment uses may be considered.

Phase 2 :

- Open up a second access into the site from Moles Lane. This would enable a different mix of housing to come forward (lower density and some higher density). Develop down to the Local centre in order to connect to the Phase 1.
- Potential to construct the primary school but due to the levels, the school has to be positioned on the western boundary which makes it potentially remote from the residential development in the early phases.

Phase 3 :

- In- fill behind the Phase 1 & phase 2 areas. (mixed 3, 4 & 5 bed properties)
- Extend development along the valley. (3 & 4 bed houses/ semi detached & terraces)

Phase 4 :

- Complete peripheral areas (lower density).

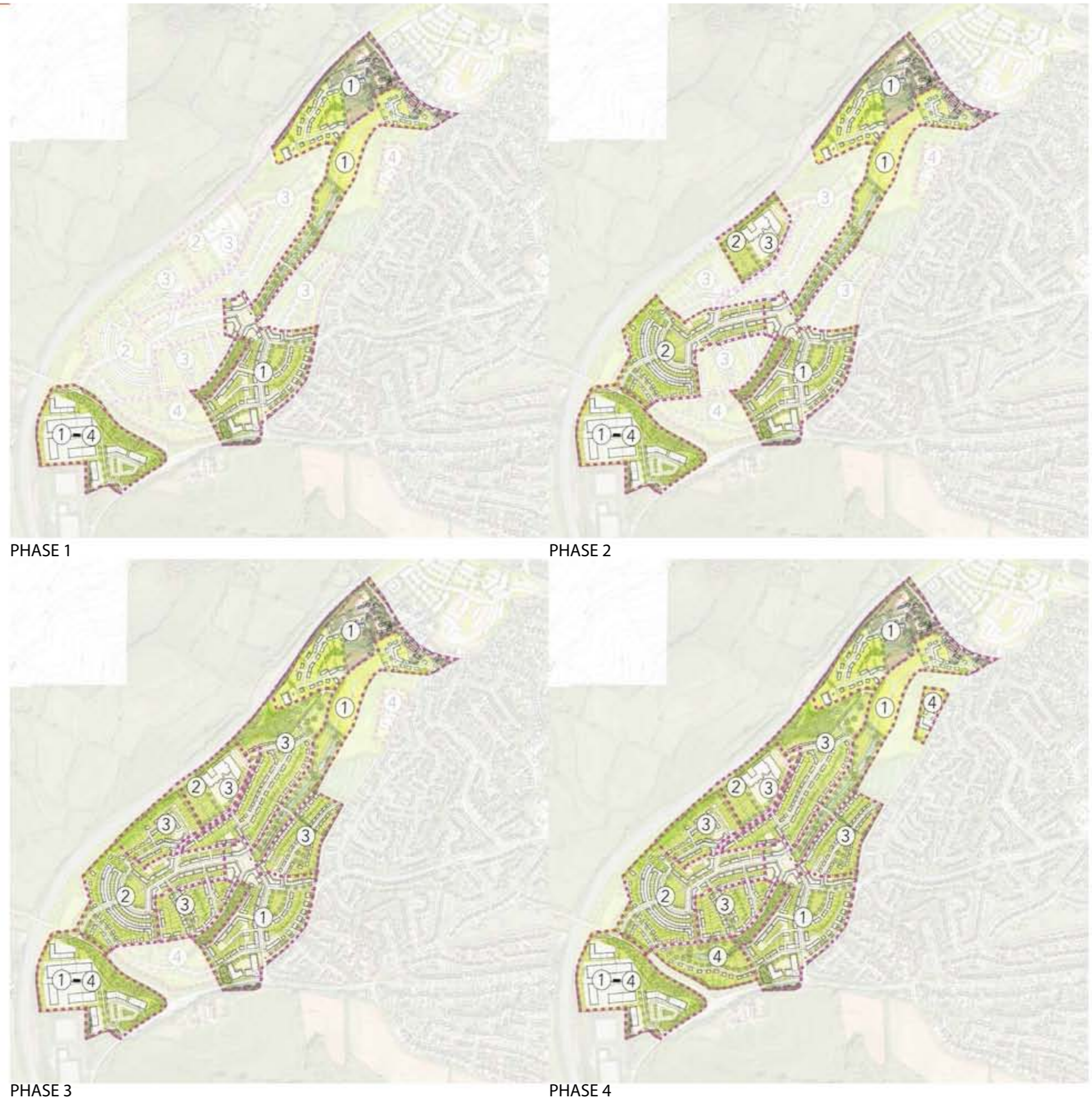


Figure. 20 : Edginswell Valley Phasing

Edginswell Business Park The Riviera



Context Issues

5.1 Landscape & Topography

Edginswell Business park is located on a north facing slope that falls down to the railway line that runs parallel to Riviera Way. Whilst existing office development has been carried out, the site remains in a semi derelict state of natural regeneration, with a strong green buffer along the Edginswell hamlet southern edge.

The Enderby Associates landscape character assessment identified that;

There is an opportunity to enhance the approach into Torbay through major structured tree planting along the Riviera Way and infrastructure planting to the employment area and land to the north of Riviera Way.

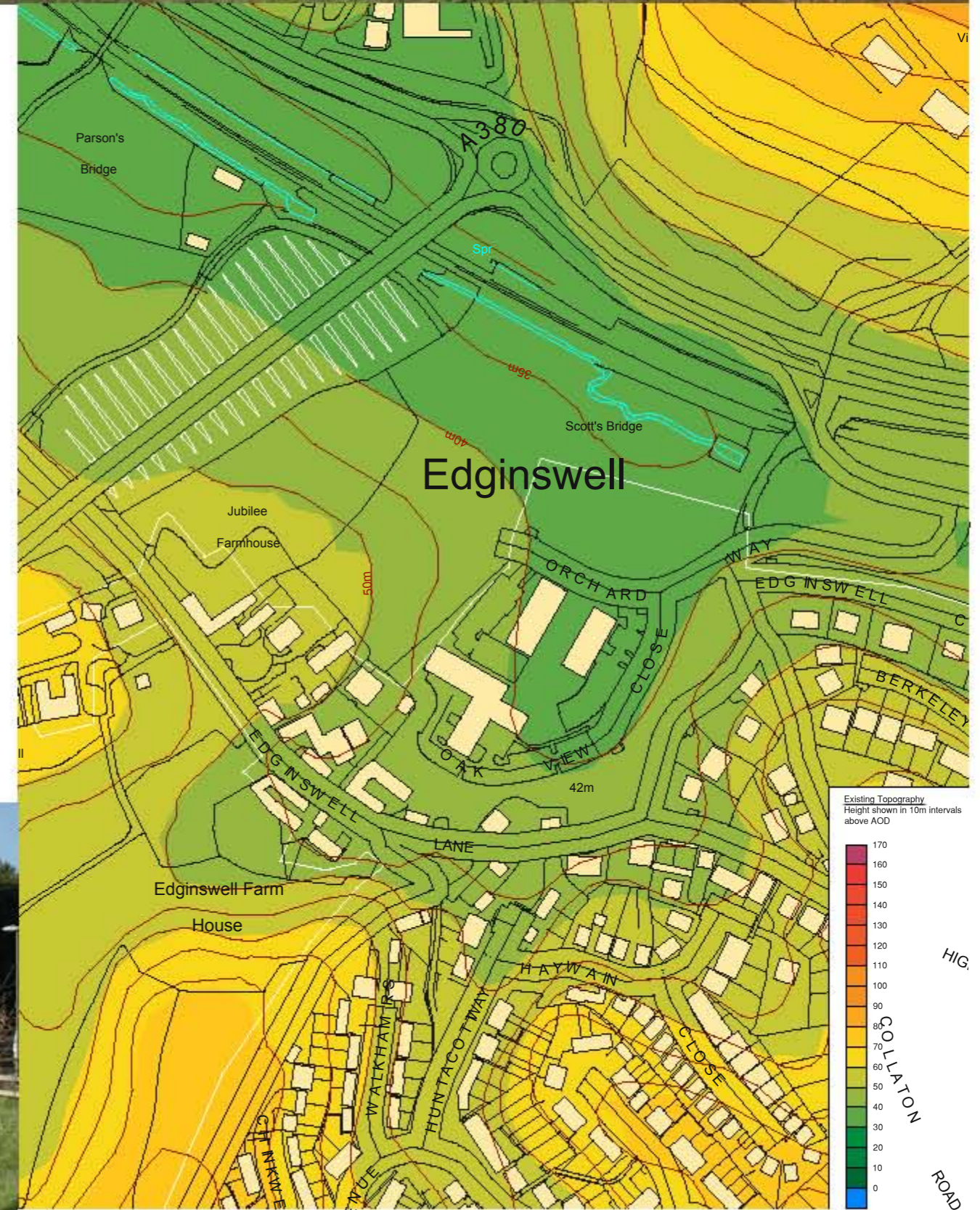


Figure 21 :: Edginswell Business Park Topography



5.2 Access

Edginswell Business park : Access to the business park is largely via private car usage off Riviera Way. This has become a problem with local residents due to car parking difficulties and the reliance on the car and the lack of parking spaces has resulted in an overspill into the surrounding residential streets. Any future development on the site will need to mitigate for the existing and future demands of the tenants.

The South Devon Link Road is a major new road that will connect Hamelin Way to the dual carriageway section of the A380 to the north of Newton Abbot. This is a significant piece of regional infrastructure that creates a faster link to the M5 to the north and better connectivity to Exeter. The business park is very close to this junction and is seen as a strategic site for future employment in Torquay.

Rail : The mainline railway is located to the north of the site and whilst Torre station is currently the closest station (approximately 3 km to the south east), a new station is proposed at Edginswell (subject to funding). This is anticipated to be open by 2016 and would provide an attractive option for commuters to and from Exeter to the business park.

Edginswell station is part of the wider Devon Metro scheme, designed to provide high quality modern public transport within and between Torbay, Exeter and Exmouth. New stations are planned at Edginswell (Torquay) Marsh Barton and Newcourt (near Exeter). Edginswell station will serve Torbay Hospital, The Willows retail park, Edginswell Business Park, and the Torquay Gateway development area, as well as large areas of new and existing residential developments. Edginswell station will connect to new and existing cycle networks (including the NCN28) and bus services including Torbay's flagship route, Service 12. It will offer realistic alternative commuting options along the A380 corridor and especially to Newton Abbot and Exeter, reducing the need to travel by private car.

The station will be unstaffed with two platforms linked by bridges, stairs and ramps. Edginswell station will be located on the Newton Abbot to Paignton line on the edge of Torbay. With around 350,000 annual trips expected, the scheme will improve connections to the Edginswell area by providing an alternative travel option that removes vehicle trips, ease congestion hotspots on strategic routes that will reduce delay and travel cost. The Scheme should also provide increased resilience as it can allow longer distance trains to stop if necessary to ensure that a service can be maintained during times of severe weather disruption along Torbay's sea wall.

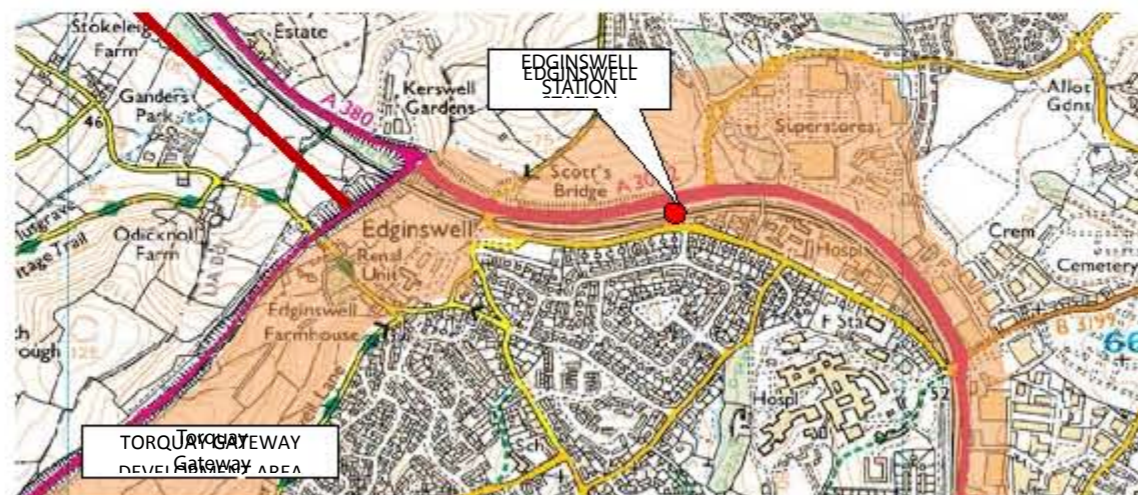


Figure 22 : Edginswell Station Location

Cycle : A proposed cycle network is proposed for the site and the surrounding area which is being delivered as part of the new South Devon Link Road. This would help link the business park to the proposed rail station at Edginswell in order to provide multi modal shift in transport use rather than relying on the car.

Pedestrian : The business park is connected to the wider footpath network and Shiphay residential area. Following discussions with the Managing Directors at two of the main employers on the site, it would appear that most employees travel into the site from the surrounding area. The lack of facilities on the site also means that staff need to travel out at lunch times.

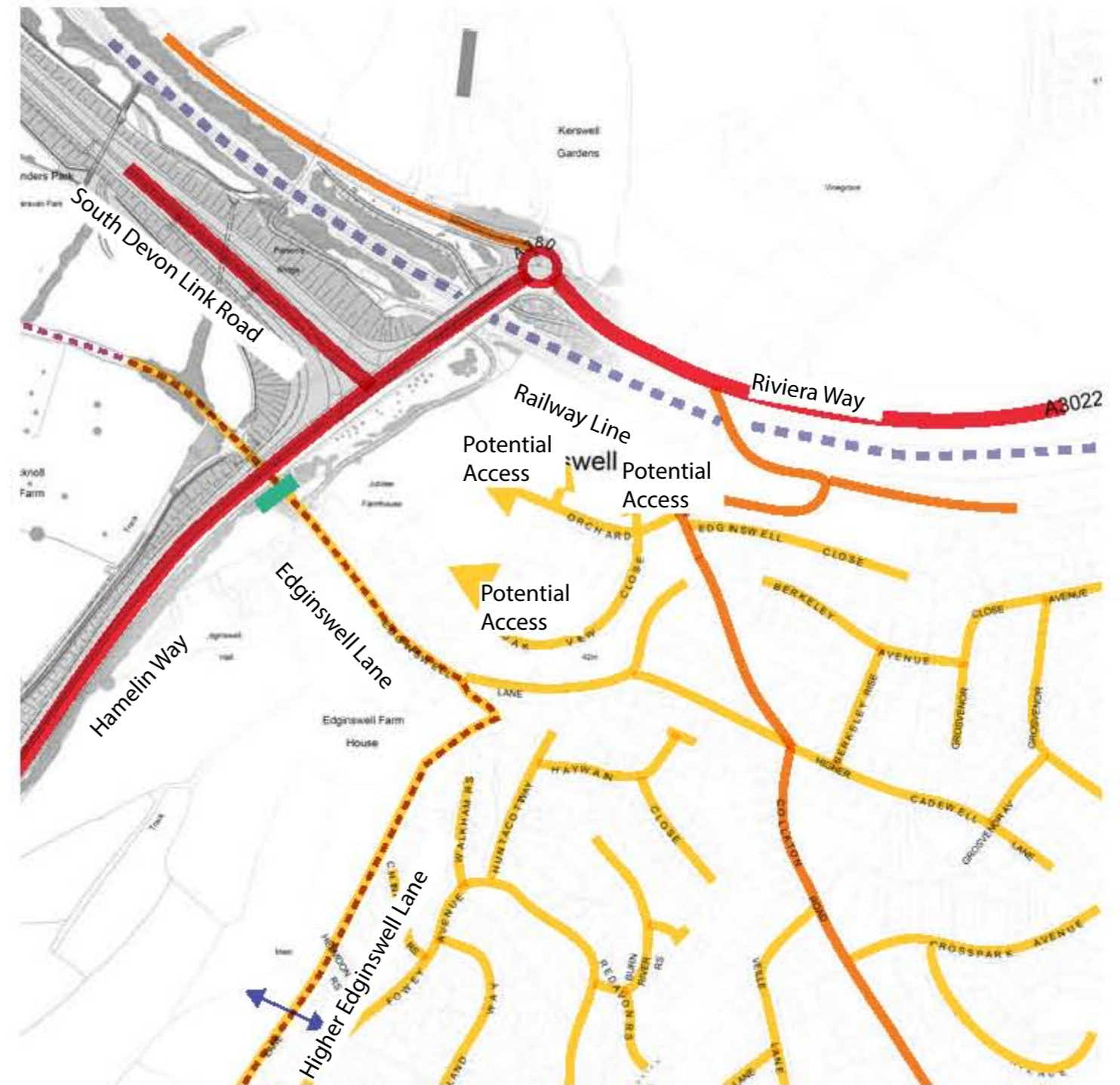


Figure 23 : Edginswell Business Park existing road hierarchy & access plan

5.3 Land Uses

Edginswell Business park : The site has been partly developed to accommodate 2-3 storey contemporary office development. The remainder of the site is undeveloped and has been promoted previously for a large retail foodstore. Those proposals were not supported by the Council and refused planning permission on appeal. The Local Plan supports the use of high quality B1 employment space in this area.

The adjoining hamlet of Edginswell is in close proximity to the site and should have a sensitive relationship.

5.4 Ownerships

Edginswell Business park : the site is currently owned by Hawkins Trust and managed by Maze.

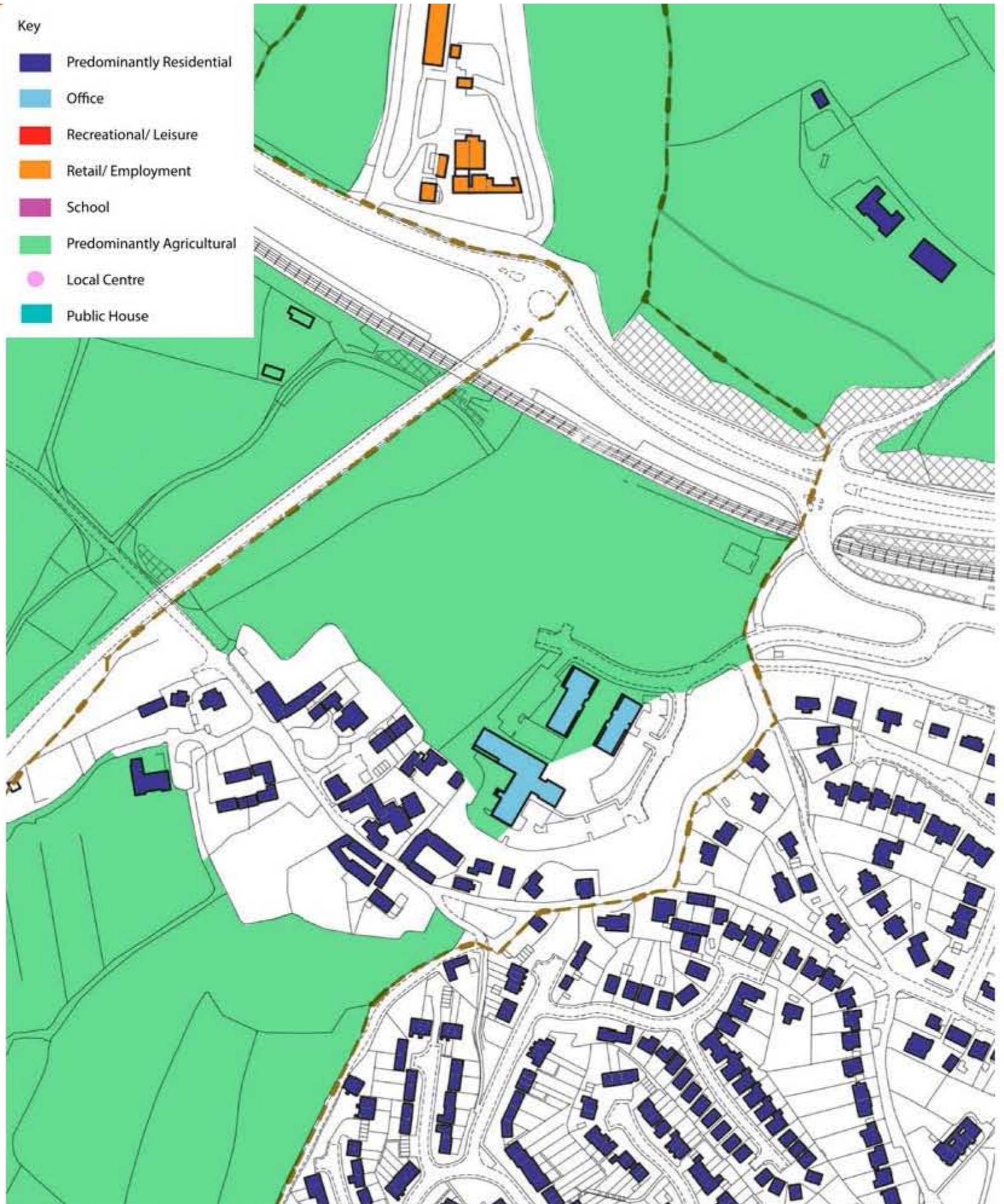


Figure 24 : Edginswell Business Park existing land use



Edginswell Business Park Proposal

5.5 Concept Plan & Illustrative Masterplan

Figures 25 and 26 show the concept plan and illustrative masterplan for the Edginswell Business Park. The concept plan principles are as follows ;

- Maximise frontage onto the new devon Link Road if levels allow. Incorporate higher/ focal buildings to maximise this view.
- Create frontage development looking from Riviera Way.
- Provide mixed use development (cafe/restaurant/ dry cleaners/ convenience store etc) on the way in from Orchard Way which can be used by local residents as well as employees in the business park. This reduces the need for traffic movements at lunch time.
- Incorporate well overlooked cycle and pedestrian routes with good links to the proposed Edginswell railway station.
- Provide well overlooked and easily accessible parking but allow for strong landscape within the car parks and screen where possible with frontage development.
- Allow for a significant buffer with properties along the northern edge of Edginswell hamlet.
- Ensure that the scale of development adjacent to Edginswell hamlet is appropriate and sensitive to the existing properties in Edginswell hamlet.
- Allow for Sustainable Urban Drainage Systems (SUDS) in the lower part of the valley to the north of the site.

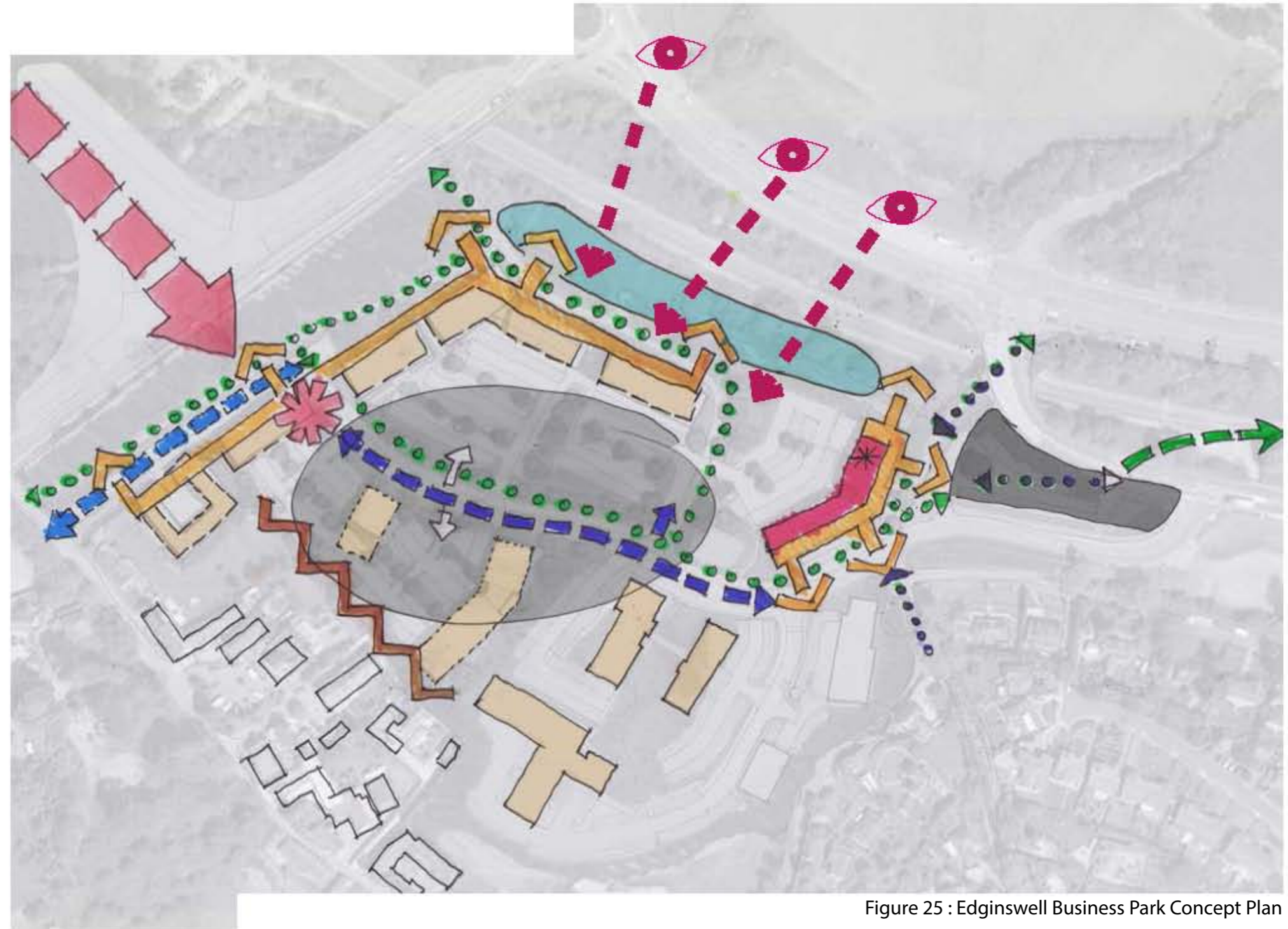


Figure 25 : Edginswell Business Park Concept Plan





- ① Access off Orchard Way
- ② Public Car Parking for the mixed use elements - convenience store, cafe etc.
- ③ Mixed use building - Cafe
- Convenience store
- Dry cleaners
- Offices (small)
- ④ Frontage Development
- ⑤ Car Parking behind - follows the contours to minimise cut & fill. Allow for strong landscape tree structure
- ⑥ Possible residential/ small studio accessed off either Edginswell Lane or from the Business park
- ⑦ Riviera Way
- ⑧ Hamelin Way
- ⑨ New South Devon link road junction

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Figure 26 : Edginswell Business Park Illustrative Masterplan ; Option 1



- ① Option - to allow for larger units towards the North of the site - closest to Riviera Way. These could be 3-4 storeys but the volume may be limited by the road capacity onto Riviera Way so would need to be subject to more detailed Highway capacity analysis.

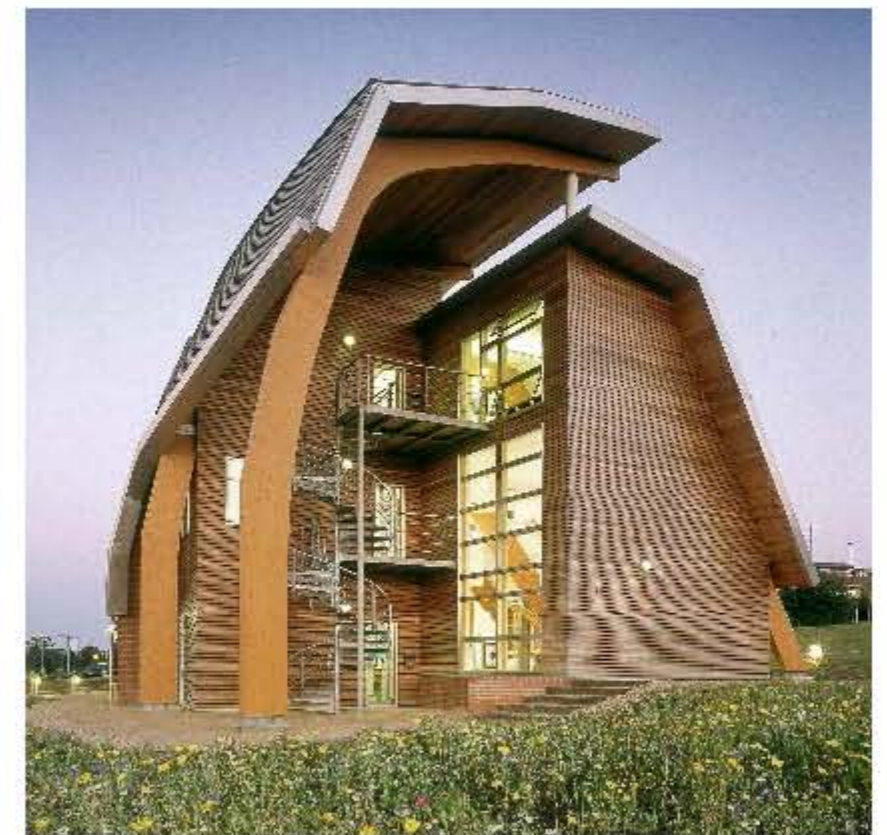


Figure 27 : Edginswell Business Park Illustrative Masterplan ; Option 2



Figure 28 : Edginswell Business Park Illustrative Sketch ; Option 1



Context Issues

6.1 Landscape & Topography

The Kerswell Gardens area and Edginswell Business Park are separated by Riviera Way and create two very distinct areas.

Kerswell Gardens lies in a narrow valley which is set down below the A380 which was elevated in the past to connect onto Riviera Way. It is surrounded by fields that are still in agricultural use and as such appears to be somewhat divorced from the urban edge of Torquay.

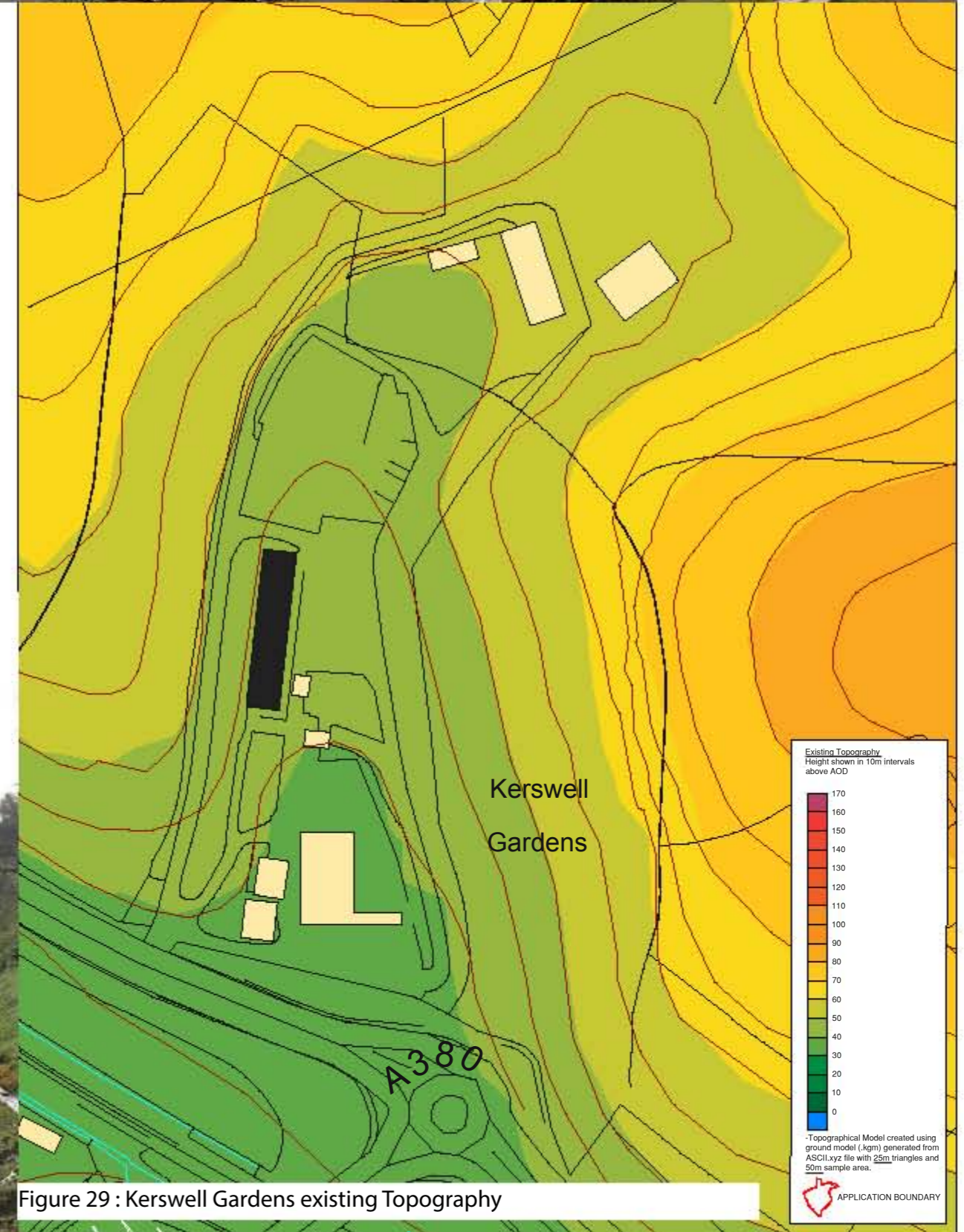


Figure 29 : Kerswell Gardens existing Topography



6.2 Access

Kerswell Gardens : Access to Kerswell gardens is generally via vehicle use as the pedestrian connectivity and distance is poor. Access is off the A380 on a 'temporary' junction arrangement which is difficult to access on busy periods. Clearly, when the new north Devon Link road is open, the traffic on the old A380 route will be significantly reduced but the site will remain in a very good strategic location for road uses.

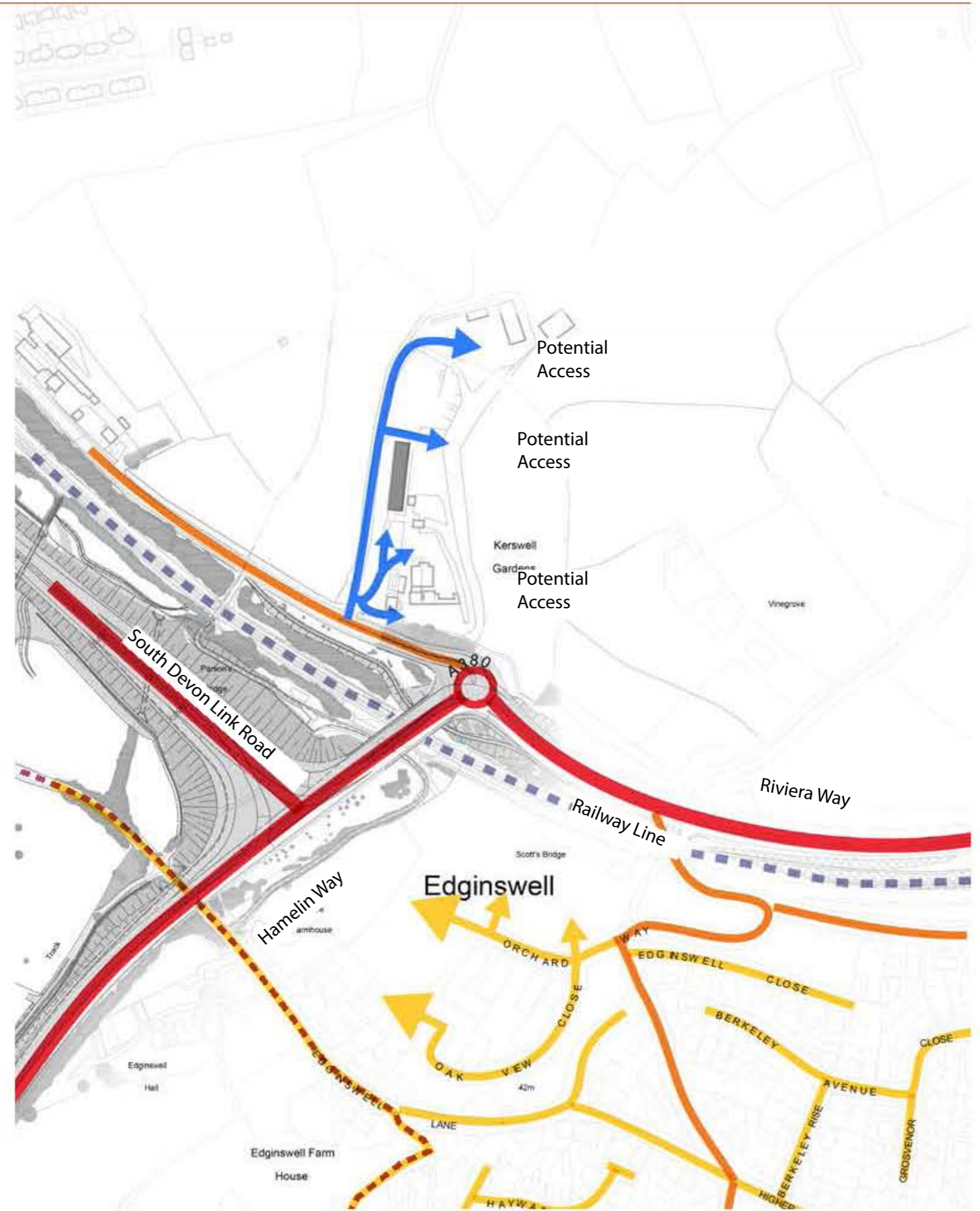


Figure.30 : Kerswell Gardens existing access

6.3 Land Uses

Kerswell Gardens : The land uses on the existing site are generally B2 (light industrial/ manufacture) with some storage (boats and caravans) and retail (lawn mowers). The existing business's on the site currently employs something in the region of 80 people and is therefore an important employment site for Torquay. The character and quality of the site is however poor and does little to create a 'gateway' character to Torquay. Improvement is therefore desirable but not at the expense of existing land uses.

6.4 Ownerships

Kerswell Gardens : Kerswell gardens is under one ownership but is sub tenanted to other business's. Any future improvement scenarios would therefore need to consider the existing tenants.

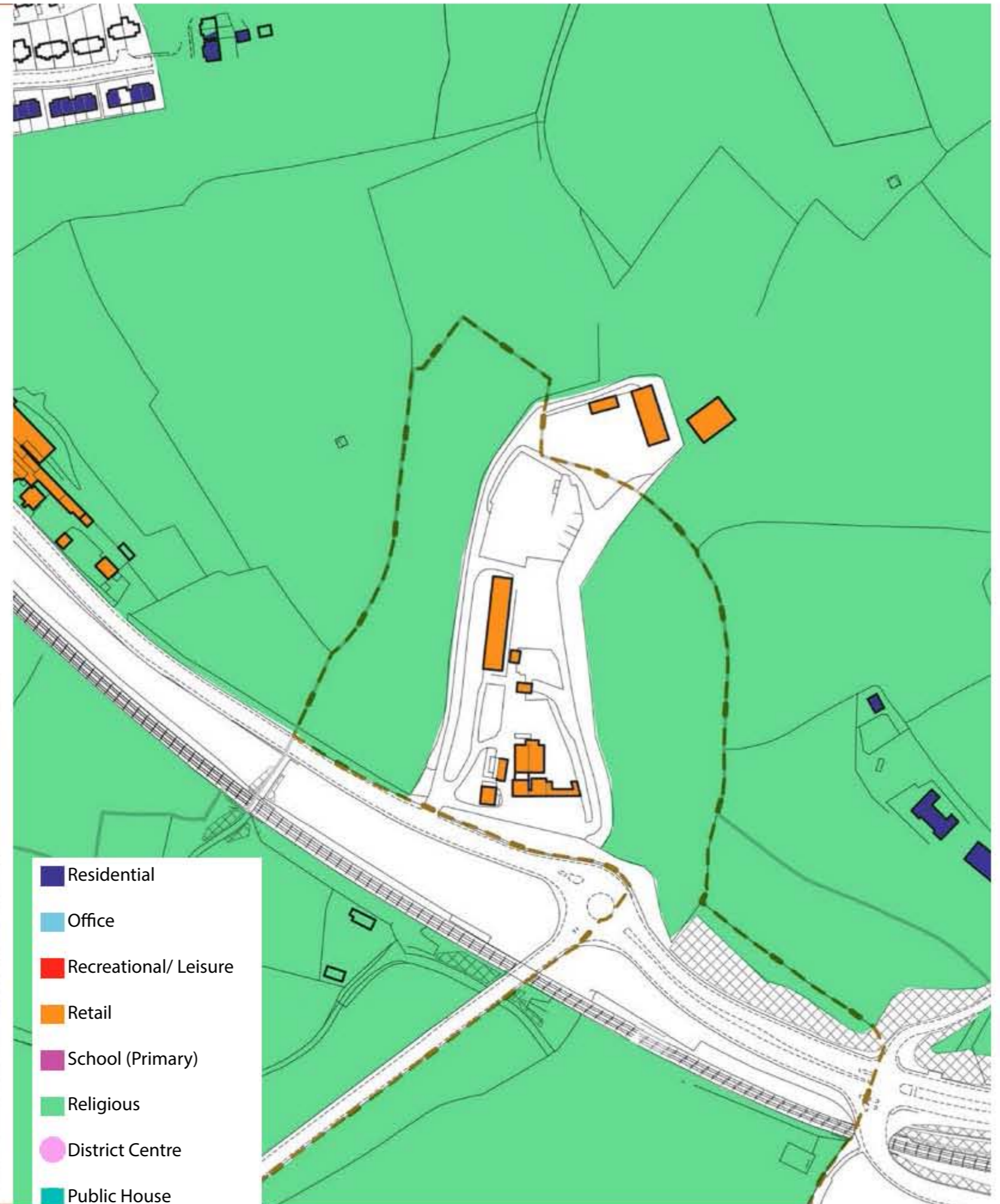







Figure.31 : Kerswell Gardens existing land use

Kerswell Gardens Proposal

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Key

-  Improved frontage to the site with existing levels raised to improve access onto the site.
-  Retail along the front of the site
-  B2 - Light industrial building use in the middle
-  B8 - Warehouses at the back of the site
-  Improved entrance junction

External landscape treatments create a sense of setting into the business park, including the new woodland edge.

Efficient use of land with a rationalised and structured building layout. Existing buildings are more ad-hoc and sporadic, without maximising the potential use of the site.



Figure.32 : Kerswell Gardens proposed Land Use plan



Figure.33 : Kerswell Gardens Illustrative Masterplan

Gateway

The Council have identified the land to the east of Hamelin Way as a Future Growth Area in the emerging Local Plan which has been reflected in the emerging Neighbourhood Plan providing the potential for jobs, homes and infrastructure, including green infrastructure.

Phasing

The approach to phasing of the development proposed in this masterplan is critical to ensure that the development process is managed in a way which causes a minimum degree of disruption to local residents whilst also ensuring that the final built environment is a success both in terms of its design outcomes and its ability to deliver a viable, phased development in line with housing requirements at that time, which strengthen the local community by providing services and facilities acknowledged in the emerging Torquay Neighbourhood Plan as being currently deficient in the local area.

Indicative phases are as follows:

Governance

Torbay Council will be responsible for the overall governance and leadership required to ensure the delivery of the aims and aspirations presented in the masterplan. However, a range of partners will need to be involved in order to ensure the delivery of individual elements of the masterplan, particularly in relation to key infrastructure, including improvements to the strategic road junctions, the sewer network, telecommunications and surface water drainage management.

As the local planning authority, the Council remains responsible for the consideration and approval of planning application proposals within the masterplan sites and the surrounding area. As such, development proposals which accord with the principles and aims of this masterplan will be considered favourably, albeit they must still comply with the development plan and other relevant policy and supplementary planning guidance in force at the time. Proposals for development which would prejudice the aim of the masterplan will be resisted as they would lead to difficulty in delivering the masterplan concept. Developers are encouraged to actively engage with the Council at an early stage in order to ensure that specific development proposals can be formulated in a way which supports the masterplan aims.

The Torquay Neighbourhood Forum are preparing a plan which,

amongst others, including the Gateway sites within this masterplan. Once both the draft Torbay Local Plan (currently under examination) and the Torquay Neighbourhood Plan have been adopted they will collectively form the development plan: the latter being required to be consistent with the content of the former.

This masterplan is anticipated to perform a central role in both, but particularly the Neighbourhood Plan, as a vehicle to demonstrate how strategic planning policy could be manifested “on the ground” in an indicative masterplan general arrangement layout.

Funding

The Council recognise that investment decisions to undertake residential and commercial development are heavily dependent on a number of issues, including but not limited to development viability driven by land value and relevant site specific constraints. To this end, any decision on the part of landowners and developers to progress the development of sites identified within this masterplan will be driven by the availability of funding, anticipated sales values and the costs associated with bringing forward development proposals in terms of direct development costs and planning obligations and/or future Community Infrastructure Levy tariffs as will become known during the life of the masterplan.

The Council are understandably not in a position to provide financial support to the physical development of this masterplan. However, the Council are committed to realising development within the Gateway within the emerging policy framework, concept and development parameters proposed. Therefore, where potential developers engage with the Council in a pro-active manner and commit to the aims of the masterplan, the Council will endeavour to provide appropriate support where possible. This may include assistance to prepare detailed site briefs and design codes or facilitating pre-application discussions with key stakeholders (for example consultees or infrastructure delivery partners).

The Council may be able to facilitate the provision of targeted funding or support from the Heart of the South West Local Enterprise Partnership to provide assistance in delivering critical infrastructure which helps to unlock development of economic benefit such as Edginswell Business Park.

The LEP recognises that there is a need for investment in strategic employment sites; their Strategic Economic Plan recognises the absolute importance of being able to create the conditions for growth. This will

include investment in infrastructure, be that road, digital, or workspace and sites.

The 2014 – 2020 programme European Regional Development Fund (ERDF) will also be allocated through the LEPs.

This masterplan expands on the Local Plan which sets out the quantum of development that this Future Growth Area should deliver, forming a fundamental part of the local strategy for what sustainable development means in Torbay. This masterplan tests and shows how those various land uses can be delivered in order to achieve the best outcomes in terms of place-making. Where necessary, the Council should seek to use Section 106 agreements and other mechanisms in order to secure the necessary quantum of housing, employment and other infrastructure outlined in this plan. This will help support delivery of the key elements across the masterplan area, which are likely to come forward as separate development proposals.

Landownership

The control and direction of use relating to private ownership of land is not within the remit of the Council. It is therefore recognised that the future delivery of this masterplan is to some degree outside of the Council's control. However, the Council consider that by developing a masterplan which seeks to see future development delivered in a strategically co-ordinated manner, it has taken a positive and definitive step in signalling to landowners that development of high quality and value can be delivered to meet the future needs of this Gateway site.

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The Edginswell Valley is under several ownerships, over 9, with the majority of the land under one ownership. This makes for an easier delivery strategy as confirmed by the consultations albeit some areas would be brought forward by the owners. It is important that a single masterplan is delivered for the site and piecemeal development should be avoided.

The Edginswell Business Park is currently under one ownership. This site is the subject of a Planning Inquiry and their current proposals, while providing some business units are allocating a large area of the site to retail use.

Kerswell gardens is under one ownership, but is sub tenanted.

Recommended future strategies:

The Masterplan proposals have considered a proposed phasing plan for the delivery of landscape improvements, a local centre, employment provision and a range of housing typologies including larger family homes.

The aim is to create an urban village, delivering quality new homes and employment that is sustainable and an exemplar community that will set the standard for future developments in the town.

Future Outline Planning Applications will need to respond to this masterplan and expand on its content, aims and ambitions. If successful, reserved matters applications will need to continue to demonstrate the ambition and push the boundaries of residential development in the Bay in order to enhance the built and natural environment and create a special place to live, work and play.

Torquay Gateway (Edginswell) Masterplan Proposed SPD



Public Participation Statement – PART 2

**Regulation 12 (s) Town and Country Planning (Local Planning)
(England) Regulations 2012**

December 2015

About this statement

This Public Participation Statement (Part 2) follows a previous, earlier Public Participation Statement which details how the community was involved in the preparation and development of the Torquay Gateway (Edginswell) Masterplan SPD prior to the formal Regulation 13 consultation which was carried out in November 2014 in accordance with the Town and Country Planning (England) (Local) Regulations 2012. This statement (Part 2) deals specifically the formal Regulation 13 consultation in terms of persons consulted, issues raised and how those issues were addressed. Both statements should be read in conjunction with each other as well as the SPD itself for a full understanding of public participation throughout the process.

Public consultation in accordance with Regulation 13 of the Town and Country Planning (England) (Local) Planning Regulations 2012 [As Amended]

The Council consulted formally on a draft version of the then titled 'Torquay Gateways Masterplan Consultation Draft' document for a four week period between Monday 27 October 2014 and Monday 24 November 2014. This consultation followed an extensive period of public engagement and involvement in preparing the draft document (see earlier Public Participation statement (October 2014))

Persons consulted and general publicity during formal public consultation stage

The Council holds a database of persons who are consulted regarding Spatial Planning documents. This database contains a list of specific and general consultees containing persons and organisations who have expressed interest in being consulted on planning policy matters or have been identified as having a specific interest. Appendix 1 to this document contains a full list of persons contacted via letter or e-mail and were asked for comments on the draft SPD.

The consultation documents were placed on the Council's website as well as hard copies in Libraries and Connections Offices in Torbay. A public notice was placed in the local newspaper and a press release issued. Presentations were made to local community groups including the Neighbourhood Forums and the business community.

Summary of representations made at formal consultation stage – Regulation 13 of the Town and Country Planning (England) (Local) Planning Regulations 2012 [As Amended]

Name	Organisation	General comments	Detail	Torbay Council response
Alex Scholefield	Torbay Coast and Countryside Trust	Concerns over Greater Horseshoe Bat impacts and biodiversity impacts	<ul style="list-style-type: none"> • Further surveys of bats required • Links of new cycle routes with Occombe/Cockington trail could be referenced as well as with wider cycling network • Biodiversity value of GI improvements are queried due to potential impact of recreational pressures in this area • Loss of habitats may necessitate off-site compensation and to ensure overall net gain in biodiversity 	Comments noted. Further ecological surveys will need to be carried out as part of the preparation for detailed development proposals for the site. Text added to make the need for further assessment clear and requirements for a net gain in biodiversity (page 17)
Carole Box	CPRE Torbay	Objection to principle of development at Edginswell	<ul style="list-style-type: none"> • Edginswell area should be retained as agricultural land and its current role as open landscape (reference to existing Local Plan designation as AGLV) 	Principle of development is dealt with through the new Torbay Local Plan and not this SPD. Landscape character comments noted and have informed design concept for masterplan.

David Stuart	English Heritage	General comments and observations regarding clarity of influence of heritage on the masterplan	<ul style="list-style-type: none"> • Additional clarity sought regarding historic landscape character, strategic setting of the area and the identification/analysis of the heritage interest of the area 	<p>The Masterplan SPD will work in conjunction with the new Local Plan. Historic and heritage issues have been taken on board as part of the consideration of a detailed evidence base which underpins local plan making. This includes identifying assets of historical importance and taking full account and responding fully to them. Specifically the design concept and retention on a significant 'green gap' will safeguard the special character of Edginswell Hamelt.</p>
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Shaun Pritchard	The Environment Agency	Objection/general comment regarding impact of business park on flooding	<ul style="list-style-type: none"> Concerns over impacts of business park development on edge of floodplain within flood zone 2 and 3. The location could present conflict with national policy and provision of SUDs could be compromised in this location 	Comments noted. Further detailed drainage and flooding assessment will need to be carried out as part of detailed development proposals, though overall strategy for Edginswell Business Park is considered to be sound at this stage but subject to further very detailed assessment. Modifications to layout may be required.
Gavin Bloomfield	RSPB	General comments	<ul style="list-style-type: none"> RSPB request involvement in the design of off-site mitigation for Cirl Bunting habitats 	Noted
Sarah-Jane Barr	Devon & Cornwall Police	General comment regarding further detail and recognition of crime and disorder	<ul style="list-style-type: none"> Principles of Crime Prevention through Environmental Design (CPTED) should be incorporated relating to: access and movement; structure; surveillance; ownership; physical protection; activity; management and maintenance 	Comments noted. Masterplan proposals are fully compatible with Principles of Crime Prevention through Environmental Design and will need to be transposed further through detailed planning development proposals later on.
Joe Keech	Devon County Council	General support and observations	<ul style="list-style-type: none"> Support for cycle link proposals (alternative option also suggested) No education impact on DCC proposals envisaged 	Noted

Laura Horner	Natural England	Comments relating to further information/clarification in respect of a number of ecology considerations, which have been highlighted	<ul style="list-style-type: none"> • Lowland Meadow - loss of priority habitat will result from the development • Hedgerows - masterplan does not appear to have considered the effects of removing hedgerows. Natural England standing advice and further survey work required. • Cirl Bunting mitigation in the form of compensatory land should be identified as part of the plan and in accordance with the emerging new Local Plan 	Masterplan SPD needs to be read in conjunction with new Local Plan and with the knowledge that further detail will be forthcoming through development proposals. Further detail added to page 17 of Masterplan to make clear need for further surveys and adherence to standing advice in respect of detailed development proposals. Net gain in biodiversity is set out in Local Plan and NPPF. Further compensation land in addition to that outline in masterplan, as required, will be identified if needed.
Rob Newman	On behalf of Torbay business representatives	Strong support for masterplan	<ul style="list-style-type: none"> • Support for employment proposals at Edginswell 	Noted.

Roger Arscott	On behalf of landowner at Moles Lane (Kingsland)	Object to allocation of employment as opposed to residential land at Moles Lane	<ul style="list-style-type: none"> • Had not been involved in the masterplanning process up until late-on • Feel that Moles Lane should be residential land rather than employment, arguing that sufficient employment space is available at Edginswell Business Park and Kerswell Gardens • See early delivery of the land as part of Phase 1 	Employment is important at Moles Lane to deliver strategy set out in Local Plan (quantum of employment). Update - Note that since this representation, the Council has had further detailed and positive discussions with this consultee and are in further discussion regarding delivery of the masterplan.
James O'Dwyer	Individual	General comments	<ul style="list-style-type: none"> • Suggest school should be to north of site • Desire to ensure affordable housing is spread amongst the residential development rather than in one location • Edginswell Station should be located nearer to Edginswell rather than Torbay Hospital 	School location is restricted due to topography. Comments noted re. affordable housing and this development should seek to secure mixed and balanced communities. Edginswell train station location not specifically part of this SPD.
Leon Butler	Individual	General comments relating to concerns	<ul style="list-style-type: none"> • Suggests that Torquay Neighbourhood Forum was not a formal consultee and production of masterplans pre-empts the Torquay Neighbourhood Plan • There should be a greater emphasis on jobs rather than housing 	Update - it has been acknowledged that Torquay Neighbourhood Forum was formally consulted on this Masterplan SPD. The Torquay Neighbourhood Forum is supportive of the Masterplan.

Schedule of changes made to the consultation draft Torquay Gateways Masterplan document (October 2014) and now contained within the final version called Torquay Gateway (Edginswell) Masterplan SPD (December 2015)

Key
<ul style="list-style-type: none"> • Purple text = Instruction regarding an alteration • Black text = existing text to remain • Strikethrough = remove text • Red text = additional/new text

Page number (inc. paragraph number, figure, etc. where relevant)	Detail of changes	Comment on modification (where needed)
Page 1 (Title page)	<ul style="list-style-type: none"> • Remove 'Consultation Draft' watermark • Change title from 'Gateways Masterplan' to 'Torquay Gateway (Edginswell) Masterplan' • Remove 'October 2014' title 	
Page 2	<ul style="list-style-type: none"> • Remove box of text beginning 'Important note to the reader' 	
Page 3	<ul style="list-style-type: none"> • Colours of titles within Contents list need to be updated to match the coloured sections within the rest of the document. 	
Page 4	No specific changes	
Page 5	<ul style="list-style-type: none"> • 1.1.1. - Change second paragraph to read "The brief for both sites is included in Appendix 1 but The main thrust of the masterplan is to:" • 1.1.1. – Change third paragraph to read "The process of producing the masterplans has been carried out over a 6 month period and has included..." • 1.1.1. – Change third paragraph to read "...(refer to Section 3)..." • 1.1.1. - Add another sentence at end of third paragraph to read 'This masterplan covers Torquay Gateway.' • 1.1.2 – Edit first paragraph to read "With A high class natural environment..." • The text in the purple ribbon on this page relates to the town centre rather than the Gateway area so would suggest changing text as follows: "In order to rise to the challenges of the 21st Century and to improve Torbay's commercial and 	

	<p>retail position, it is proposed that Torquay retains its role as the core shopping area, but that it needs to develop as a multi functional centre with improved retail and new commercial and residential floorspace. Torquay Gateway is an important area for the sustainable growth of Torquay. As well as providing much needed new homes and jobs, there will be opportunities to improve transport connectivity and green infrastructure. The highest quality of design will need to underpin what will create a special sense of place and community.”</p>	
Page 6	<ul style="list-style-type: none"> • The text on the left of the page is difficult to read as it interferes with Figure 2. Perhaps it could be ‘boxed’ with a different coloured background to make it clear. • Change second paragraph from “The Council identified the land to the east of Hamelin Way as an ‘Area of Search’ a ‘Future Growth Area’ in the emerging Local Plan” • Change second paragraph (right side of page) as follows: “The northern area is the partly completed Edgismwell Business Park, accommodating a range of established businesses and it is here that Tesco are currently appealing a refused application for a large format store and dotcom facility.” 	
Page 7	<ul style="list-style-type: none"> • 2.1. – Change title to ‘The National Planning Policy Framework’ rather than ‘The Purpose of the Masterplan Document’ • 2.1. - Change second paragraph to read “It is desirable that local planning authorities should have an up-to-date development plan in place. And part of these plans is supportive guidance such as the gateway and town centre plans. This masterplan helps to articulate the vision for the regeneration of the town centre as underpinned by both the Council’s current Local Plan and its emerging, new Local Plan. • 2.1. – Change fifth paragraph with first and second bullet points as follows: “For plan-making the presumption means that Local Planning Authorities (LPA) should positively seek opportunities to meet the development needs of their area. For decision making the presumption means For decision making the presumption means approving applications that accord...” • 2.1. - Change last paragraph as follows: “Policies in Local Plans should follow the approach for the presumption in favour of sustainable development. In addition, the application of the presumption will have implications for how communities engage in neighbourhood planning. 	

	Neighbourhoods should:"	
Page 8	No specific changes	
Page 9	<ul style="list-style-type: none"> • 2.2. - Remove first paragraph and replace text with "Torbay Council's new Local Plan, <i>A Landscape for Success</i>, will replace the current Adopted Torbay Local Plan 1995-2011 and provide a framework for guiding development and investment across Torbay for the next 20 years. This masterplan builds on the policies within <i>A Landscape for Success</i> for growth and development in Torquay Gateway which, together with the Torbay Economic Strategy, represents the strategic objectives of what this area should become." • Remove all text relating to SDT2 Torquay Town Centre (all text on page) and replace with reference to SDT3 Torquay Gateway, as follows: "Policy SDT3 – Torquay Gateway Torquay Gateway is an important area of growth for Torquay. In addition to providing new homes and jobs, there will be opportunities provided through strategic developments to improve connectivity for pedestrians, cyclists, public transport and motor vehicles within the area and to the town centre. High quality design that reflects the strategic context of closely situated but distinct development sites will be important to the area's functional success. This is particularly important considering the opportunities to provide place-making improvements. The South Devon Link Road is a key piece of strategic infrastructure to support both short-term (including existing sites with planning permission) and long-term growth in this part of Torquay as well as the rest of Torbay. A range of sites are identified to support future growth. In particular, the Edginswell Future Growth Area has been identified for a large mixed-use development which could deliver around 550 homes and up to 37,600 square metres of employment space (subject to masterplanning). The site is developable but needs to be masterplanned to show how the necessary infrastructure can be delivered to unlock this development. An outstanding level of design will be needed due to the scale and location of the site. The effective provision of green infrastructure will be provided as part of the development to improve the accessibility of greenspace in the area, improve connections between communities, manage flood risk (particularly minimising run-off into Aller Brook) and maintain and enhance the strategic green gap between Torquay and Kingskerswell. 	
Page 10	<ul style="list-style-type: none"> • 2.3. – Slightly alter first paragraph to read "The Torquay 	

	<p>Neighbourhood Plan has been is being developed in parallel with the Torbay Local Plan being prepared by Torbay Council. More than that, each plan informs and strengthens the other. The local plan (titled “a landscape for success”) provides the big picture for the whole Bay, and the neighbourhood plans for Brixham, Paignton and Torquay will add detail about local outcomes, projects and sites.”</p> <ul style="list-style-type: none"> • 2.3. - Slight addition to second paragraph – “...All Current Community Partnerships (CP) statements...” • 2.3 – Change fourth paragraph as follows: “The Gateway masterplan area falls within the Shiphay and The Willows CP area. The Town Centre masterplan area lies within Tormohun, which incorporates the Torre and Upton CP and the Town Centre groups. A smaller but significant part of Ellacombe (around Market Street) is also included, and a portion of Wellswood (around the Imperial Hotel just along from the harbour).” • 2.3. – Change fifth paragraph as follows: “The plan, in common with the local plan, covers the period from now until 2032 and beyond. The development proposals it contains relate to the period of up to 2027 in compliance with the local plan’s development horizon and further articulate how and where Torquay will develop. 	
Page 11	<ul style="list-style-type: none"> • Change first line to read “The plan has the following policies related to the town centre and the Gateway” • Remove all paragraphs related to Transport and Movement (3 in total). Instead add more detail from the merging Neighbourhood Plan relating to Gateway Design and Principles as follows (cut and pasted from the draft NP): <p>GATEWAY DEVELOPMENT AND DESIGN PRINCIPLES</p> <p>The gateway area is a natural focus for development interest. It lies at the entrance to Torquay and the wider Bay area. It will be increasingly well connected as the South Devon Link Road is completed and a new local railway station is provided at Edginswell.</p> <p>Successful development of the area will require a comprehensive master-planning approach. This plan does not specifically identify site proposals, but the opportunity exists now to establish some basic principles to guide the future design and planning of the area and help ensure that it contributes to the sustainability and well-being of existing neighbourhoods and the whole town.</p> <p>The overarching principle of development in the Gateway area should be to engender structured growth which will support</p>	

	<p>existing neighbourhood centres at Shiphay and Barton, with housing developments focussed around the emerging district centre at The Willows and where appropriate creating new small local centres as part of new developments.</p> <p>The plan establishes principles for the planning, design and development of sites at the gateway.</p> <p>Development at the Gateway should conform with an approved overarching masterplan for the area and include a detailed masterplan for each development area demonstrating:</p> <ul style="list-style-type: none"> - good pedestrian, cycle and vehicular connectivity to adjoining sites and existing neighbourhoods, enhancing existing local centres at Shiphay, Barton and The Willows - quality housing design, heights and density appropriately related to their local context (higher density town houses and terraces around local centres with detached homes towards the edge of neighbourhoods) - a mix of uses including employment and community facilities, open space and retail at key junctions or focal points - mixed building footprints (size and design) in local centres to enable a wide range of shop, business and community uses <p>Opportunities for infill development in and around The Willows district centre will be promoted in order to enhance its design distinctiveness and sense of place.</p> <p>Development at the Gateway shall contribute both directly through its good design and indirectly through financial contribution to the creation of a striking, significant and attractive entrance to Torquay with improved public realm and public art.</p> <ul style="list-style-type: none"> • Label the Figure 	
Page 12	<ul style="list-style-type: none"> • 3.1. – Alter first paragraph (now second paragraph) as follows: “The first stage of the consultation and engagement process took place during the production of the first draft masterplan and included the following: <ul style="list-style-type: none"> - 1st Public Exhibition - 1st Stakeholder Workshop - 2nd Public Exhibition - 2nd Stakeholder Workshop - An SurveyMonkey online survey (to support the 2nd Public Exhibition) ran from the May to August 2014. - A number of stakeholder meetings with the following organisations – various groups including – Torquay Neighbourhood Forum, business owners in Edginswell, land owners in Edginswell, developers in the town centre as well as numerous other local community 	

	<p>groups and representatives.</p> <ul style="list-style-type: none"> • 3.1. – Insert this additional paragraph at the end of this section (after the Objectives) “A second stage of consultation took place on the draft consultation masterplan and was carried out in accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Torbay Council’s Statement of Community Involvement 2014. The consultation ran for four weeks from 27 October to 24 November 2014. The draft masterplan was advertised and placed for consultation on the Council’s website and at public libraries and buildings across Torbay. Consultation bodies were notified in writing. Public notices and news articles appeared in the local news media and public consultation events took place in conjunction with the Torquay Neighbourhood Forum and with local business representatives. Representations and comments made on the consultation draft masterplan have been taken into account in changes made to this final version.” • 3.1. – Change third paragraph to read: “Through the process of talking to stakeholders, councillors and the community, the town’s aspirations have been found to include:” 	
Page 13	<ul style="list-style-type: none"> • 3.1. – Change last sentence to read: “A full summary of the outputs from the various consultation events stages can be found in Appendix 2 a separate document, on the Council’s website.” • Remove first paragraph on ‘Movement’ as this relates to the town centre, not the Gateway. • Add a new paragraph as follows: Critical issues to address: ‘The Gateway is designed so as to: Avoid the creation of sub-urban Sprawl Ensuring that the urban extension has a character and connects with the existing community to enhance the existing area and respond to the rural outlook o Avoid the creation of unconnected streets and isolated land use parcels Creating a centre Ensuring that there is a natural centre to the scheme which could be connected to existing facilities or create new ones that serve both the new 	

	<p>development and existing residents.</p> <p>Sustainability and Infrastructure Ensure that there is sufficient infrastructure to cope with the increased population density health, education, access, shopping etc) Provide the opportunity for sustainable life styles, recycling and biodiversity.</p> <p>Movement Consider the possibility of a new station at Edginswell Ensure that pedestrian, cycle and public transport links are provided</p> <p>Landscape Protect views and respect ridgelines on this urban / rural edge.</p> <p>As such development in the Torquay Gateway area will facilitate:</p> <ol style="list-style-type: none"> 1. The enhancement of a strong sense of community and place through the effective design and layout of homes and the provision of local facilities; 2. Provision of a range of residential schemes that offer a mix of housing types; 3. Creation of employment space, delivered in the early stages of development, designed to meet identified economic growth sectors; 4. Essential transport and utilities infrastructure, including green infrastructure, and appropriate links; 5. A suitable range of recreational, leisure and tourism facilities; 6. High quality design standards that embrace sustainable and energy efficient construction techniques; and 7. Appropriate phasing to ensure overall a balanced provision of jobs, homes and infrastructure' 	
Page 14	<ul style="list-style-type: none"> • Change title to clarify it is 'The Gateway' rather than 'The GatewayS'. 	
Page 15	<ul style="list-style-type: none"> • Label the figure • Change title of number 2 to "Edginswell Business Park – The Riviera Gateway" 	
Page 16	<ul style="list-style-type: none"> • Label the figure 	
Page 17	<ul style="list-style-type: none"> • Label the figures (including reference within the text to both Figures) • Add sentence at end of text to state that "Further detailed Phase 2 habitats surveys and other ecological assessments will be required. Natural England's standing advice should be followed with regards to assessments. Any loss of habitats may necessitate off-site compensation to ensure 	

	<p>an overall net gain in biodiversity. The proposals within this masterplan are subject to these assessments and any required off-site compensation being further identified and delivered.”</p>	
Page 18	<ul style="list-style-type: none"> • There are a couple of typos in the existing paragraphs – please re-read and correct. • Add line to final paragraph to read “Water attenuation will need to be considered. The vast majority of the site lies within flood zone 1 but special attention (supported by flood risk assessments) to providing Sustainable Drainage Systems (SUDS) and Water Sensitive Urban Design (WSUD) will be required, particularly due to the scale of development and particular topography in this area.” 	
Page 19	No specific changes	
Page 20	<ul style="list-style-type: none"> • Title should read ‘4.4’ Access rather than ‘4.3’ • Inset new paragraph at beginning of this section as follows: “The failing of much of the northern area of Torquay is as a consequence of the lack of connectivity, the lack of walkable neighbourhoods, the segregation of uses and the sprawl of monotonous housing estates. It is critical that this be changed and that connected places, with integrated mixed use facilities and improved local facilities are provided in order to create a sea change in urban planning in this area of Torquay.” • Label the figure (also including reference within the text to the Figure and pages) • In paragraphs headed ‘Vehicular’ and ‘Rail’ correct references to kms distances. • In seventh paragraph, remove line referring specifically to commuters to Exeter, so that it reads as follows: “...The gateway site is very close to this junction and will therefore be highly accessible and desirable for new homes and jobs to be seen as a strategic housing site for commuters to Exeter and beyond once the road is open...” 	
Page 21	No specific changes	
Page 22	<ul style="list-style-type: none"> • Change sub-title to “4.5 Land Uses” • Change sub-title to “4.6 Local Facilities & Land Use” • Label the figures (including reference within the text to the Figure) 	
Page 23	<ul style="list-style-type: none"> • Label the figures (including reference within the text to the Figure) • 4.7 – there is a reference to the water main but no figure to show its location. If this is included, use the following image as a basis for the illustrated figure to show location of the main 	

Page 24	<ul style="list-style-type: none"> Label the figure (including reference within the text to the Figure) First sentence, change to "...This delivers 500-550 homes and 19000 sq metres of employment space..." Sixth bullet point down, change sentence to read "Provide S.U.D.S (Sustainable Drainage Systems) Ponds within the valley alongside a variety of WSUD (Water Sensitive Urban Design) measures throughout the development to prevent downstream flooding" Eighth (and ninth) bullet point down, I think this should be split into two bullets The Concept Plan would benefit from a Key. Please include. 	
Page 25	No specific changes	
Page 26	No specific changes	
Page 27	No specific changes	
Page 28	No specific changes	
Page 29	<ul style="list-style-type: none"> Could the paragraphs relating to each design parameter be formatted differently so that they stand out more, e.g. boldening the subtitles 	
Page 30	<ul style="list-style-type: none"> Change first paragraph as follows: "Carbon neutrality Low carbon use and climate resilience should be seen as an key objectives for the Gateway. For example, new development in the Gateway should demonstrate the use of sustainable building techniques to ensure high levels of energy efficiency and consider in detail options for the massing, orientation and use of new buildings in order to support low carbon lifestyles and limit the likelihood of summertime overheating..." Add additional paragraph titled 'Health' as follows: "Health: there are opportunities to positively influence the wider determinants of health through development at the Gateway through promoting healthy lifestyles, encouraging a leptogenic (as opposed to obesogenic) environment that supports physical activity and access to healthy food. This masterplan has sought to provide opportunities to support a healthy environment. Detailed development proposals should be screened to identify if a further Health Impact Assessment is required (which could be incorporated as part of EIA if required)." The final paragraph appears to be missing some text as it stops mid-sentence 	
Page 31	<ul style="list-style-type: none"> The first sentence (and paragraph) on this page, needs to be looked at so it reads more clearly – there are a couple of gaps in the text. 	
Page 32	<ul style="list-style-type: none"> Label figures and references to the figures within the text Change first paragraph to read as follows: "...This could well be subject to change depending on the developer approach but this is strategy is based on the Edginswell Valley area being delivered in a homogenous way which unlocks the 	

	<p>wider site for development and support the early delivery of employment land as set out below; the following criteria;”</p> <ul style="list-style-type: none"> • Add text to fourth bullet point in Phase 1 as follows: “Employment land to the south could come forward early due to its close proximity to Marldon Road. If viability was a barrier to delivering employment in this area (south of Moles Lane) consideration of using developer contributions from the wider Edginswell Valley area and/or Section 278 agreements to help deliver site infrastructure will be considered. Alternatively, some mixed-use development to enable delivery of employment uses may be considered.” 	
Page 33	<ul style="list-style-type: none"> • Amend title to read: “Edginswell Business Park - ‘The Riviera Gateway’” 	Feedback from local businesses suggested a name like this could help market the site better.
Page 34	<ul style="list-style-type: none"> • Include a completed reference to distance (...kms) within third paragraph. • Label Figure 	
Page 35	<ul style="list-style-type: none"> • Label Figure and re-format the Key as part of it appears to be cut-off and not visible • Change first paragraph as follows: “...The remainder of the site is undeveloped and has been promoted previously for a large retail foodstore. Those proposals were not supported by the Council and refused planning permission on appeal. The Local Plan supports the use of high quality B1 employment space in this area.” subject to a current application for a circa 70,000 sq ft food store and additional B1 offices which was refused by the Council and is due to go to Appeal in October 2014....” 	
Page 36	<ul style="list-style-type: none"> • Label Figure and references within the text to the figure 	
Page 37	No specific changes	
Page 38	<ul style="list-style-type: none"> • Change first paragraph as follows: “There could be 3-4 storeys but the volume is may be limited by the road capacity onto Riviera Way so would need to be subject to more detailed Highway capacity analysis.” 	
Page 39	No specific changes	
Page 40	No specific changes	
Page 41	No specific changes	
Page 42	<ul style="list-style-type: none"> • Label figure 	
Page 43	<ul style="list-style-type: none"> • Label figure 	
Page 44	No specific changes	
Page 45	<ul style="list-style-type: none"> • Change first paragraph to read as follows: “The Council have identified the land to the east of Hamelin Way as an ‘Area of Search’ a Future Growth Area in the emerging Local Plan...” • Add additional text to first paragraph under Funding heading as follows: “....This masterplan expands on the Local Plan which sets out the quantum of development that 	

	<p>this Future Growth Area should deliver, forming a fundamental part of the local strategy for what sustainable development means in Torbay. This masterplan tests and shows how those various land uses can be delivered in order to achieve the best outcomes in terms of place-making. Where necessary, the Council should seek to use Section 106 agreements and other mechanisms in order to secure the necessary quantum of housing, employment and other infrastructure outlined in this plan. This will help support delivery of the key elements across the masterplan area, which are likely to come forward as separate development proposals.”</p>	
Page 46	<ul style="list-style-type: none"> Amend second paragraph as follows: “The aim is to create an urban village, delivering quality new homes and employment, that is sustainable and an exemplar community that will set the standard for future developments in the town.” 	

APPENDIX 1 – List of persons consulted by letter and/or e-mail as part of Regulation 13 Stage consultation on Torquay Gateway (Edginswell)

SPD

Table 1 : List of 'specific' consultees invited to engage in plan preparation at Regulation 13 Stage – October 2014

Title	Given Name	Family Name	Position	Company / Organisation
Mr	William	Comery	Corporate Affairs Manager	3
Mr	Gordon	Jennings	Chairman	Barton and Watcombe Community Partnership
Mr	George	Thomson	Vice Chair	Blatchcombe Community Partnership
Mr	Andy	Tucker	New Sites	British Telecom
Mr	Dave	Hodgetts	Chairman	Brixham Community Partnership
	Jackie	Stockman	Chair	Brixham Peninsula Neighbourhood Forum
Ms	Ki	Barnes	Town Clerk	Brixham Town Council
Mr	Adam	Billings	Chairman	Churston Galmpton & Broadsands Community Partnership
c/o	Tracey	Cabache	Community Partnership Support Officer	Clifton & Maidenway Community Partnership
	Consultee			Coal Authority
Mr	Leon	Butler	Chair	Cockington, Chelston & Livermead Community Partnership
Mrs	G	Hermesen	Clerk	Coffinswell Parish Council
Mr	Martin	Gill	Architectural Liaison Officer	Devon & Cornwall Constabulary
Mr	Joe	Keech	Regional and Strategic Planning Coordinator	Devon County Council
		Administration Team		Devon Fire and Rescue
Mr	James	Roden	Secretary	Ellacombe Community Partnership
Mr	David	Stuart	Historic Areas Advisor	English Heritage SW Region
Mr	Ian	Hooper		Environment Agency
Mr	Marcus	Salmon	Sustainable Places Planning Specialist	Environment Agency
Mr	Dean	Auton	Chair	Goodrington, Roselands & Hookhills Community Partnership
Mr	Chris	Garcia	Chief Executive	Heart of the South West Local Enterprise Partnership
Ms	Marilyn	Martin	Chair	Hele and Lower Barton Community Partnership
Mr	Ian	Parsons	Network Manager Planning	Highways Agency

Mr	Matthew	Stead	Investment and Regeneration Manager (Torbay)	Homes and Communities Agency
Mrs	Jackie	Lamont	Clerk	Kingskerswell Parish Council
Mrs	Emma	Illingworth	Clerk	Kingswear Parish Council
Ms	Lisa	Antrobus		Local Access Forum
		Marine Consents Team		Marine Management Organisation
Mr	David	Eeles	Clerk	Marldon and Berry Pomeroy Parish Council
Ms	Ginny	Hall	Senior Planner	Mono Consultants Limited
Dr	Stefan	Preuss	Town Planner	National Grid
Ms	Sarah	Jennings		Natural Devon - Local Nature Partnership
	Natural England	Consultation Service	Consultation Service	Natural England
Mr	Jeremy	Eaton	Town Planner (Western)	Network Rail
Mr	Peter	Foster	Head of Acquisitions	O2
Ms	Gemma	Bridges	Community Liason	Orange
Mr	David	Watts	Chair	Paignton Neighbourhood Forum
Ms	Louise	Gilson	Chair	Paignton Town Community Partnership
Mr	Tony	Hogg	Police and Crime Commissioner	Devon & Cornwall Police
Ms	Gesche	Buecker	Chair	Preston Community Partnership
Ms	Eunice	Porter	Secretary	Shiphay and the Willows Community Partnership
Mr	Graham	Swiss	Forward Planning Manager	South Hams District Council
Ms	Sarah	McFarlane		South West Peninsula Health Authority
Mr	Martyn	Dunn	Development Co-ordinator	South West Water
Ms	Rachel	Ives	Secretary	St. Marychurch & District Community Partnership
Clr	John	Robinson		Stoke Gabriel Parish Council
Mrs	Joyce	Annal	Clerk	Stokeinteighhead Parish Council
Mr	Simon	Thornley	Service Manager -Spatial Planning and Delivery	Teignbridge District Council
Mr	Tony	Page	Head of Policy and Heritage	Teignbridge District Council
Ms	Rose	Freeman/Mr Mark Price	Planning Assistant	The Theatres Trust
Mr	John	Carwardine		T-Mobile

Ms	Caroline	Dimond	Director of Public Health	Torbay Care Trust
Mr	Damian	Offer	Director	Torbay Coast and Countryside Trust
Ms	Susie	Colley	Chair	Torquay Neighbourhood Forum
Mr	Paul	Turner	Chair	Torquay Town Centre Community Partnership
Ms	Susie	Colley	Chair	Torre and Upton Community Partnership
	Plant Enquiries	Team	Plant enquiries team	Virgin Media
Mr	Brian	Truman	National Planning Manager	Vodafone
		Plant Protection Team	Plant Protection Team	Wales & West Utilities
Mr	John	Rawson	Chairman	Wellswood & Torwood Community Partnership
Mr	Tim	Seabrook	Manager - Torbay	Western Power Distribution (South West)

Table 2 : List of 'general' consultees invited to engage in plan preparation at Regulation 13 Stage – October 2014

Title	Given Name	Family Name	Position	Company / Organisation
Ms	M	Martin	Manager	1st Replacement Windows Company Limited
		Unknown		Acorn Youth & Community Association
Mr	Adrian	Gee	Designer	ADL Design
Mr	Richard	Brett		AG Design
Ms	Anna	Clark	Senior Planner	Age UK
Mr	A	Schelestynsky		Alder King
Mr	Steve	Anderson	Planning & Development Consultant	AM Schelestynsky
				Anderson Planning & Development Consultant
				Anglian Home Improvements Conservatories
				Anglian Home Improvements Windows
Mr	Robert	Pain		Architect
Mr	Tim	Hines	Planning Consultant	Atkins
Mrs	Pauline	Roberts	Proprietor	Atlantis Holiday Apartments
Mr	Arthur	Christian	Chairman	Babbacombe & St. Marychurch Traders

Mr	Simon	Wills and Mr. Mike Rhodes	Proprietor	Babbacombe Model Village
Mr	Cormac	O'Keefe	General Manager Imperial Hotel	Barcelo Hotels (UK) Ltd
Mr	Matthew	Twiggs	Conservation Officer	Barn Owl Trust
	Andrea	Hardy		Barnardos
Mr	Tim	Larner		Barratt Homes
Ms	Jean	Cope	Secretary	Barton and Watcombe Community Partnership
Mr	Mark	Harris		Barton Willmore Partnership
Mrs	P	Trayhorn		Battery Gardens Group
				BBH Chartered Architects Ltd
Mr	Edward	Bence	Proprietor	Berry Head Hotel
Ms	Claire	Jeavons	Unknown	Beverley Holidays
Mr	Andrew	Easton and Mr. Alan Taylor	Proprietor	Blue Chip Vacations
Mr	Micheal	Buxton	Town Planner	Bovis Homes Ltd-SW Region
Mr	Antony	Procter	Property Developer	Bowrain Construction
Mr	Neil	Mantell		Boyer Planning
The	Manager			Bradfield Routledge Associates
Mr	Chris	Baxter		Bradley's Land Dept.
Ms	S	Renshaw		Brewery Park Friends Group
Mrs	C	Hodgetts		Brixham 21 Regeneration/Heritage
	Penny	Lewis		
Mr	John	Smith	Chairman	Brixham in Bloom/Town Action Group
Mr	Robbie	Robinson	Spokesperson	Brixham Regeneration Focus Group
Mr	Rick	Smith		Brixham Trawler Agents Ltd
Mr	Steven	Freer	Secretary	Broadsands & Elbury RA
Mr	Richard	Anderson	Senior Planner	Broadway Malyan
Mr	P	LeMar		Brunel in Torbay Trust
Mr	Tom	Hyde		Building Research Establishment
The	Manager			Burke Associates
Mr	Richard	Cuming	Proprietor	Bygones

Ms	Jenny	Waggett			Campaign for Better Transport
Ms	Claire	Cain		Campaigns Officer	Campaign for Real Ale (CAMRA)
Mr	John	Hartley		Chairman	Campaign To Protect Rural England
Mr	Justin	Haden			Carers Consortium
		Unknown			CB Design
The	Manager				CHAD Disabled Information Service DIS
Mr	Simon	Blake		Director	Charles Blake & Associates
Ms	Louise	Graham		Chair	Chelston Parks Friends Group
Ms	E	Luxton			Chelston Tenants' & Residents Association
Ms	Angela	Neil		Centre Co-Ordinator	Chestnut Heights Community Association
	Caroline	Jones			Children's Society
Mr	Christopher	Chillcott			Chillcott's
Mr	Chris	Thomas			Chris Thomas Ltd
		Unknown			Christopher Curtis Associates
Mr	Christopher	Stacey			Christopher Stacey Architecture
	Jill	Read			Coalition of Disabled People South Devon
		Unknown			Coastal Windows & Conservatories UK Ltd
Mr	Leon	Butler		Chairman	Cockington Village Residents Association
	Collaton St Mary Res. Association				Collaton St Mary Res. Association
Mr.	James	Edwards			Colliers Cre
Mrs	C	Palfrey			Compton Vale Residents' Association
The	Manager				Construction Design Schemes
Mr	Mischa	Eligoloff			Creative Torbay Residents and Visitors Services
Mr	Robert	Belcher			Crossways Shopping Centre
Ms	Alison	Priestley			CSJ Planning
Mr	Liam	McGrath			CVA Torbay
		Unknown			Darren Simner Architecture
Mr	Chris	France		Director of Planning & Sustainable Development	Dartmoor National Park Authority

Mr	Mark	Tyrrell			Deeley Freed Estates Ltd
Mr	Derek	Butler	Planning Consultant		Derek Butler Bsc Hons
Ms	Clare	Rutherford	CABE Assistant		Design Solutions
Mr	Marc	Moser			Design Solutions
Mr	Edward	Bright	Assistant Planner		Development Planning Partnership DPP
Mr	Tim	Jones	Chairman		Devon & Cornwall Business Council
Mr	Gareth	Jones			Devon & Cornwall Housing Association Ltd
The	Manager				Devon Community Housing Society Ltd
Ms	Leanne	Crawford	Administrator		Devon Conservation Forum
Mr	James	Wyeth	Chairman, Planning & Transport Committee		Devon Conservation Forum
Mr	Ian	Bateman	Climate Change Officer		Devon County Council
Mr	Jim	Masters	Devon Maritime Forum Coordinator		Devon County Council
Mr	Malcolm	West	Conservation Officer		Devon Gardens Trust
Mr	Paul	Hawthorne			Devon School of English
Mr	Bill	Broadbent	Conservation Officer (Planning Policy)		Devon Wildlife Trust
Dr	Ed	Moffatt	Assistant Diocesan Secretary		Diocese of Exeter
The	Manager				Drayton Studio Design Associates
		Unknown			East Devon District Council
		Unknown			EJW Architects
	Melanie	Border			English Riviera Geopark
	Carolyn	Custerson			English Riviera Tourism Company
		Unknown	Planning Services		Exeter City Council
Ms	Tessa	Saunders	Planning Assistant		Exmoor National Park Authority
Ms	Kate	Matthews	Assistant Planner		FirstPlan
Mrs	L	Corrall			Force for Change Environmental Trust
Mr	G	Thompson	Chairman		Foxhole Community Association
Mrs	E	Britton			Foxhole Forum
Mr	A	Franks			Franks'
Mr	Paul	Howard	Chairman		Friends of Armada Park

Mr	D	Lilley	Chair	Friends of Furzeham Green
Ms	V	Barnes	Marketing Manager	Friends of Paignton Zoo
Mrs	K	Hawkins		Friends of St Anne's Hall
Mr	Alan	Griffey	Torbay Co-Ordinator	Friends of the Earth
Mrs	R	Coveney		Friends of the Pilgrim
Mr	Alex	Wilson	Development Surveyor	Fulfords Land & Planning
Ms	Ann	Morris		Fuse Architecture
		Unknown		G F Simmons
Mr	Gordon	Batten	Assistant Secretary	Galpton Residents Association
		Unknown		GAP Architecture
Mr	Alan	Hindley		George Wimpey
Mr	Andy	McMullan		Gerald Eve
		Unknown		Global Windows
Mr	Mark	Axford		Goadsby & Harding Commercial
		Unknown		Graham T Thursfield MCIQB
Mr	M	Drake		Great Parks Community Association
Mr	Leonard John & Pamela Joan	Endicott c/o Mr Mepsted		Great Parks H1.13 (Haldene)
Mrs	Beryl	Perrin		Great Parks Residents' Steering Group
Mr	Philip	Beamont	Acting for Dr J Endicott	GreatParks H1.13A (Haldene/Endicott)
Ms	Paula	Hermes		Green Party & Transition Torbay
Mr	Jason	Parry		Grosvenor Hotel
	Jackie	Francis		Groundwork (Devon & Cornwall Programme Manager)
Ms	Mel	Higgs		H & H Caravans
		Unknown		Haldons Chartered Surveyors
Mr	Andrew	Birch	Senior Planner	Hallam Land Management
Mr	Anthony	Champion	Partner	Halls (Worcester) LLP
Mr	Peter	Hope		Harbour Gifts
Ms	M	Gifford		Hele Village Community Association
Mr	Mark	Bevan		Hoburne Torbay

Mr	Peter	Fanon & Mrs. Gail Fannon	Proprietor	Howden Court Hotel
Mr		Howes		Howes Architects
Mr	Roy	Kinder & Mrs Janet Kinder		Hudson's Bay Holiday Apartments
		Unknown		Ian Hobson Design
Mrs	V	Groom		Ilsham Neighbourhood Group Groundwork
Ms	Lorrie	Layne		Imagine Group
Mr	Tom	Darwall-Smith	Assistant Planner	Indigo Planning Limited
Mr	Chris	Jewell	Hon Secretary	Inland Waterways Association
Mr	Marcel	Venn	Land Director	Inox Group -SW Regional Office
		Unknown		Kay Elliott Architects
Mr	Nick	Powe		Kents Cavern Ltd
The	Manager			KH Design
Mr	Michael	Wellock	Managing Director	Kirkwells Consultants
Ms	Jenny	Offord	Senior Planner	Knight Frank LLP
Mr	Dean	Jones		LAL Torbay
Mr	Stephen	Robinson		Land at Yalberton
Ms	Liz	Weaver	Policy and Research Officer	Level Consulting Ltd
Mr	Dave	Poolman		LGBT Group
				Lincolnshire Automatics Ltd
Ms	Elaine	Hayes	Director	Living Coasts
		Unknown		M & S Cladding & Window Systems
Mr.	Malcolm	Kingdon		Malcolm Kingdon Architectural Services
Mr	Mike	Smith	Manager- Torquay & Brixham Marinas	Marina Development Limited
		Unknown		Martin Cox MBEng
				Mccarthy & Stone Retirement Lifestyles Ltd
Mr	Len	Lindon		Melba House B & B
Dr	Sarah	Wollaston		Member of Parliament
Mr	Adrian	Sanders		Member of Parliament
Mr	Lewis	Perkins		MENCAP

		Unknown			Michael Bailey
	P.J.R	Michelmore	Chartered Surveyor		Michelmore
		Unknown			Mid Devon District Council
		Unknown			Mike Richards Architects
Mr	Mike	Smith	Planning and Design		Millwood Homes
		Unknown			MTA Architects
		Unknown			Narracotts
	Chris	Easthaugh	Secretary - NAED Devon Area Federation		National Association of Funeral Directors
Mrs	Alice	de la Rue	Planning Officer		National Federation of Gypsy Liaison Group
Mr	Paul	Bates			Newgrove
Mr	R W	Keyes	Secretary		Newton Abbot Civic Society
		Unknown			North Devon District Council
Mrs	L	Gilson			North Goodrington Action Group
Mr	John	Winstanley			Northern Trust Ltd
Mrs	Margaret	Carswell	Chair		Oakridge MGT. Co.
		Unknown			Oliver Green Partnership
Mr	Lee	James			OurGlass, Cockington
Mr	Andrew	Pooley			Paignton & Dartmouth Steam Railway
Mr	T	Moss			Paignton Preservation Society
Mr	Simon	Tonge and Ms Pippa Craddock			Paignton Zoo
Mr	Matt	Purdom	Director		Park Holidays
Mr	John	Britton			Parkbay
	Jan	Anderson	Researcher		PCL Planning Ltd
Mr	Nigel	Bennetto	Director		Peluma Ltd
Mr	Adam	Chambers	Chief Executive		Peninsula Enterprise Business Link Devon & Cornwall
Mr	Shaun	Pettitt	Strategic Land Manager		Persimmon Homes South West
Mr	C	Moore			Plandscape
Mr	Peter	Orban	Manager		Planning Aid South West
Mr	Alexander	Bateman	Planner		Planning Bureau Limited

Mrs	Tanny	Stobart			Play Torbay
Mr	James	Carter		Property Manager	Plymouth & South West Co-op
Mr	Jonathon	Bell		Head of Development Planning	Plymouth City Council
Mr	Kes	Osborne			Premier Inn
Mr	Laurence E	Buckley		Secretary	Preston Down Trust Charity
Ms	Wendy	Bennett		The Manager	Princess Theatre
Ms	Maggie	Bolt		Director	Public Art South West
Mr	Mark	Luck			Public Arts South West
Mr	Kevin	Dudman			Rainbox Café
Ms	Usha	Garrattley		Secretary	REACH and Ellacombe Parks
The	Manager				Riviera Housing
Mr	Nicholas	Hayward (&Miss Camilla Yerbury)		Planning Director	RPS Planning, Transport & Environment Ltd.
	RSL Planning Consortium				RSL Planning Consortium
Mr	Gavin	Bloomfield			RSPB
Ms	Mabel	Cheung			RSPB
		S W Parkes Architects			S W Parkes
Sergeant	Richard	McLellan		Crime Reduction Sergeant	Safer Communities Torbay
Ms	Rachael	Powell & Kirsty Passmore		Information & Communication Officer	Safer Communities Torbay
	Chairman				SAIF
					Sainsbury's Supermarkets Ltd
Mr	Neil	Clements			Sanctuary Housing Association
Mr	Jonathan	Steele			Savills
Miss	F	Pickering			Savills
Ms	Katie	Walker			Savills (L & P) Exeter
Mr	Mark	Chugg			Savills Exeter
Mr	Nick	Jones			Savills Exeter
Mrs	Tina	Edgell		Hon Secretary	Scotts Meadow Project Group
Mrs	Helen	Welsh			Sea Spray Restaurant

Mrs	Alex	Scholefield			Sea Torbay
Mr	Chris	Howell	Director		Seaway Insurance
Mr	Steven	Briggs	Planner		Smiths Gore
Mr	A B	Bell			Social Club
Mr	Tony	Smyth & Mrs. Julie Smyth			Sonachan House
	Lesley	Darke	Director of Estates and Commercial Development		South Devon and Torbay Healthcare NHS Foundation Trust
Mr	Robin	Toogood	Manager		South Devon AONB
Mrs	Brenda	Hooper	Administration Secretary		South Devon Chamber of Commerce
Mr	Barry	Buxton	Chairman of the Torquay Branch		South Devon Chamber of Commerce
Mr	Joe	Cloutman	Chairman of the Brixham Branch		South Devon Chamber of Commerce
Mr	Christian	Seiflow-Moran	Chairman of the Paignton Branch		South Devon Chamber of Commerce
Mr	Douglas	Roxburgh	Chairman		South Devon Chamber of Commerce
Ms	Helen	Marshall			South Devon College
	South Devon	College			South Devon College
Ms	S	Harwood			South Devon Conservation Volunteers
Miss	Elaine	Hayes			Southwest Zoo Enterprises Ltd
Ms	Sarah	Griffin			Sovereign Housing Association
Mr	Si	Langridge			Speak Out Torbay (SPOT)
Ms	Alyson	Haynes			Spectrum Housing
Mr	Gary	Parsons	Planning Manager		Sport England
Mr	J	Lawrence			St Marychurch District Action Group Bay Blooms
Mr	D	Westaway	Secretary		St Marychurch Town Action Group
Ms	Michelle	Hargreaves	Managing Director		Stagecoach Devon Ltd
Ms	Laura	Ross			Stewart Ross Associates
Ms	Sue	Walker			Strategic Land Partnerships
		Unknown			Stratton & Holborrow
Mr	James	Gibbs			Strutt & Parker
Mr	Kalem	Reece	Area Manager		Subway (Symbro)

Mr	Richard	Mead	Land & Planning Manager	Summerfield Developments (SW) Ltd
Mr	Tony	Page	Head of Policy and Heritage	Teignbridge District Council
Ms	Jacqueline	Mulliner		Terence O'Rourke
Mr	D	Perry		The Beulah Holiday Apartments
Mr	Ian	Solkin		The Carey Arms
	Cavanna	Group		The Cavanna Group
Mr	L	Croney		The Commission for Architecture and the Built Environment CABE
Ms	B	Tooze		The Curious Club
Ms	Hilary	Mabutt	Proprietor	The English House & Restaurant
Ms	Lyn	Hookings		The English Riviera Association of Tourism
Ms	Gina	Bowen		The English Riviera Tourist Board
Mr	John	Clark		The Garden History Society
Mr.	Keith	Richardson		The Grand Hotel
The	Manager			The Institute for Sport, Parks & Leisure
	Jan	Mughrabi		The Interfaith Forum
Mr	Jamie	Piper		The Land and Development Practice
Ms	Janet	Venture		The National Affordable Homes Agency
Mr	Ian	Davies		The Osborne Hotel
Mr	Alan	Archer		The Select Group Ltd
Ms	Heather	Clay	Secretary	The Showmen's Guild of Great Britain
Mr	Matthew	Clarke		The Torbay Bookshop
Mr	Laurence E	Murrell		TLH Leisure Resort
Mr	Alex	Heathcote		TLT Solicitors
Mr	Michael	Hourican		Tor Homes
Mrs	Jane	Hill	Committee Member Torbay	Torbay & Teignbridge Campaign for Rural England
				Torbay Accommodation Providers
Mr	Andrew	Ford		Torbay and District Deaf Society
Mr	Roger	Ballinger	Hon Secretary	Torbay and District Trades Union Congress

Mr	Michael	Atkinson			Torbay Business Forum
Mr	Ian	Handford			Torbay Civic Society
Mr	Dominic	Acland			Torbay Coast and Countryside Trust
	Paul	Hellyer			Torbay Design Unit
Mr	Phil	Gregory		Secretary	Torbay District Labour Party
Mr	Richard	Taylor			Torbay Greenspace Forum
Ms	Linda	Hill			Torbay Hospitality Association
Mrs	Teresa	Butto		For the Attention of the Chairman	Torbay Hospitality Association
Mr	Ron	Collins			Torbay Neighbourhood Watch
The	Manager				Torbay Play Forum
Mr	Matt	Newbury			Torbay Pride
Mr	Carter	Brown		The Manager	Torbay Property Management
Ms	Paula	Stewart			Torbay Social Club for the Visually Impaired
Mr	R	Mann		Chairman	Torbay Sports Council
	Liz	Wimbleton			Torbay Sports Council
Ms	Fran	Mason		Supporting People Manager	Torbay Supporting People Team
The	Manager				Torbay Teens
Mr	Barry	Buxton		Chairman, Torbay Town Centres Company	Torbay Town Centres Company Ltd
	Paddy				Torbay Voice
Mr	Tim	Whitehead			Torbay Week
Mr	Collin	Shorthouse		General Manager	Torquay Connexions Information and Advice Centre
Mr	Clive	Baker		Chairman	Torquay Fishermen's Association
Ms	Ros	Palmer			Torquay Museum Society
Ms	Lucinda	Heron			Torre Abbey Historic House & Gallery
Mr	Ian	Rowland		Planning Policy Officer	Torridge District Council
Mrs	K	Hawking			Townswomen
Mr	Chris	Irwin			Travel Watch South West CIC
Mr	Rob	Peters			Turley Associates
Mr	Roger	Budgeon		Chairman	UK Rainwater Harvesting Association

Ms	Sue	Wreford	Secretary	Upton Park Friends Group
Mr	P	Read	Chair	Victoria Park Action Group
Mr	Vince	Flower	Director - Hotels	WA Shearings
Mr	Andrew	Brownsworld		Waddeton Court Estate
		Unknown		Walker Newton Architecture
Mrs	N	Ewings	Vice Chair	Wanderer's Club
Ms	Sue	Kenway	Secretary	Wellswood & Torwood Community Partnership
Ms	Jo	Perry	Planning Policy Manager	West Devon Borough Council
The	Manager			Westcountry Housing Association
Mr		Munford		Weston Estates Ltd
Ms	Helen	Holgate		Westward Housing
		Unknown		WG Couldrey Son & Ptnrs
	Lee	Jones		White Young Green
Mr	Justin	Milward	Regional Policy Officer (South West)	Woodland Trust
Mr	Mike	Parkes		Yalberton Valley Community Forum
Mr	Paul	Adersley		YMCA
Mr	Barry	Hawsworth	Chairman	Youngs Park People
Mr	Olivia	Bushell		Youth Parliament
Mr	Reginald	Tarling		
	C.J.	Moulder		
Mr	HM	Jenkins		
Mrs	Jane	Moulder		
Ms	Sandra	Baxter		
Mr	Donald	Vowles		
Mr	Ralph	Tonkin		
Mr	Cyril	Waite		
Mrs	Cynthia	Waite		
Mrs	Petra	Gee		
Mr	Graham	Drew		

Mrs	Mary	Drew		
Mr	William	Scholes		
Mrs	Patricia	Scholes		
Mrs	Mary	Payne		
Mr	Gerald	Payne		
Mr	James	Parish		
Mr	Allan	Strange		
Mr	Peter	Coetzee		
Mrs	Susan	Eames		
Mr & Mrs	Eric	Barbe		
Mrs	Joan	Barlow		
Mr	John	Taylor		
Mrs	Lynette	Kirven		
Mr	Derek	Hopkins		
Mrs	Frances Ellen	Killington		
Mr	Eric	Goldie		
Mr	Alan	Davies		
Mrs	Judith	Davies		
Mr	Robert	Stone		
Mr	Hugh	Hamilton		
Mrs	Rosemary	Rolfe		
Mr	Martin	Rolfe		
Mrs	Sylvia	Heath		
Mrs	Susan	Puddicombe		
Miss	Rachel	Puddicombe		
Mrs	Hannah	Coetzee		
Mr	Craig	McCracken		
Miss	Rihannon	Tutt		

Mr	Mark Harry	McCracken		
Mr	Stephen	Butler		
Miss	Katherine	Hughes		
Mr	Paul	McCracken		
Mr	George	Porter		
Ms	Kay	Grover		
Mr	David	Beadman		
Miss	Jessica	Beadman		
Mrs	Emma	Beadman		
Miss	Becky	Beadman		
Mr	Leslie	Rawlins		
Mrs	Diane	Mealor		
Mrs	Sylvia	Brown		
Mr	John	Mealor		
Mr	John	Dwyer		
Mr	Frederick	Salter		
Mr	Anthony	Brown		
Mr	Richard	Parish		
Mrs	E M	Foster		
	L	Shergold		
Mrs	P	Shergold		
Miss	Elizabeth	Chandler		
	S	Melsome		
	Jaqueline	Leigh		
Mr	Roy	Roper		
Mr	R	Bristow		
Mrs	C	Wills		
Mrs	Eileen	Harris		
	Tina	Melsome		

Mr	Geoff	Melsome		
	A L	Coombe		
Mrs	M A	Gale		
	Lynne	Taylor		
	A D	Gale		
Mr	A C	Lyons		
Mr	Shaun	Wills		
	E S	Wills		
Mrs	Helen	Harvey		
Mrs	L M	Gardner		
Mr	Benjamin	Melsome		
Mr	James	Melsome		
	J N	Spillman		
Mrs	R	Spillman		
Mrs	P J	Bristow		
Mrs	Fiona	Lewis		
Mr	David	Leigh		
Mr	Mervyn	Kemish		
Mr	B	Lucas		
	M	Bourne		
	K	Bourne		
	S	Thomas		
	J	Potter		
	A J	Bonfield		
Mrs	Jean	Imeson		
Mrs		Howells		
Mrs	Hilary	Ray		
Mr	Ronald	Courtenay		
Mr	David	Hughes		

Mrs	Anne	Stuge		
	J	Glover		
Mr	M	Aspel		
Ms	Tracey	Clarke		
	The	Occupier		
Mr	P L	Adam & Mrs W Adam		
Mr	M	Wilkins		
Mr	Eric	Stuckey		
Mr	T	Perrett		
Mrs	C	Bustard		
Mr	Mark	Hoyle		
Mr	Robin	Causley		
Mr	Lee	Wallington		
Mr	A C	Easterbrook		
Mr	John	Pouney	Youth Worker	
Mr	P	Bailey		
Mr & Mrs		Salomone		
Mr	G	Howes & Ms A Courtman		
Ms	Glenn	Frost		
Ms	Julie	Bevan		
Mr		Finnigan		
Mr	Roger	Holdsworth		
Mr & Mrs	D & E	Petts		
Mr	Andy	Scarlett		
Mrs		Dawkins		
Mr & Mrs	Stuart & Beryl	Perrin		
Mrs	R	Valentine		

Mr & Mrs	J	Reed	
Mrs	S	Caves	
Mr	Phil	Silavant	
Mr	P	Walker	
Mr	EM	Baker	
Mrs	J	Dundridge	
Mr	P	Cloke	
Mr	B	Bowder	
Mr & Mrs	T & D	Raynor	
Mr	R T	Walsh	
Mr & Mrs	G	Keshishian	
Mr	N J F	Dodd	
Mr & Mrs	R G	White	
Mr	Kevin	Riley	
Ms	Mandy	Lowe	
Mr	Roy J	Gable	
Mr	Marshall	Cooper	
Dr	Robert	Bromige	
Mr	David	Walden	
Mr	P.G.	Willis	
Mr	James	Fordham	
Mr	J	Pinches	
Mr	Graham	Booth	
Mr	S	Wyeoph	
Mr	David	Thompson	
Mr	Ken	Robertson	
Mr		Brincombe	

Mrs	P	West	
	J	Jowitt	
Mr & Mrs	M	Blayton	
Mrs	Diane	Raynor	
Mr	Nicholas	Tobin	
Mr	Barry	Jobson	
Mr	Peter	Silley	
Mr	Alan	Hill	
Mr	John	Connorton	
Mrs	Helen	Drew	
Mr	Michael	Matthews	
mr	dennis	milstead	
Mrs	Sarah	Morrison	
Mrs	Estelle	Green	
mrs	jane	dennant	
Mr	Sam	Moss	
Mrs	J	Fletcher	
Mr	Derek	Payne	
Mr	Neil	Tozer	
Mr	Nicholas	Tobin	
Mr	Mervyn	Kemish	
Mrs	Janet	Bray-Pullin	
Mr	Nick	Pannell	
Mr	Alan	Forster	
Mr	Stuart	Lewton	
Ben		Ricketts	
Mr	James	O'Dwyer	
Mr	Tony	Smyth	

Ms	Janet	Butler	
Mrs	Deirdre	Makepeace	
Mrs	Alison	Botting	
Mr	Peter	Lloyd	



Meeting: Council

Date: 10 December 2015

Wards Affected: Churston with Galmpton

Report Title: Covenant Protecting Churston Golf Club from Development – Call-In

Is the decision a key decision? Yes

When does the decision need to be implemented?

Executive Lead Contact Details: Mayor Oliver, Mayor and Executive Lead for Finance and Regeneration, mayor@torbay.gov.uk

Supporting Officer Contact Details: Anne-Marie Bond, Assistant Director of Corporate and Business Services, (01803) 207160, anne-marie.bond@torbay.gov.uk

1. Proposal and Introduction

1.1 On 22 October 2015, the Mayor took the following decision:

“That further to the Decision of the Mayor taken on 4 December 2014, in accordance with the correspondence from the Department for Communities and Local Government dated 2 September 2015, and in consideration of the position of the Churston, Galmpton and Broadsands Community Partnership dated 6 October 2015, the General Disposal Consent Order 2003 shall be applied to the disposal (by way of a restrictive covenant), of the land comprising of Churston Golf Club. Thereby meaning that the specific consent of the Secretary of State is not required.”

1.2 The Mayor’s decision was called in for scrutiny and considered at the meeting of the Overview and Scrutiny Board held on 4 November 2015 and referred to Council for consideration. An extract from the Minutes of the meeting is set out below.

“In particular, the Board asked the Mayor to explain how he had reached his decision and, whilst it was noted that he had taken legal advice, the Board was not able to satisfy itself that there was a proper record of the information considered by the Mayor before he made his decision.

Resolved:

- (i) that the responses received from the Mayor at the meeting did not give the Board the assurances it needed and therefore the matter be referred to the Council in order that an officer report can be prepared setting out all of the information on which the Mayor relied in making a decision; and
- (ii) that prior to the meeting of the Council, the Board request the Executive Director to consider whether obtaining a second legal opinion and/or

valuation would make the Council's position stronger in defending any future legal challenge."

2. Reason for Proposal

- 2.1 To consider the recommendations of the Overview and Scrutiny Board and further information detailed in the submitted report.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Council considers the contents of this report in determining whether it objects to the decision of the Mayor dated 22 October 2015 in respect of the covenant protecting Churston Golf Club from development.

Appendices

Appendix 1: Reasons for call-in

Appendix 2: Record of Decision

Appendix 3: Letter from Golf Club

Appendix 4: Letter from Community Partnership

Background Information

- 4.1 At the Council meeting held on 4 December 2014 in response to a petition and call-in of his original decision the Mayor agreed the following:

"That, having reflected on all of the issues raised following the call-in of the Mayor's previous decision taken on 25 September 2014, the following decision is confirmed:

that the Council enters into a deed covenanting with the residents of Churston & Galmpton ward in the following terms;

'Torbay Council covenants with all inhabitants of the ward of Churston and Galmpton that for a period of 100 years beginning on the date of this deed it will not on the land, shown edged in red on the plan attached to the submitted report to the Council meeting on 25 September 2014, known to be Churston Golf Course, allow any development of Churston Golf Course without any such proposal first obtaining the majority of votes in a referendum of the persons who at the day of the referendum would be entitled to vote as electors at an election of Councillors for the Churston and Galmpton Ward and are registered as local government electors at an address within this Ward. For the purposes of this covenant 'development' shall not include any development permitted under the terms of the lease between The Council of the Borough of Torbay and Churston Golf Club Limited dated 3 April 2003. Nothing contained or implied in this Deed shall prejudice or affect the exercise by the Council of its regulatory functions under the Town and Country Planning Act 1990 or any other statute or statutory instrument.'

In accordance with the Local Government Act 1972, the Covenant will be referred to the Secretary of State for consent for the disposal and the disposal will be advertised. The covenant will then be appropriately registered with the Land Registry."

- 4.2 The Council first wrote to the Secretary of State requesting consent from the disposal on 23 December 2014.
- 4.3 In pursuance of the proposed disposal, an advertisement was placed in the local newspaper on 11 December 2014. In consideration of the time of year, the notice period for objections was extended until 5 January 2015. The letter to the Secretary of State requesting consent was sent during the period for objections. It was considered that there was likely to be a period between receipt of the request and its allocation to an officer to consider, therefore it was believed to be appropriate to send the request, with an update to follow in respect of any objections received together with the outcome of consideration of the same.
- 4.4 On 23 January 2015 the Mayor considered a report, detailing the objections received following the advertisement. Having considered the report, he did not believe that any of the objections raised issues which had not been covered in detail through the Council and Overview and Scrutiny meetings and that therefore, all of the issues raised had been weighed into his thinking when he made the decision to grant to the Deed of Covenant at the Council meeting on 4 December 2014. The report and the Mayor's record of consideration of the same was provided to the Secretary of State on 27 January 2015.
- 4.5 By way of a letter dated 23 March 2015, the Secretary of State sought further information as to the intended purpose of the disposal, as well as querying an aspect of the valuation. On 1 April 2015, a response was sent, providing further detail as to the intended purpose, as well as seeking clarity regarding the valuation, and whether further information was in fact required. The Secretary of State responded advising that they did require a further valuation, and this was instructed and sent to them. Following this, a request was received from the Secretary of State on 29 June 2015 asking that the contents of all correspondence from the Council be consolidated into one letter in order to aid consideration of the matter. This was provided on 2 July 2015. A response was received from Department for Communities and Local Government (DCLG) on 2 September 2015.
- 4.6 In light of this response from the Secretary of State the Mayor took the decision on 22 October 2015 as set out in paragraph 1.1. This decision has been called in and is now before the Council for consideration.
- 4.7 Following the meeting of Overview and Scrutiny, consideration was given as to whether further legal or valuation advice was required. A decision was taken to seek further valuation advice, following specific advice from a Chartered Surveyor within the Secretary of State's office. This further valuation advice has been instructed and the outcome is awaited.

Background Documents

Record of Decision -

<http://www.torbay.gov.uk/DemocraticServices/ieDecisionDetails.aspx?ID=418>

Overview and Scrutiny Board – 4 November -

<http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=218&MId=6510&Ver=4>

Call-in Reasons – Churston Covenant – Application of General Disposal Consent Order 2003

1. The General Disposal Consent Order 2003 states that “where applicable, authorities should have regard to the community strategy”. The Record of Decision does not state how regard has been had to any community strategy.
2. When last considering the proposed covenant, members were informed that the General Disposal Consent Order could only be relied upon “if the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2 million”. No information is provided within the Record of Decision on the valuation that has taken place.
3. The General Disposal Consent Order requires that before the making of the covenant, the Council’s intention to do so should be advertised in a local newspaper for two consecutive weeks and any objections needed to be duly considered. It is understood that this advertisement was placed in December 2014.
 - a. No reference to the response to this consultation is included in the Record of Decision.
 - b. Between that advertisement being placed and the Record of Decision being published, the Inspector’s Final Report on the Examination into the Torbay Local Plan has been published. This included that (amongst other things) Churston Golf Club should be added to the list of possible housing sites for the medium/long term.

This may impact on the views which people may wish to express in response to the advertisement.

Record of Decisions

Covenant protecting Churston Golf Club from development

Decision Taker

Mayor on 22 October 2015

Decision

- (i) That further to the Decision of the Mayor taken on 4 December 2014, in accordance with the correspondence from the Department for Communities and Local Government dated 2 September 2015, and in consideration of the position of the Churston, Galmpton and Broadsands Community Partnership dated 6 October 2015, the General Disposal Consent Order 2003 shall be applied to the disposal (by way of a restrictive covenant), of the land comprising of Churston Golf Club. Thereby meaning that the specific consent of the Secretary of State is not required.

Reason for the Decision

To allow the decision of 4 December 2014 in respect of the Covenant to proceed.

Implementation

This decision to apply the General Disposal Consent (GDC) 2003 will take effect at the end of the call in period.

Information

At the time of the Decisions of the Mayor in September and December 2014, it was believed that in order to progress the disposal of land at Churston Golf Club, by way of a restrictive covenant, in order to comply with s.123 Local Government Act 1972, the specific consent of the Secretary of State was required.

However advice received from DCLG in their letter of 2 September 2015 indicated that the General Disposal Consent (GDC) Order 2003, could be applied. Thereby meaning that specific consent was not required. The letter from DCLG stated;

“On the basis of the information provided to date, and as the covenant effectively empowers local residents to participate in decision-making concerning any future proposed development of the land, it appears to us arguable that such a covenant does promote local residents’ social, environmental and economic interests as required by the GDC 2003. In this regard it seems to us that local residents are themselves most likely to value their own social, economic and environmental interests when considering any future development proposed on the land.

It also appears to us that the proposed restrictive covenant is intended to ensure greater protection for local residents against unwelcome development of the land, and therefore may arguably promote their social, environmental and economic interests as required by the GDC 2003 because the covenant is against the freehold. In contrast, without the restrictive covenant, the Golf Club holds only a lease which it appears may be capable of being broken by the Council. The interests of residents may therefore be better protected by the proposed restrictive covenant than they are at present.

Finally, I refer to the Mayor's rationale for his decision to grant the covenant: (...decisions on development of this land in the future should not be in the hands of one person (i.e. the Mayor...), but it should be for the majority of the ward to decide upon. The Mayor believes that this is the principle of localism at its best.)

You may also wish to consider whether this rationale, which informs the decision to enter into the covenant, may also be consistent with the aim of promoting the well-being of residents as articulated in the GDC 2003.

The Churston, Galmpton and Broadsands Community Partnership have provided a letter dated 6 October 2015 providing their perspective of why the GDC should be applied.

Alternative Options considered and rejected at the time of the decision

Alternative options were not considered.

Is this a Key Decision?

Yes – Reference Number: I020921

Does the call-in procedure apply?

Yes – in respect of the decision to apply the General Disposal Consent (GDC) 2003 only. This element of the decision will come into force and may be implemented on 30 October 2015 unless the call-in procedure is triggered (as set out in Standard Orders in relation to Overview and Scrutiny).

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

No

Published

22 October 2015

Signed: _____
Mayor of Torbay

Date: 22 October 2015

CENTENARY 1990

E.mail: manager@churstongolf.com

Website: www.churstongolf.com

Manager: S.R. BAWDEN

Telephone: (01803) 842751/842218

Fax: (01803) 845738



Agenda Item 12
Churston Golf Club Ltd.
Appendix 3

The Clubhouse
Churston
Brixham
Devon
TQ5 0LA

November 2, 2015

Councillor C Lewis,
Chairman, Torbay Overview & Scrutiny Board,
Town Hall, Castle Circus,
Torquay TQ1 3DR

Dear Councillor Lewis.

RE: CHURSTON COVENANT – OVERVIEW & SCRUTINY BOARD November 3, 2015

Please take this letter as Churston Golf Club's official submission to the above meeting. May I also ask that copies be circulated to members of the Board and the Mayor in advance of the meeting. May I further request that this letter be included in the official meeting documents and details of the content added to the minutes.

1. Introduction

Churston Golf Club Limited believes that the following points are central to any discussion about the Mayor's decision to impose a non-development Covenant on the club's golf course and invites the Board to take them into account when making decisions at the meeting.

2. The Mayor and Council Officer's failure to consult with Churston Golf Club Ltd about this Covenant has resulted in his decision being based on partial and biased information. The decision was, therefore, inevitably flawed and inappropriate.

Torbay's Mayor Gordon Oliver has repeatedly stated that, in making his Covenant decision, he was "listening to the people" and that this was "localism at its best." However, while he was listening to those making a lot of noise, the Mayor wasn't listening to the views of another very important group – the 600 plus members of the golf club and their families. They are also Torbay people and their views are just as valid as those of the petitioners.

The Mayor also needs to answer the question: "Before making your decision, did you ask the golf club if the Covenant was the best way to protect the social, environmental and economic interests of the Churston and Galmpton area?" If he had asked, the club would have been able to explain why a Covenant is not the best way to protect anybody's interests for reasons that are clear and obvious. By only listening to one side of the argument, the Mayor's didn't have all the facts with the result that he made a flawed decision.

I would also like to draw the Board's attention to the fact that Churston Golf Club Ltd has not received any communication about this matter from the Mayor. We have been given no information about the process; no explanation as to why the Covenant is being imposed; no guidance as to what it means for the future of the limited company. As holders of a 999-year lease on the land, we should have been involved. We believe the Mayor's attitude to the club and its members over this matter has been and remains unacceptable and, of course, his failure to enter into any meaningful dialogue with the club has resulted in an unsound decision.

3. The imposition of the Covenant will devalue Churston Golf Club's asset base with potentially serious consequences for the future of the club, Churston/Galmpton residents and Torbay Council.

Churston Golf Club purchased a 999-year lease on its golf course land for the sum of £1.6 million in 2003 and borrowed money from Barclays Bank to fund the purchase. At the time of the purchase it was known that the land comprising the 1st and 18th holes had no planning designation (marked white on the Council's planning map) and was available for development. The £1.6 million the club paid for the lease recognised the fact that the 1st and 18th was available for development.

In due course, planning permission for houses on the 1st and 18th was granted and the then Mayor agreed a lease variation contract. The end result was an increase in the club's assets base of about £5.3 million, which was then available to secure the club's future and enable it to develop. The investment in the lease, therefore, had proved to be a shrewd and sensible decision. At that time, as far as the Board of the club was concerned, this was a signed and settled deal and the future of the club had been secured for the foreseeable future.

In the event the Lease Variation Contract was "timed out." Then the current Mayor in his wisdom decided to impose a non-development Covenant on the golf course, which, if it stands, means that the club will no longer be able to realise the £5.3 million increase in its assets.

If this decision by the Mayor is confirmed it will destroy the club's carefully planned long-term strategy for survival and result in the club suffering a loss that exceeds £5 million. The club believes it may have a case for compensation based on the lack of continuity between two Council administrations.

Furthermore, the club will suggest that, if the Mayor had taken the trouble to ascertain all the facts before making his decision, he would have known that a Covenant on the golf club land was incapable of protecting the "social, environmental and economic interests of the residents of Churston/Galmpton" in contravention of GDC 2003.

The Mayor has also ignored the possibility that other better solutions were available, for example, a Covenant on all the golf club land with the exception of the 1st and 18th holes. A proposal of this type may well have been welcomed by the club and would have been free of the difficulties presented by the Covenant as proposed.

In addition, it is interesting to note that Bloor Homes were, and are, prepared to offer Torbay Council a sum well in excess of £2 million in settlement of the Lease Variation Contract on the 1st and 18th holes. It will, therefore, be interesting to discover how, in the context of GDC 2003, a valuation for the whole course could be for less than £2 million when 11 acres has already been granted planning permission for 90 plus houses.

4 The Mayor has exceeded his remit.

The Council's Constitution states that, while individual councillors have a special duty to their Wards, the Mayor represents the community of Torbay as a whole and he cannot favour one part of the Bay over another. Therefore, in taking decisions, he must take into account the views of all interested parties from all sections of the Bay. Clearly the Mayor has it within his power to impose a Covenant but in making that decision his main consideration must be the overall effect on Torbay. Under the Constitution he is not permitted to favour a special interest group to the detriment of the remainder of the population of Torbay, which is precisely what he is doing with the Churston Covenant.

Churston Golf Club Ltd is the only major sporting venue on the Brixham Peninsula and as a community club provides a service to the whole of Torbay and beyond. The Covenant, therefore, effectively, takes control of Churston Golf Club away from the management of the club and hands it to the few residents of Churston/Galmpton to the detriment of the whole population of the Brixham peninsula and greater Torbay without the residents of Churston/Galmpton having any financial responsibility for ensuring the club is financially sound.

5 The Covenant puts Churston Golf Club in an impossible position.

The Mayor and Deputy Mayor have tried to claim that this Covenant is not an anti-development Covenant but that is clearly disingenuous and frankly a ludicrous claim because that's precisely what it is. Clearly, the introduction of this Covenant has the potential to make Torbay's Development Management Committee redundant because Covenants of this type give unelected people the power to overturn any planning approval issued by the committee.

This Covenant effectively prevents Churston Golf Club engaging in any future development where planning approval is required because no developer will now be prepared to spend time and money putting together an expensive planning application knowing that, even if planning approval is gained, the local population are in a position to prevent it from going ahead – no developer would be prepared to take that chance. If the Covenant goes ahead Churston Golf Club will be in an impossible position and one that we believe will be unprecedented in this country.

In addition, this Covenant affects the club's 999-lease with the Council in that it introduces a third party into the club's relationship with its landlord. Under normal circumstances a leaseholder wishing to arrange a change of use for the land negotiates with his landlord. In Churston Golf Club's case it would appear that in addition to the Council the club will, in future, also have to negotiate with a third party i.e. the residents of Churston and Galmpton. The Council has made this change unilaterally without consultation and without seeking the club's permission to make a major change to the way its lease is operated. This begs the question, does the Council have the legal authority to do this and which legislation covers this situation?

6 The effect of the Covenant on Churston Golf Club's financial stability.

Clearly this Covenant prevents the club from using its own assets to solve its financial problems and so secure its future to the benefit of everybody in Torbay, including the Council. As we don't expect a sudden and rapid increase in the demand for golf club membership in Torbay, which is one of the most deprived areas in the country, the outlook for the club is looking increasingly bleak.

In view of this difficult situation I am forced to mention the possibility of Churston Golf Club Ltd going into liquidation. Not only is this a very serious situation for the club it is also relevant to the discussions about this Covenant.

Many people, including some club members, cling to the belief that the club will be saved by an injection of cash from one or more benefactors. However, the legal status of the club, and its CASC registration, means that that is not a viable option as nobody is legally permitted to make any personal gain from investing in the company. What's probably more interesting from the Council's point of view is the status of the club's 999-year lease if the club does go into liquidation. The Inland Revenue's interest in the club, through the club's CASC registration, means that there can be no certainty about the future ownership of the lease.

7 Conclusion.

It is obvious that the Churston/Galmpton residents who organised the petition thought that placing a Covenant on the golf course would bring an end to all their worries. Sadly, all they have achieved is the opening of a Pandora's Box with far reaching consequences right across the Bay and the Mayor will have to take responsibility for that.



T J Lake,
Chairman,
Churston Golf Club Limited.

we don't just talk - we do!

To:
Gordon Oliver, Mayor
Steve Parrock, Chief Executive
Anne-Marie Bond, Solicitor

Jackie Stockman, Acting Chair Overview and Scrutiny

Call In Promoters:
Chris Lewis
Alan Tyerman
Jane Barnby
Steve Darling
Neil Bent

Di Stubbley, Ward Councillor
Derek Mills, Ward Councillor

Mark King, Executive Lead
Richard Haddock, Executive Lead

2 November 2015

c/o 15 Waterside Road
Paignton
Devon
TQ4 6LJ

chair@cgbpartnership.co.uk



Dear Anne-Marie,

Re: Churston Golf Course Covenant

We write to express concern at the proposed **second** Overview and Scrutiny meeting to be held in relation to the Churston Golf Course covenant on the basis that:

- The call-in is not valid as it does not comply with the Council's Constitution; and
- All matters raised in the call-in have already been addressed.

We evidence this position by reference to the chronology of decision making on this matter as set out below.

To resolve the concern we suggest that if the Overview and Scrutiny board is to have a **second** opportunity to consider a matter which they, and the Council, have already considered it must be clarified that such an opportunity is extended to them by the decision maker as a goodwill gesture only and not as constitutional right.

Such a clarification must extend to defining the options open to the Overview and Scrutiny board. It is our view that the Overview and Scrutiny board cannot debate the item but rather should simply note the call-in request and inform the call-in petitioners accordingly.

Chronology

On 25 September 2014 a petition to Covenant was submitted to the Full Council by the Churston, Galmpton and Broadsands Community Partnership. Having debated the Petition, Minute Note 73 records that the Full Council recommended that:

“the decision be deferred to allow further investigation by the Place Policy Development Group.”

Having considered this recommendation, Minute Note 73 further records that the Mayor made a decision to grant the covenant. The decision notice states, amongst other things:

“The Covenant would be appropriately registered with the Land Registry”

“Does the call-in procedure apply? Yes”

On 7 October 2014, 9 Councillors called-in this decision. Their wide ranging reasons were:

“That insufficient time was allowed to explore the implications and consequences of agreeing to the implementation of a covenant on Churston Golf Course and that the consequences of the Mayor implementing his decision could result in the Council acting illegally, the local tax payer becoming liable to legal costs and damages that could easily exceed £100,000, the Local Plan would become void and opening up greenfield sites for inappropriate development across Torbay and therefore we request that the Overview and Scrutiny Board carry out a detailed investigation into seeking answers to the following questions, assisted by the Executive Head of Commercial Services and other relevant officers:-

1. *Is the proposed covenant legal...*
3. *What is the likely impact [on] the Local Plan...*
5. *Does the Churston Covenant result in any change to the financial value of land comprising Churston Golf Course? If so, how much is the change in value...*

On 16 October 2014, a 3 hour Overview and Scrutiny meeting was held. On 22 October, a further 3 hour Overview and Scrutiny meeting was held. The Overview and Scrutiny board resolved that:

“the issue be referred to the Council for consideration for the following reasons: A range of additional information has been made available since the original decision was made and therefore due consideration should be given to the:

- *legal implications of the decision*
- *financial implications of the decision*
- *implications for the Local Plan*
- *fairness of the decision on other wards in Torbay*
- *potential damage to the economy*

The original recommendation of the Council was that the decision be deferred to allow further investigation by the Place Policy Development Group. Given the additional information now available, councillors should be given the opportunity to consider that information and make their recommendation.”

On 4 December 2014, the matter was debated by the full Council. Minute note 115 records that that:

“the Mayor be requested to reconsider his previous decision on the covenant protecting Churston Golf Course from development, and take no further action on the petition in light of the findings of the Overview and Scrutiny Board in respect of the following:

- (a) legal implications of the decision;*
- (b) financial implications of the decision;*
- (c) implications for the Local Plan;*
- (d) fairness of the decision on other wards in Torbay; and*
- (e) potential damage to the economy.*

Having considered this recommendation and the advice of officers, Minute Note 115 further records that the Mayor made a decision to grant the covenant. The decision notice states, amongst other things:

“In accordance with the Local Government Act 1972, the Covenant will be referred to the Secretary of State for consent for the disposal and advertising of the disposal. The covenant will then be appropriately registered with the Land Registry”

Is this a Key Decision?

No

Does the call-in procedure apply?

No as this is a response to a call-in in accordance with Standing Order D9.4B.”

On 2 September 2015, following full examination of the disposal by the Secretary of State, including the Secretary of State seeking further information from the Council on at least 3 known occasions, the Secretary of State wrote to the Council to confirm the Mayor was entitled to rely on the executive powers already conferred to him by virtue of the *Local Government Act 1972: General Disposal Consent 2003*. The letter states:

“Your Council may wish to give further consideration to the covenant, which in our view is not just focused towards ensuring the golf course remains undeveloped, but also aims to ensure that any proposed development of the course meets with the approval of the majority of local residents.

On the basis of the information provided to date, and as the covenant effectively empowers local residents to participate in decision-making concerning any future proposed development of the land, it appears to us arguable that such a covenant does promote local residents’ social, environmental and economic interests as required by the GDC 2003. In this regard it seems to us that local residents are themselves most likely to value their own social, economic and environmental interests when considering any future development proposed on the land.

It also appears to us that the proposed restrictive covenant is intended to ensure greater protection for local residents against unwelcome development of the land, and therefore may arguably promote their social, environmental and economic interests as required by the GDC 2003 because the covenant is against the freehold. In contrast, without the restrictive covenant, the Golf Club holds only a lease which it appears may be capable of being broken by the Council. The interests of residents may therefore be better protected by the proposed restrictive covenant than they are at present.

Finally, I refer to the Mayor's rationale for his decision to grant the covenant:

"...decisions on development of this land in the future should not be in the hands of one person (i.e. the Mayor...), but it should be for the majority of the ward to decide upon. The Mayor believes that this is the principle of localism at its best."

You may also wish to consider whether this rationale, which informs the decision to enter into the covenant, may also be consistent with the aim of promoting the well-being of residents as articulated in the GDC 2003."

On 22 October 2015, the Mayor made a further decision in relation to the Covenant. The decision notice states, amongst other things:

"That further to the Decision of the Mayor taken on 4 December 2014, in accordance with the correspondence from the Department for Communities and Local Government dated 2 September 2015, and in consideration of the position of the Churston, Galmpton and Broadsands Community Partnership dated 6 October 2015, the General Disposal Consent Order 2003 shall be applied to the disposal (by way of a restrictive covenant), of the land comprising of Churston Golf Club. Thereby meaning that the specific consent of the Secretary of State is not required.

Is this a Key Decision?

Yes – Reference Number: I020921

Does the call-in procedure apply?

Yes – in respect of the decision to apply the General Disposal Consent (GDC) 2003 only. This element of the decision will come into force and may be implemented on 30 October 2015 unless the call-in procedure is triggered (as set out in Standard Orders in relation to Overview and Scrutiny

Reason why the Call-in is not valid

The decision of the Mayor on 4 December 2014 was the last stage in a response to a call-in. As such it is not again subject to call-in as a decision cannot be called-in twice. The decision recorded states this very clearly.

The decision of the Mayor on 4 December 2014 also makes no reference to the form of the consent to be sought from the Secretary of State i.e., whether it be a general or a specific consent.

The Mayor, acting on legal advice, has clarified his 4 December 2014 decision on 15 October 2015 to make it clear he intended to rely on the general consent.

Given that the 4 December 2014 decision was not capable of being subject to call in, it is our submission that 15 October 2015 clarification of that decision cannot be called-in either. We hence must respectfully point out that the call-in statement on the 15 October decision was incorrect.

If the current call-in - which we submit does not comply with the Council's constitution for the above reason - goes ahead, a constitutional problem arises.

Specifically the Overview and Scrutiny board, which is itself a sub-committee of the Full Council will reconsider a matter already considered by the Full Council. Article 5 of the standing orders at para 5.07b(i), makes it clear the Overview and Scrutiny board does not have the power to do this.

It is noted that the 15 October 2015 decision separates between the Secretary of State's general and specific consent and that call-in supporter may therefore claim a new decision has been taken. However, there are no grounds for this separation from the 4 December 2014 decision.

Reason why the Call-in reasons have already been addressed

The Secretary of State, the Full Council on two occasions and the Overview and Scrutiny board in over 6 hours of deliberations have already considered the issue. There are no new issues that enable a further call-in right to be triggered.

Decision makers have already addressed the issues now purporting to justify this call-in. Indeed, no accusation is made that the issues have not been considered. Rather, the accusation is that the decision notice variously does not specifically state they have been dealt with.

Given the hard work which Officers put into drafting public Council documents to make them both legally correct and accessible to the community it seems highly unfair for the call-in promoters to criticise Officers for not reciting in a decision notice every piece of information already in the public domain.

For completeness we set out below the public information which already answers the call-in reasons:

Community Strategy.

Call-in petitioner's state:

The General Disposal Consent Order 2003 states that "where applicable, authorities should have regard to the community strategy". The Record of Decision does not state how regard has been had to any community strategy.

It is unclear from the use of the word "any" whether the call-in promoters are familiar with the Council's community strategy.

Were they to be familiar with the *Community Plan*, they could see that the Secretary of State's letter expressly refers to key aspects of plan.

The Community Plan states "*The plan aims to unlock Torbay's potential and drive forward its economic prosperity to deliver our vision of healthy, prosperous and happy communities with a higher quality of life*". In addressing this point, the Secretary of State has concluded "*a covenant does promote local residents' social, environmental and economic interests*".

The Community Plan states "...our aim is to inspire and involve the community to get everyone working together to make Torbay a better place to live. We must bring communities together...". In addressing this point, the Secretary of State has concluded "*the covenant effectively empowers local residents to participate in decision-making*".

Accordingly, this issue is already fully answered by the public information available to call-in petitioners.

Valuation

Call-in petitioner's state:

When last considering the proposed covenant, members were informed that the General Disposal Consent Order could only be relied upon "if the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2 million". No information is provided within the Record of Decision on the valuation that has taken place.

The *Officer Response to the Call-in* by Anne-Marie Bond dated 16 October 2014 and considered by the Overview and Scrutiny board as an evidence document states:

Having made the comments in Assumption 6 above, if the Overview and Scrutiny Board did ask what the financial loss in terms of any capital receipt (sic) then this would be £2M, based upon the above assumptions

Accordingly, the Overview and Scrutiny board have already considered this issue.

Advertisements

Call-in petitioner's state:

The General Disposal Consent Order requires that before the making of the covenant, the Council's intention to do so should be advertised in a local newspaper for two consecutive weeks and any objections needed to be duly considered. It is understood that this advertisement was placed in December 2014. No reference to the response to this consultation is included in the Record of Decision.

The disposal was correctly advertised. Indeed, still available as a download on the Churston Golf Club website is a generic template letter which the club requested members send in to the Council in response to the consultation. All such responses formed part of the information submitted to the Secretary of State.

Accordingly, this issue is already fully answered by the public information available to call-in petitioners.

Local Plan

Call-in petitioner's state:

Between that advertisement being placed and the Record of Decision being published, the Inspector's Final Report on the Examination into the Torbay Local Plan has been published. This included that (amongst other things) Churston Golf Club should be added to the list of possible housing sites for the medium/long term. This may impact on the views which people may wish to express in response to the advertisement.

The petitioners appear to assert that the Golf Course 1st and 18th housing site was not in the Local Plan when the decision was advertised but that as it has now been included. This is not correct. Rather the situation is the other way round.

As at December 2014 when the advertisement was placed, the Golf Course 1st and 18th housing site was a “Committed” housing site in the Local Plan meaning that it was considered imminently deliverable. It also formed part of the Council’s 5 year land supply.

As at October 2015 when the decision was taken, the Golf Course 1st and 18th housing site was a rejected housing site in the Local Plan as according to Officers “*The site appears to be undeliverable based on [the Churston Golf Course Planning] Appeal decision*” and it did not form part of the 5 year land supply.

Although as at October 2015 it has been recommended by Inspector Holland that the site be included in a list of potential long term sites, this recommendation can only be actioned when the Local Plan is adopted at Full Council on 5 December. It seems also not to have been understood by the call-in petitioners that the Inspector has made it clear in his report at paragraph 67 that it will then be for the community to consider the matter further as part of the neighbourhood planning process, which itself will allow any further views to be made known by the community at that time.

Accordingly, this statement by the call-in petitioners has no relevance.

Conclusion

To summarise we have a situation where a decision has been fully debated and the decision properly taken, and also properly recorded as not subject to further call-in. A **second** time call-in is clearly in breach of the Council’s Constitution.

To now hold an Overview and Scrutiny board meeting would be unconstitutional as to do so would seek to re-examine an issue already determined by the Full Council and indeed the Secretary of State.

Furthermore the reasons relied on by the call-in promoters to assert that the decision notice pertaining to the decision – and **not** the decision itself – is defective have already been addressed.

Holding meetings costs money. Given the very stretched financial resources of the Council it is surprising that call-in promoters considered it appropriate that the Overview and Scrutiny board consider this matter for a **second** time. This is particularly the case when fighting the recent Churston Golf Club planning appeal has already cost the Council many hundreds of thousands of pounds when the whole purpose of this covenant is to avoid such a situation occurring again.

We suggest that if the decision maker is to show goodwill to the Overview and Scrutiny board and indulge their desire to consider for a **second** time a matter which they now have no constitutional right to consider, it must be clarified that such an opportunity is extended by the decision maker as a goodwill gesture only - and does not exist by way of constitutional right.

Such a clarification must also extend to defining the options open to the Overview and Scrutiny board. It is our view that for the reasons previously explained, the Overview and Scrutiny board cannot debate the item but rather should simply note the call-in request and inform the call-in petitioners accordingly.

With kind regards,

Adam

Adam Billings

Chairman

Churston, Galampton and Broadsands Community Partnership



Meeting: Council

Date: 10 December 2015

Wards Affected: All Wards

Report Title: Transitional Funding for the English Riviera Tourism Company

Is the decision a key decision? Yes – General Exception

When does the decision need to be implemented?

Executive Lead Contact Details: Councillor Nicole Amil, Executive Lead for Tourism, Culture and Harbours, Telephone: 01803 523647 Email: Nicole.Amil@torbay.gov.uk

Supporting Officer Contact Details: Kevin Mowat, Executive Head of Business Services Telephone: 01803 292429 Email: Kevin.Mowat@torbay.gov.uk

1. Proposal and Introduction

- 1.1 The English Riviera Tourism Company (ERTC) is a wholly owned company of the Council and this paper sets out decisions that need to be made by the Council following the recent 'no' vote for the proposed Torbay Retail and Tourism Business Improvement District (TRTBID).
- 1.2 It will be a key decision but it has not been published in the Forward Plan issued on 23 September 2015 e.g. three months before the decision is due to be taken as the outcome of the TRTBID ballot was not known until 12 November 2015. Therefore a General Exception notice was published on 19 November 2015 advising of the issue.
- 1.3 In September 2014, the Council agreed to fund and support the development of a TRTBID as an alternative sustainable funding model to provide ongoing retail and tourism destination marketing activity, including visitor information services. This proposed funding model is no longer available to the ERTC, as the proposed TRTBID was not supported at a recent ballot.
- 1.4 This report intends to provide clarity over the Council's intentions regarding the future funding of the ERTC for the benefit of the tourism sector and employees of the company.
- 1.5 Without any funding beyond 1 April 2016, the ERTC will be unable to maintain the existing level of tourism destination marketing and visitor information services for the English Riviera.

- 1.6 The current position is that the ERTC are contracted by Torbay Council to provide Destination Marketing and Visitor Information Services both of which have been bought into by the 2016 Promotional Partners and they are expecting that service to be delivered next year.
- 1.7 Support for tourism remains a discretionary spend by all local authorities across the country and the Council's revenue budget is under increasing pressure.

2. Reason for Proposal

- 2.1 This decision needs to be made because the proposed budget for 2016/17 shows no funding allocated to the ERTC and a notice period of at least three months would be required to close the company. Therefore, the Council needs to determine how to proceed with the ERTC before the end of the year.

3. Proposed Decision

3.1 That, the Council agrees:

- a) to provide transitional funding to the English Riviera Tourism Company (ERTC) for a maximum period of nine months from 1 April 2016 to 31 December 2016;**
 - b) that the maximum amount of transitional funding should not exceed £200,000 and that this funding be taken from the 'Comprehensive Spending Review' reserve;**
 - c) that if an alternative funding model can be found prior to the end of 2016, any transitional funding not required by the ERTC will be returned to the Council;**
 - d) not to provide any further funding to the ERTC from the Council's ongoing revenue budget beyond the current financial year and;**
 - e) that the Executive Head of Business Services be requested to work with the Board of the ERTC and the Executive Lead for Tourism, Culture and Harbours to provide a report to Council in February 2016 with further advice on the options to deliver sustainable support for tourism that is funded by the private sector.**
-

Supporting Information

4. Position

- 4.1 The Council is expecting large budget cuts over the next three years and it has been recognised that, after March 2016, it needed to review the level of direct funding it provides in support of tourism activity. Consequently, on 6 November 2015 the Mayor's proposed budget for 2016/17 showed no allocated funding for the ERTC. In September 2014, the Council agreed to fund and support the development of a TRTBID as an alternative sustainable funding model to provide ongoing retail and tourism destination marketing activity, including visitor information services. This proposed funding model is no longer available to the ERTC, as the proposed TRTBID was not supported at a recent ballot.
- 4.2 The ballot had to clear two majorities, a majority by number of those that vote (51%) and by Rateable Value (51%). 259 votes (47%) were cast in favour of the TRTBID and 290 (53%) voted against. In total there were 549 valid votes cast, another 10 ballot papers were rejected as either unsigned, unmarked or void for uncertainty. This represents a 36% turnout and the average turnout for a BID ballot is 46%. The Rateable Value majority was reached in favour of the TRTBID but the vote required both majorities to be cleared.
- 4.3 The ERTC is an Arms Length Private Company limited by guarantee and owned by Torbay Council. It has been commissioned by the Council as a private sector led public/private tourism partnership to deliver tourism destination marketing and visitor information services for the English Riviera. The ERTC was set up following extensive industry consultation and was formed to fulfil a Services Contract, the term of which was six years and six months from 1 October 2010 until 31 March 2017. It is clear that the Board of the ERTC recognises the serious financial challenges being faced by the Council and they are keen to work with the Council to find a sustainable future for tourism in the Bay.
- 4.4 Prior to the set up of the ERTC, the Council was spending over a £1m each year on the promotion of tourism. The ERTC took a 30% cut on its foundation and since then the funding from the Council has been reducing steadily with the contribution in 2015/16 being £350k, of which £100k was 'transitional funding'. If the TRTBID proposal had been successful, the Council would have realised further saving of £250k and the proposed Council budget assumes that these savings will be made by removing all further revenue funding to the ERTC.
- 4.5 The tourism industry has always been an important part of the economy of Torbay and the ERTC has clearly delivered some excellent results in recent years. At its most recent meeting, the Board of the ERTC discussed the need for 'transitional funding' from 1 April 2016 to 31 December 2016. Although this report seeks to address this immediate option, the Council will clearly need to review its policy for supporting destination marketing and visitor information services in the longer term and its ability to continue to fund the ERTC.

4.6 A greatly reduced operating budget has been put forward by the ERTC executive, which amounts to £200,000 of ‘transitional funding’ for the nine month period from 1 April 2016 to 31 December 2016. For comparison, a nine-month budget in 2015/16 would be in the region of £412,000. The basic breakdown of this reduced budget for April to December 2016 is outlined below :-

Income		Expenditure	
Council grant – transitional funding	£200,000	Staff costs	£109,000
		Redundancy costs	£23,000
		Rent & rates	£12,000
		Publications & website	£32,000
		Other fixed costs	£24,000

4.7 To achieve this slimmed down operational budget the ERTC will take the following actions and cease certain activity :-

- The Visitor Information Centre (Torquay) reduced to summer opening only
- All brand development activity will cease
- PR activity will not be funded (i.e. journalists, media, etc)
- Market research will be reduced
- No attendance at regional or national conferences
- All campaign activity will cease

4.8 The Council’s tourism strategy - ‘Turning the Tide for Tourism in Torbay’ - 2010 ~ 2015 is due for review/renewal in 2016. This key policy document makes it clear that “*moving forward Torbay Council will continue to support the industry for a minimum of 5 years*”. The policy also refers to the need for significant investment from the public and private sector if the English Riviera is to continue to arrest the decline in the value of tourism. Furthermore the policy states that “*increased private sector investment will be needed moving forward to achieve the key objectives and in particular promote the destination effectively and attract new visitors*”.

5. Possibilities and Options

5.1 The Council could find funding from within the 2016/17 revenue budget, and beyond, but this will no doubt be challenging, as the current austerity policy is likely to see further budget cuts to local government. In addition, it will indicate to the tourism sector that the Council will always be able to provide financial support and such a message will not help to facilitate a more sustainable funding model in the future.

5.2 The Council could stop providing any direct financial support to the ERTC beyond 31 March 2016 but this is not an option that is recommended by the Board of the ERTC because it does not provide sufficient time to make any transitional arrangements. Time is required to identify other options that could be used to maintain the existing level of tourism destination marketing and visitor information services for the English Riviera.

- 5.3 It is also an option to not fund tourism and allow the private sector to fund directly through membership or partnership fees. This could result in an unequal arrangement and a fragmented sector where some businesses pay and others do not. If Destination Marketing was funded in this way all businesses would benefit but with no compulsion for every business to pay into such a scheme.
- 5.4 The Council could retain the ERTC as a shell company ('mothballed or dormant') (owned and controlled by the Council either directly or as trading subsidiary of the TDA) licensing its intellectual property as appropriate. It would be necessary to amend the existing Memorandum and Articles of Association in order to change the current governance structure. This option would cause significant uncertainty within the tourism sector with the probability of significant redundancies depending upon how the Council or TDA operated the company post transfer. In addition, the Board of the TDA has not considered this option.
- 5.5 The possibility of a TBID is being explored within the sector and this might offer the prospects of continued employment if that BID is managed by the ERTC or via TUPE if it was to be managed by another operator. (TUPE refers to the "Transfer of Undertakings (Protection of Employment) Regulations 2006" as amended by the "Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014")
- 5.6 Torbay Council has a current and ongoing liability (by guarantee) for historic pension liabilities for ERTC staff (because of the original TUPE transfer of a number of staff from Torbay Council to the ERTC). There are currently six staff (5 FTE) working for the ERTC and four of these are members of the Local Government Pension Scheme (LGPS), which is administered by Devon County Council, through Peninsula Pension Services (PPS). PPS have advised Torbay Council of the pension costs of the staff that could be the subject of a TUPE transfer from the ERTC to any new company, which are currently estimated to be £428,000 on a "full cessation" basis. The current and ongoing Torbay Council liability would be crystallised at the time of the transfer of the staff from the ERTC to another company and that company would then be responsible for future pension liabilities. The PPS advice confirms that any new company will be required to become the new admitted body in the LGPS and follow the usual admission agreement process, as part of becoming an Admitted Body, any new company as the employer will be wholly responsible for any future pension liabilities.

6. Risks

- 6.1 Uncertainty will be caused if the Council fails to make clear and sound decisions regarding the future of the ERTC. The ERTC has been a highly successful organisation and it has enjoyed respect locally, regionally and nationally. Local tourism businesses want to safeguard this success and enable the role to be sustained. It is recognised by the ERTC Board that the best way to explore other funding options following the failed TRTBID ballot is to secure more time through further transitional funding.

- 6.2 If the Council is unable to fund the ERTC beyond 31 March 2016 then there is a high risk of claims from the ERTC's Promotional Partners who have already purchased Advertising Packages for 2016. The value of these advertising packages that have been sold for 2016 is £114,539.50 and a nine month refund for the period of 1 April to 31 December could be requested from businesses totalling £85,904. In addition to the direct advertising costs, businesses could also put in a claim to Torbay Council regarding a potential loss of business due to scheduled Destination Marketing activity not being delivered as contracted with the ERTC, who are the official Destination Marketing Organisation (DMO) for Torbay.
- 6.3 An independent and professional research agency undertook a Marketing Evaluation Report for the ERTC in 2014. One of the key points that can be learnt from the report is that the ERTC Destination Marketing Activity currently has a return on investment of £60 for every £1 invested by Promotional Partners. Based on this multiplier and the £85,904 figure identified in 6.2 above, it is clear that there could be a significant risk to the Torbay Visitor Economy if the ERTC were to be closed, due to a lack of funding, on 31 March 2015.
- 6.4 It is not possible to quantify the reputational risk to the Bay if the ERTC were not to be funded after March 2016. However, if the Destination Marketing Organisation of the South West's biggest seaside resort were to close, having achieved five years of consecutive visitor growth in terms of numbers and value, it is likely to send a negative message to the industry and to potential inward investors. In addition, our links with Visit England as the national tourist board would also be harmed with the ERTC currently the official Visit England partner.
- 6.5 There are currently six permanent staff employed by the ERTC and if all the staff were to be made redundant, the cost would be approximately £23,000 and this figure has been included within a draft budget prepared by the ERTC for the period 31 March to 31 December 2016. This budget has indicated that the maximum amount of transitional funding would be £200,000.
- 6.6 Given the expected pressure on the Council's budget in future years there is a very clear risk that the Council will be unable to provide any revenue funding to the ERTC beyond the 31 March 2016.
- 6.7 As the ERTC is wholly owned by Torbay Council, the Council will be responsible for picking up any pension deficit on the cessation of the ERTC. A cessation valuation report for the ERTC has been obtained from the Devon County Council Pension Fund (the Fund) and this indicates that the deficit would be £428,000 on a "full cessation" basis and £284,000 on a "partial cessation" basis. The Council can cover this liability in several ways:
- a) providing a guarantee to the new company;
 - b) adding the liability to the Council's overall pension liability (which will be funded from future employer contributions);

- c) making a cash payment to the pension fund; or
- d) a combination of the three options outlined above.

6.8 The ERTC currently lease both the Visitor Information Centre and Offices from the TDA, on Vaughan Parade, Torquay. A 12-month notice period is required to terminate and there is a financial risk to the TDA if new tenants cannot be found once the 12-month notice period has elapsed. If the Council were to cease funding the ERTC beyond the 31 March 2016, then the TDA, which has also been asked to make significant savings, is likely to lose rental income during the notice period if new tenants cannot be found for these properties.

Risk Mitigation

- 6.9 The Council would try to redeploy staff at risk, either directly or through its trading subsidiaries, but the Council will remain responsible for any pension deficit where this is not possible. The TDA, for example, is responsible for providing the Council with strategic tourism advice; it also operates a business and a number of facilities, which might offer suitable alternative employment.
- 6.10 If an alternative funding model can be found prior to the end of 2016, any transitional funding not required by the ERTC would be returned to the Council and this has been estimated to be a refund of approximately £67,000.

Appendices

None

Background Documents

Devon County Council Pension Fund Report – ‘*English Riviera Tourism Company Indicative cessation valuation as at 31 March 2016*’.

Report to Council on 23rd July 2015 – ‘*The English Riviera Tourism Company (ERTC) and the proposed Torbay Retail and Tourism Business Improvement District (TRTBID)*’.



Meeting: Council

Date: 10 December 2015

Wards Affected: Goodrington with Roselands

Report Title: Claylands

Is the decision a key decision? Yes

When does the decision need to be implemented?

Executive Lead Contact Details: Mayor Oliver, Mayor and Executive Lead for Finance and Regeneration, telephone (01803) 207001, email mayor@torbay.gov.uk

Supporting Officer Contact Details: Alan Denby, Torbay Development Agency Director of Economic Strategy, telephone (01803) 208671, email alan.denby@tedcltd.com

1. Proposal and Introduction

- 1.1 The Proposal relates to the proposed redevelopment of Council owned land known as 'Claylands' which is located on the Brixham Road in Paignton using a combination of Council and Heart of the South West Local Enterprise Partnership funding.
- 1.2 The Proposal was identified as a key priority of the Torbay Economic Strategy 2013 – 2018 specifically to ensure that the right land, buildings and infrastructure are in place to support business growth in Torbay. When fully developed the site will support approximately 350-400 jobs and it is estimated that 150-200 of these will be gross new jobs for Torbay.
- 1.3 The proposal will also support the growth of the business rate base, this is increasingly important in light of emerging government policy over business rates and local government funding which will see the revenue support grant cease by 2020.
- 1.4 Earlier in the year the Council made an expression of interest to the Heart of the South West Local Enterprise Partnership (LEP) under "Growth Deal 2" for a capital grant to deliver the servicing and infrastructure to the site. It is anticipated that a full application will be called before the end of January 2016. Approval of the bid would fund site remediation of 10 acres (gross) of brown field land and pay for essential site access and other site infrastructure that is needed to create circa 6 acres (net) of developable employment land.
- 1.5 Without the LEP (or other) gap funding it would not be commercially viable to develop Claylands for employment uses and therefore the land which is identified

- 1.6 for employment use within the Local Plan would not become available for private sector firms to occupy.
- 1.7 It is further proposed that the Council invest £7.5M (subject to pre-lets and further delegated approvals) to pay to construct office, factory and/or warehouse premises on Claylands for occupation by 3rd party private sector employers. This development would not be speculative and delegated approval should depend on pre-letting agreements with prospective occupiers being legally committed on terms acceptable to the Council's Chief Finance Officer and the Executive Director for Operations & Finance. It is assumed that the £7.5M would be a release of existing borrowing. However to reduce the borrowing requirement it is proposed that any receipt for the disposal of sites or commuted sum received through the planning process for employment is allocated to this project.
- 1.8 The Second Proposal at para 1.6 would delegate the authority to commit the approved funding to the Council's Executive Director for Operations & Finance in consultation with the Mayor and the Council's Chief Finance Officer so as to expedite decision making. Such Approval being subject to the resultant investment achieving the specified target rate of return that the Council is asked to approve.
- 1.9 Pre-let premises developed should achieve an annual return on capital of not less than the amount that is specified in exempt Appendix 2. The Council's expected rate of return is information that is commercially sensitive.

2. Reason for Proposal

- 2.2 Torbay's businesses continue to identify that infrastructure is their main barrier to growth. The Council's economic development company, Torbay Development Agency (TDA), is in receipt of a number of enquiries from businesses which cannot be fulfilled at present. Fulfilment of these enquiries would see an increase in employment in Torbay Council, an outcome that remains at the heart of the Council's Corporate Plan and which would help improve economic, financial and community indicators which are important to the Council and the community. The proposal requires the Council to invest £7.5M in procuring the construction of business premises for prospective business occupiers. These premises would include a mix of industrial, warehouse and office premises. Claylands is identified as a Key Priority in the Council's Economic Strategy.
- 2.3 Council Authority is required to delegate authority to officers in consultation with the Mayor to make a decision relating to specific investment proposals at Claylands. The detailed financial information needed for such a decision is not yet available neither have leasehold offers as yet been received (although officers are progressing advanced negotiations with several interested parties. It would expedite decision making and improve the prospects of securing investment if the decision making powers are delegated.
- 2.4 The TDA is in discussion with a number of businesses who are prospective occupiers for the site. In most cases these are indigenous businesses to Torbay who are actively seeking additional space so that they may develop their businesses leading to extra employment for the area. Without space being provided locally there is a high risk that either these businesses will not grow or will relocate to areas where the space is available. These prospective occupiers of Claylands

wish to know that in principle the Council is committed to developing buildings on the site. This is required so as to give investors confidence that the officers with whom they are negotiating have the appropriate authority to make financial proposals on behalf of Torbay Council.

- 2.5 The TDA wishes to know the Council will support direct development prior to committing to Stage 2 costs from its existing approved budgets.
- 2.6 In summary the reason the Proposal is being made is because Claylands is a key priority of the Economic Strategy 2013 -2018 and;
- will lead to creation of an estimated 150-200 new jobs at the site when fully occupied;
 - will support local businesses grow in the area;
 - will improve the Council's income through business rate and rental growth; and
 - complements the transport infrastructure investment at South Devon Highway and the Western Corridor.

3. Recommendation(s) / Proposed Decision

- 3.1. That Local Enterprise Partnership (LEP) funding (£2.5M), if obtained, be applied to fund the site remediation and infrastructure works at Claylands.
- 3.2. That subject to the LEP funding the Council commits to make available up to £7.5M of funds to develop business premises on the Claylands site subject to the investment achieving a target rate of return on capital set out in exempt Appendix 2 to the submitted report. This initially would be funded from Prudential Borrowing that would be repaid from future Rental Yields from the site.
- 3.3. That the authority to commit Council funds be delegated to the Council's Executive Director for Operations and Finance in consultation with the Mayor and Chief Finance Officer.

Appendices

Appendix 1: Supporting Information and Impact Assessment

Appendix 2: Information relating to the Council anticipated Rate of Return (Exempt).

Background Documents

<https://www.torbay.gov.uk/index/yourcouncil/electedmayor/economicstrategy.pdf>

<http://www.torbay.gov.uk/index/council/performance/2910-corporate-planfinal.pdf>

Supporting Information and Impact Assessment

Service / Policy:	Torbay Development Agency		
Executive Lead:	Mayor / Executive Lead for Finance and Regeneration.		
Director / Assistant Director:	TDA Director of Economic Strategy / Alan Denby		
Version: 1	Date: 01 / 12 / 15	Author:	Iain Masters

Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>The redevelopment of Council owned land known as ‘Claylands’ on the Brixham Road in Paignton using a combination of Council and LEP funding.</p> <p>To create a revenue generating property asset for the Council by redeveloping unused ‘brown field’ Council owned land that is surplus to the Council’s operational requirements. The objectives being to: create a sustainable long term income stream for the Council, to support the growth of local employers and to promote job creation and economic development in Torbay.</p> <p>The commitment of the proposed TC investment (save for a diminimus amount needed for seed corn funding from existing TDA budgets) would be dependant on the TDA securing pre-lets or forward sales.</p>
2.	<p>What is the current situation?</p> <p>Claylands was previously used as a waste transfer site, whilst in that use it was used to sort/re-cycle waste materials from local construction sites. The site was not transferred to Tor2.</p> <p>There is no evidence that the site has ever been used for landfill tipping. The site is registered as a waste processing site and as such requires proper investigation, monitoring and compliance with an agreed closure programme (to be agreed and approved by the Environment Agency) prior to redevelopment. TC has in conjunction with the TDA and the Environment Agency (EA) been working towards ‘closing’ Claylands for a number of years. The monitoring that has already been undertaken is not showing site to be methane ‘venting’ nor producing abnormal leaching or the presence of deleterious substances or contaminants that it is thought that would prevent development. It is believed that the EA will not oppose a planning application for employment use. Further on going monitoring will continue after development.</p> <p>The site is allocated both in the emerging Draft Local Plan and the Draft Neighbourhood Plan for Employment use.</p>

	<p>The site requires a new road access, internal road and services infrastructure, ground stabilisation and retaining structures (to deal with significant changes in ground levels). Buildings constructed on the site will require piled foundations. All of these abnormal items will substantially add to the development cost of the site.</p> <p>The LEP has provisionally offered £2.5M to fund the cost of the cost of dealing with site ‘abnormals’ and infrastructure enabling works. Based on current cost advice the LEP offer is adequate to meet the necessary costs.</p> <p>Due the ‘abnormals’ the site currently has a negative land value and is a liability.</p> <p>TC investment in Stage 3 Costs would be conditional on:</p> <ol style="list-style-type: none"> 1. LEP funding being secured in advance to meet the cost of the site ‘abnormals’, 2. Investment returns meeting pre agreed returns on Capital 3. The terms of all occupational leases in the scheme being approved by the Council’s Chief Executive and the S.151 officer in consultation with the Mayor 4. Planning and other statutory approvals. 5. Further due diligence on technical issues and costs. <p>Local Enterprise Partnership Funding in 2016 (subject to planning) = £2.5M Torbay Council funding £7.5M from 2017.</p>
<p>3.</p>	<p>What options have been considered?</p> <ol style="list-style-type: none"> 1. Sell the site <ol style="list-style-type: none"> a. In its unimproved state for the private sector to develop b. As serviced plots direct to owner occupiers once the remediation and site ‘abnormals’ have been addressed. c. As freehold disposal on completion of development. 2. Develop for other uses. <p>It is recommended Option 1a be discounted because the record of the private sector to bringing forward industrial development in Torbay is not good for reasons explained in the Economic Strategy. The LEP funding on the abnormalities via private sector development is unlikely.</p> <p>Option1b – Should be retained as a option that would be considered as a full or partial alternative. TC’s priority is to promote employment. Other opportunities to create investment will exist and sales proceed could be re-cycled.</p> <p>Option 1c - Should be retained as a option that could be considered as a full or partial alternative. TC’s priority is to promote employment. Other opportunities to create investment will exist and sales proceed of the completed developments could be re-cycled elsewhere.</p>

	<p>Option2 The options were considered during the local plan process and employment has been widely considered during the consultation stages to be most suitable. The site is not well suited to residential use due to the previous use. There is a shortage of quality well located employment sites in Torbay that meet the unsatisfied needs of local firms is an issue. The Economic Strategy 2013 – 2018 addresses this issue.</p>
<p>4.</p>	<p>How does this proposal support the ambitions and principles of the Corporate Plan 2015-19?</p> <p>Torbay Council’s Corporate Plan refers to ‘A prosperous Torbay’ and says:</p> <p>“The Council’s Economic Strategy 2013-2018 and the new Local Plan sets out the need to create more employment in Torbay and this means we need to continue to secure investment in support of as well as sites and premises”</p> <p>Torbay Council’s Corporate Plan refers to ‘Thinking for the Future’ and says:</p> <p>“we need to look at new ways to generate income using our current resources” and speaks of “attracting new investment (and) benefit our communities and key business sectors”</p> <p>The Torbay Economic Strategy 2013 – 2018 says:</p> <p><i>“Claylands – One of the sites identified as a potential enterprise area is Claylands. Closely linked to the existing industrial areas in Paignton there has been a great deal of interest from businesses in the site. However, the challenging rental market in Torbay means the cost of servicing the site makes development prohibitively expensive. By putting the servicing in place the site will be opened up for employment use and job creation.”</i> (Priority 1 on Page 13)</p> <p><i>“Ensuring that the right land, buildings and infrastructure are in place to support business growth:</i> </p> <ul style="list-style-type: none"> o <i>Bring forward the Claylands site in Paignton for an employment scheme ”</i> <i>(Executive Summary on Page 7)</i>
<p>5.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>Those affected by the proposal are:</p> <ol style="list-style-type: none"> 1. Local Residents 2. Other neighbouring occupiers – (not directly by the proposal but rather

	<p>any resultant development).</p> <ol style="list-style-type: none"> 3. Community Representative Groups (not directly by the proposal but rather any resultant development). 4. Local Businesses <p>It is believed the majority of the Public Interest in Claylands will relate to subsequent development management issues. The report before Council does not relate to these issues. Public interest / concern relating to the Council's consideration of participating in direct development at Claylands will relate to budgetary and financial issues.</p>
<p>6.</p>	<p>How will you propose to consult?</p> <p>Public interest/concern from Local Residents relating to an operational decision to engage in direct development at Claylands would relate to budgetary and financial issues this will be considered in response to comments made following publication of forward plan.</p> <p>Public Consultation in relation to development management issues will be considered as a part of the planning process, as follows:</p> <ol style="list-style-type: none"> 1. Local Residents. Local residents will be consulted by public displays & meetings prior to any planning applications being submitted these will be advertised locally. <p>The prospect of the TDA's engaging in direct development at Claylands could be dealt with by a news release so as to make the public aware of the proposal in the context of budgetary and financial considerations.</p> <ol style="list-style-type: none"> 2. Other neighbouring occupiers: Paignton Zoo have already been contacted as has WM Morrisons. The Zoo declined a meeting request preferring to defer consideration until proposals are more advanced. Letters will be sent to home owners whose houses abut the site and to all other neighbours prior to planning applications being submitted. 3. Community Representative Groups The principle of Employment Use on the land has already been discussed and accepted within the Neighbourhood Forum. There was consultation in Nov/Dec 2014. Employment Use is proposed in the Neighbourhood Plan. The TDA has briefed the Chair of the NF to advise that the Council will be considering options on estates strategy. The Chair was content with the proposed approach to consultation. 4. Local Businesses. Contact will be made through the Chambers of Commerce and the TDA's weekly newsletter.

Section 2: Implications and Impact Assessment

7.	<p>What are the financial and legal implications?</p> <p>Possible legal implications will predominantly be likely to relate to the contracting of land and buildings with prospective occupiers and also in relation to procurement matters. Prospective negative impact implications are addressed in the Risk Assessment.</p> <p>The key financial implication relates to the fundamental issue that is inherent in the proposal relating to the decision that the Council is asked to make concerning the commitment of £7.5M of capital. To be initially funded from prudential borrowing to be repaid from rental returns paid by occupiers of the premises built on the site.</p> <p>The present indications suggest that the rental income from the site will exceed borrowing costs by approximately 20% which allows a margin of error.</p> <p>Development of land and buildings will trigger an increase in business rates. Potential changes announced in the Spring Review 2015 will allow TC to retain 98% of the NNDR income by the end of the parliament.</p> <p>Financial Risk implications are also addressed in the Risk Assessment.</p>
8.	<p>What are the risks?</p> <p>A full risk assessment has been undertaken and a copy is available on request from Iain Masters, Senior Development Surveyor in the TDA (01803 208 975).</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>The Proposal does involve the procurement of 'goods and services'. The Council's Procurement Team has been consulted/involved from the outset and the provisions of the Act have been considered.</p> <p>External architects, cost consultants, and engineers have been procured (Stage 1 costs) through the Council's Framework. There is a staged appointment agreed with the appointed professional advisors with fees and further commitment contractually reserved with dependencies being linked to key stages in the approval process.</p> <p>All professional advisors and any subsequent contractors will similarly be procured using the Council's Procurement Framework or competitively tendered where the use of the Framework is not possible/appropriate (Diminimus exceptions excepted in accord with Council Standing Orders). The Framework places duties on bidders in relation to equalities and social inclusion.</p>

	<p>Opportunities to require contributions to ‘Social Value’ will be explored during tenders and dealings wherever and whenever this is legally possible and commercially desirable for the Council. For instance the award of the construction contract would invite bidders to make a statement explaining how their firm would contribute to social value through, training and the use of local labour etc.</p>
<p>10.</p>	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>The TDA and Torbay Council have commissioned and obtained a preliminary feasibility study, engineering advice and detailed (but at this stage preliminary) cost advice.</p> <p>The perceived requirement for the proposed scheme arises from TDA discussions with local firms. Frustration is frequently expressed by employers about the lack of suitable business premises available and the affordability of buildings via the private sector. This view is endorsed by local property consultants. The aims and observations of the Economic Strategy and information from it have been fully considered.</p> <p>Preliminary consultation with the Environment Agency has been undertaken. Pre-application discussions have been commenced with Torbay Council’s planning officers. The Council’s Highways Team have been provisionally consulted on the highways design aspects as have the TDA’s drainage engineers on drainage issues. All design discussions are at preliminary stages of design evolution.</p> <p>Numerous different site surveys and technical reports have already been commissioned including topographic surveys, bore hole sampling and soils investigations, ecological surveys. Other surveys and investigation will follow with ‘Stage 2’ due diligence.</p> <p>Actual investment decisions and the commitment of resources will be dependant on further due diligence in ‘Stage 2’ prior to delegated authority being sought to proceed and commit in ‘Stage 3’. Many of the technical issues will also be considered by Members as part of the planning process.</p>
<p>11.</p>	<p>What are key findings from the consultation you have carried out?</p> <p>Consultation to date has been confined to the principles of development of Employment Uses on Claylands via the Draft Local Plan and the Neighbourhood Plan. No objections have been received in relation to either.</p> <p>The Land is to be allocated in Emerging Local Plan for employment purposes subject to inclusion in the Neighbourhood Plan. At each stage of developing the Plan there has been public consultation.</p> <p>The Economic Strategy involved a consultation process the detail of which was</p>

	considered prior to adoption.
12.	Amendments to Proposal / Mitigating Actions None

Equality Impacts

<p>13</p>	<p>Identify the potential positive and negative impacts on specific groups</p> <p>The comments that follow largely relate to equalities impacts that would result from the development that would flow from the decision being made on the Proposal rather than from the actual investment decision in the Proposal. It is difficult to envision there being equalities issues relating to the Investment Proposal other than indirect ones arising from opportunity cost issues arising from a decision to committing capital for the project rather than spending available capital on other priorities. The investment would also have potential to impact prudential borrowing. The asset that would result will create a revenue stream that will fund future Council budgets.</p> <p>Equalities issues relating to supply chain issues are addressed in the Council's Procurement Framework.</p>			
		<p>Positive Impact</p>	<p>Negative Impact & Mitigating Actions</p>	<p>Neutral Impact</p>
	<p>Older or younger people</p>	<p>Fostering growth of employment in local firms will provide employment opportunities.</p> <p>Excellent public transport provision in close proximity</p> <p>Good communications and central location in Torbay will improve accessibility to employment.</p> <p>It is and will be a condition of engagement by TC that all suppliers connected with the Project are equal opportunity suppliers. A statement of social value will be required.</p>	<p>None</p>	

People with caring Responsibilities	<p>Good communications and central location in Torbay will improve accessibility to employment.</p> <p>Excellent public transport provision in close proximity</p> <p>It is and will be a condition of engagement by TC that all suppliers connected with the Project are equal opportunity suppliers. A statement of social value will be required.</p>	None	
People with a disability	<p>New Employment premises will be constructed in accord with DDA legislation.</p> <p>Excellent public transport provision in close proximity</p> <p>It is and will be a condition of engagement by TC that all suppliers connected with the Project are equal opportunity suppliers. A statement of social value will be required.</p>	None	
Women or men	<p>Good communications and central location in Torbay will improve accessibility to employment.</p>	None	

	It is and will be a condition of engagement by TC that all suppliers connected with the Project are equal opportunity suppliers. A statement of social value will be required.		
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	It is and will be a condition of engagement by TC that all suppliers connected with the Project are equal opportunity suppliers. A statement of social value will be required.	None	
Religion or belief (including lack of belief)	It is and will be a condition of engagement by TC that all suppliers connected with the Project are equal opportunity suppliers. A statement of social value will be required.	None	
People who are lesbian, gay or bisexual	It is and will be a condition of engagement by TC that all suppliers connected with the Project are equal opportunity suppliers. A statement of social value will be required.	None	
People who are transgendered	It is and will be a condition of engagement by TC that all suppliers connected with the Project are equal opportunity suppliers. A statement of social value will be required.	None	
People who are in a marriage or civil partnership	It is and will be a condition of engagement by TC that all	None	

	suppliers connected with the Project are equal opportunity suppliers. A statement of social value will be required.		
Women who are pregnant / on maternity leave	It is and will be a condition of engagement by TC that all suppliers connected with the Project are equal opportunity suppliers. A statement of social value will be required.	None	
Socio-economic impacts (Including impact on child poverty issues and deprivation)	Excellent public transport provision in close proximity will provide opportunities to access to employment for those currently excluded as a result of being a non car owner. It is and will be a condition of engagement by TC that all suppliers connected with the Project are equal opportunity suppliers. A statement of social value will be required.	None	
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	n/a	n/a	The proposal is not likely to have health impacts and would therefore be a neutral consideration
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	None Identified	

15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	None identified
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Meeting: Council

Date: 10 December 2015

Wards Affected: All Wards in Torbay

Report Title: Reduction of Energy Consumption and Carbon Emissions

Is the decision a key decision? Yes

When does the decision need to be implemented? January 2016

Executive Lead Contact Details: Councillor Robert Excell, Conservative Executive Lead for Community Services, (01803) 207121, Robert.Excell@torbay.gov.uk

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

1. Proposal and Introduction

1.1 Torbay Council has signed up to the Carbon Reduction Commitment programme which is a Government initiative to tackle Climate Change and commits to improving the energy efficiency of streetlights, investigating renewable energy sources and measures to 're-gain the night sky'. This scheme commenced in 2010.

2. Reason for Proposal

1.2 To further reduce the Energy Consumption and Carbon Emissions within Highways Street Lighting in residential areas, thus reducing Torbay Council's energy costs in the future.

3. Recommendation(s) / Proposed Decision

3.1 That, subject to 3.2 below, Option 2 to replace existing lanterns with LED (conventional gear) as detailed in Appendix 1 to the submitted report is implemented.

3.2 That the Scheme be funded by prudential borrowing or borrowing from Salix on terms to be agreed by the Chief Finance Officer over a 10 year period to provide a revenue saving from 2017/18.

4. Background Information

4.1 Various measures have been implemented in recent years to reduce energy consumption and carbon emissions. Since 2006 all lanterns used are fitted with energy saving electronic ballasts which reduces consumption by at least 5.5%.

4.2 Torbay Council's Community and Customer Services are responsible for 16,926 units of which 14,700 are street lights, 11,738 within residential areas and 2,962 on main road.

4.3 In financial year 2009/10 Torbay Council secured £275,000 of Salix funding to implement street lighting energy and carbon reduction schemes which were completed end of March 2010. These schemes consisted of ;

- Replacing 650 no. lanterns and 220 no. gear tray replacements from 250watt conventional gear to 150watt using electronic ballasts.
- Replacing gear trays to all 530 illuminated bollards to LED.
- Removing the illumination from 107 traffic signs mounted on street lights due to the relaxation of lighting requirements.

Additional Schemes

- A decision was made by Full Council to implement part night lighting in residential areas where 1 in 6 lights would be left on at strategic locations, lights would be switched off between 12.30am until 5.30am GMT. On completion of the scheme in 2011, 8,380 lights were converted to part night with a calculated saving of £144,750 pa and 734tonnes of carbon.
- £515,000 of SALIX funding was secured in 2014/15 to convert lanterns on main roads to LED, the project consisted of replacing 1573 older lanterns to LED and upgrading newer lanterns to white light both of which dim down after midnight. The existing lanterns were rated at 150w whilst the new LED lanterns are 91w and on a few roads 69w. The upgrading of the lanterns is nearing completion so the exact savings has yet to be calculated, however so far this year between 1st April and 31st July the consumption has reduced by 95,335Kwh or 51.19 tonnes carbon and at current energy rate of 12.6p a £12,012 saving.

4.4 All highway street lights are unmetered, in order for the energy usage to be calculated all electrical equipment to be used are tested through an independent testing laboratory the results of which are listed by ELEXON who control the procedure to ensure the correct figures are used when assessing energy usage of a product. The calculations within this project are those agreed by ELEXON with quantities extracted from the Authority's Asset Management Computer System. We are continually looking at ways to further reduce our consumption which provides best cost benefit for Torbay with minimum impact on its residents.

4.5 The LED scheme for main roads was successful and a similar scheme could be implemented for residential areas, the scale of the project would depend on the monies available as there are a significantly more lights in residential areas than there are on main roads. As for the main road scheme we can compare costs between replacing all lanterns with LED or a mixture of replacement and refurbishment.

4.6 If monies available only covers a proportion of residential areas, concentration should be given to replace/convert lanterns of higher wattage i.e. 70w Son where the maximum savings can be achieved. Calculations will be based on the existing 19w LED maintenance lantern using our experiences and consultation with lantern manufacturers to provide the best solution for both the Council and residents of Torbay. All the proposals offered use all night lighting where selecting the right profile will add very little cost and energy consumption to a part night unit. The calculations show that with all night lighting it will only cost 45p a year more i.e. 0.12p per unit per night.

4.7 Installation of the lanterns can either be tendered or included in the existing term maintenance contract. The provision of resources and completion time would be a major factor in this decision. As the contract has already been through the competitive tendering process the rate should also be competitive.

4.8 The 3 proposals offered for consideration in Appendix 2 show comparative figures for the use of interest free Salex funding and Prudential Borrowing over a longer repayment term.

Whilst upgrading may be a cheaper option, warranties will only apply to replacement parts, ie gear trays. By replacing lanterns complete we have units fit for purpose with a warranty of a minimum 10 years and this will affect ongoing maintenance costs during the repayment periods.

- 4.9 If limited funding is available concentration should be given to those lanterns providing greatest savings, which in this case would be those with a 70w Son light source on conventional gear. Second priority would be 70w lanterns using electronic gear as these provide fewer saving than those above.
- 4.10 Although Option 1 is the cheapest proposal with a quicker payback, Option 2 is identified as the most cost effective, either as a whole or part depending on finance available. Both these options could be financed through an interest free SALIX grant as they both have a payback of less than 5 years or by Prudential Borrowing over a 10 year period.
- 4.11 By funding the schemes from Prudential Borrowing, there would be a requirement to pay interest at 4.5%, however the payback period could be increased to 10 years giving an actual revenue saving from 2017/18 as shown in Appendix 1, however the financial burden period would be increased.

Appendices

- Appendix 1: Street Lighting repayment options
- Appendix 2: Technical Summary
- Appendix 3: Graph showing Reduction of Energy Use
- Appendix 4: Energy Graph
- Appendix 5: Residential Lighting Options

Supporting Information and Impact Assessment

Service / Policy:	Community & Customer Services
Executive Lead:	Cllr Robert Excell
Director / Assistant Director:	Fran Hughes

Version:	1	Date:	13/11/15	Author:	Dave Simmons
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Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>In 2010 street lighting accounted for 16% of the energy consumption of Torbay, since then energy schemes such as part night lighting, Solar power and use of LED equipment has reduced the consumption by approximately 30% over the past 5 years, even though the street lighting assets have increased by around 2.5% in that time due to new developments and capital schemes.</p> <p>In 2014/15 SALIX funding was secured to convert lanterns on main roads to LED. The project consisted of replacing 1573 older lanterns to LED and upgrading newer lanterns to white light both of which dim down after midnight.</p> <p>To further reduce the energy consumption and carbon emissions within Highways Street Lighting, it has been proposed extend the scheme into residential areas by converting those lanterns using the greatest energy to LED, thus reducing Torbay Council's energy costs in the future.</p>
2.	<p>What is the current situation?</p> <p>Torbay Council's Community and Customer Services are responsible for 16,926 units of which 14,700 are street lights, 11,738 within residential areas and 2,962 on main roads. The current energy costs for the 2015/16 financial year amount to approximately £560,000.</p> <p>The use of LED equipment have come to the forefront in the street lighting industry. Advances in LED technology, developments in lantern design, and the reduced cost of these lanterns has meant the use of LED lanterns have become a viable alternative in lighting the highway and are considerably more energy efficient.</p>
3.	<p>What options have been considered?</p> <p>Three 'invest to save' proposals have been offered for consideration in Appendix 2 and Appendix 5 which show comparative figures for the use of interest free Salix funding and Prudential Borrowing over a longer repayment term.</p> <p>By funding the schemes from Prudential Borrowing there would be a requirement to pay interest at 4.5%, however the payback period could be increased to 10 years giving actual revenue saving from 2017/18 as shown in Appendix 1. However the financial burden period would be increased.</p>

4.	<p>How does this proposal support the ambitions and principles of the Corporate Plan 2015-19?</p> <p>Under attractive and Safe place to live, work and visit, the white light that LED lanterns emit will provide a safer environment for those using the highway as it increases perception not only for pedestrian but for drivers. This proposal has the potential to reduce the fear of crime both on the highway and inside properties as people will be able to clearly see any disturbances outside.</p> <p>White light is more effective in the use of CCTV and security cameras.</p> <p>The provision of all night lighting will encourage greater use of the highway and allow road users who use the highway during the existing part night switch off to feel safer.</p> <p>Under using reducing resources to best effect replacing complete lanterns with a reliable light source will increase efficiency, reduce outages, and make savings on maintenance.</p> <p>The proposals will also reduce Torbay's contribution towards national carbon emissions targets.</p>
5.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>All stakeholders, residents and visitors to Torbay will be affected by the proposals. The use of white light and all night lighting have the potential to reduce the fear of crime and encourage people to use the highway in the hours of darkness. Emergency services will be able to carry out their duties more effectively.</p>
6.	<p>How will you propose to consult?</p> <p>Whilst no formal consultation is required, if approval is given, an article will be inserted in the Herald Express highlighting the scheme and asking for comments.</p>

Section 2: Implications and Impact Assessment	
7.	<p>What are the financial and legal implications?</p> <p>The financial implication is the payback of the loan over the repayment period.</p> <p>As the standard of lighting will improve and the lighting will become there are no legal implications.</p>
8.	<p>What are the risks?</p> <p>The risk is that the actual savings shown in the business case do not meet the requirements to pay back the loan.</p> <p>Although the trend is for energy rates to increase there is a very small possibility that energy rates may fall.</p>

<p>9.</p>	<p>Public Services Value (Social Value) Act 2012</p> <p>The predicted value of the proposal will mean that the provision of the materials will have to be advertised through the OJEU process. There is a possibility that their installation can be incorporated within the street lighting maintenance contract, however it may be considered to put this work out to competitive tendering also.</p>
<p>10.</p>	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>The figures used to calculate energy saving comes from recognised sources within the street lighting industry. The proposed lighting levels and diming regimes have been chosen through results from site trials and consultation with leading lantern manufacturers.</p>
<p>11.</p>	<p>What are key findings from the consultation you have carried out?</p> <p>No consultation has been carried out with stakeholders; however informal discussions with residents, police and community groups during the course of the Service Delivery have provided a positive feedback to the proposals.</p> <p>The proposals relating to the materials to be used and lighting levels to be adopted will not only have considerable cost and environmental savings, but will conform to recommended lighting levels on the highway.</p>
<p>12.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>No mitigating actions required.</p>

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	Increased lighting levels using a white light source has the potential to reduce the fear of crime by people being more aware of what is around them and recognition of other road users		
	People with caring Responsibilities	Impact as above. In addition all night lighting will assist carers to visit their clients at night in a safer environment.		
	People with a disability	Increased lighting levels using a white light source has the potential to reduce the fear of crime by people being more aware of what is around them and recognition of other road users.		
	Women or men	Increased lighting levels using a white light source has the potential to reduce the fear of crime by people being more aware of what is around them and recognition of other road users		
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	Increased lighting levels using a white light source has the potential to reduce the fear of crime by people being more aware of what is around them and recognition of other road users		
	Religion or belief (including lack of belief)	No differential impact		

People who are lesbian, gay or bisexual	Increased lighting levels using a white light source has the potential to reduce the fear of crime by people being more aware of what is around them and recognition of other road users		
People who are transgendered	Increased lighting levels using a white light source has the potential to reduce the fear of crime by people being more aware of what is around them and recognition of other road users		
People who are in a marriage or civil partnership	Increased lighting levels using a white light source has the potential to reduce the fear of crime by people being more aware of what is around them and recognition of other road users		
Women who are pregnant / on maternity leave	Increased lighting levels using a white light source has the potential to reduce the fear of crime by people being more aware of what is around them and recognition of other road users		
Socio-economic impacts (Including impact on child poverty issues and deprivation)	No differential impact		

	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The streets at night will potentially seem a safer environment reducing fear of crime.		
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	No cumulative Impacts		
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	No Cumulative Impacts		

Salix Repayment Schedule

Option 1 – Replace Existing Older Lanterns with LED, upgrade Zx1 lanterns with LED gear trays (Conventional Ge

Cost:	£938,288
Annual Savings:	£222,923
Payback (Years):	4.21

Year 1	£222,923
Year 2	£222,923
Year 3	£222,923
Year 4	£222,923
Year 5	£46,596

Option 2 – Replace Existing Lanterns with LED (Conventional Gear)

Cost:	£1,112,300
Annual Savings:	£222,923
Payback (Years):	4.99

Year 1	£222,923
Year 2	£222,923
Year 3	£222,923
Year 4	£222,923
Year 5	£220,608

Option 3 – Replace Existing Lanterns with LED (Electronic Gear)

Cost:	£180,460
Annual Savings:	£31,136
Payback (Years):	5.80

Year 1	£31,136
Year 2	£31,136
Year 3	£31,136
Year 4	£31,136
Year 5	£31,136
Year 6	£24,780

ar)

Option 1 – Replace Existing Older Lanterns with LED, upgrade Zx1 lanterns with LED gear trays (Conventional Gear)

Cost:	£938,288
Payback (Years):	10
Total Interest	£255,686
Total payable	£1,193,974

Annual Savings:	£222,923
Annual Repayment:	£119,397
Annual Budget saving:	£103,526

Option 2 – Replace Existing Lanterns with LED (Conventional Gear)

Cost:	£1,112,300
Payback (Years):	10
Total Interest	£303,104
Total payable	£1,415,404

Annual Savings:	£222,923
Annual Repayment:	£141,540
Annual Budget saving:	£81,383

Option 3 – Replace Existing Lanterns with LED (Electronic Gear)

Cost:	£180,460
Payback (Years):	10
Total Interest	£49,176
Total payable	£229,636

Annual Savings:	£31,136
Annual Repayment:	£22,964
Annual Budget saving:	£8,172

Appendix 3 – Technical Summary

In trying to keep up with technology as a means of energy and maintenance savings we have altered our standard equipment as improvements come onto the market.

Light sources have been the main focus of innovation, the details below indicate the changes over the years and the consumption for each type that has formed a major part of our energy saving measures.

70w Son with standard gear :- 91watts - 7945 units
70w Son with electronic gear :- 79 watts - 1289 units
45w Cosmopolis (white light) :- 51watts - 1861 units
24w LED lantern (white light) :- 24watts
19w LED lantern (white light) :- 19watts (current spec.)

The above quantities indicate the number of units for each light source currently in place in residential areas, converting 70w Son lanterns on standard gear to 19w LED would provide a reduction of 79% in consumption and energy costs.

The use of white light to illuminate the highway allows us to reduce lighting levels to produce the same perception to the road user. For the last 6 years all replacement lanterns uses a white light source reducing the circuit wattage from 91w to 51w and now 19w with LED.

Solar powered bollards are now used for all replacements, capital schemes and new developments thus consuming no energy.

All sign lights used are now LED consuming up to 60% less energy than previous

Photo electric cells (PEC's) are used to switch street lights on and off by reacting to light levels factory set within the unit, we have altered these settings from 70/35 to 35/18 which is known as trimming The new settings mean that street lights switch on later in the evening and switch off earlier in the morning reducing the operating hours per street light by around 30 mins per day.

The graph in Appendix 4 shows the reduction in street lighting energy usage of approximately 30% over the past 5 years even though the street lighting assets have increased by around 2.5% in that time due to new developments and capital schemes.

As well as replacement lanterns during maintenance, capital schemes and new developments within Torbay are now designed using LED technology.

With reference to the various light sources indicated above, this project will only look at the 70w Son lanterns both conventional gear and electronic gear where maximum savings can be achieved.

Calculations in this report are based on the existing 19w LED maintenance lantern using our experiences and consultation with lantern manufacturers to provide the best solution for both the Council and residents of Torbay.

It is possible to profile the drivers that control the power of the LED's to reduce the wattage at various times to suit site requirements, once installed a site visit is required to re-profile.

Due to the way PEC's operate for part night lighting, profiling of the drivers can not be achieved with part night lighting, all the proposals offered therefore use all night lighting where by selecting the right profile will add very little cost and energy consumption to a part night unit as detailed below. For these calculations the following figures are used.

Average burning hours based on a yearly consumption = 11.5hrs per night

Wattage of new lantern = 19watts.

Part Night lighting lanterns burn for 6.5 hours per night.

Advances in LED technology as indicated by lantern manufacturers.

Current energy rate is 12.6p/Kwh.

An all night lantern is lit for 4197hrs per year, part night 2300hrs.

The profile of the new lantern will commence at 17w, dim down to 12w at 10am then to 8w at 12.30am to 6am. (average wattage per night = 11.27)

Part Night Lighting Costs:

$$\frac{19\text{w} \times 2300\text{hrs} \times 0.126\text{p}}{1000} = \text{£}5.50 \text{ energy cost per unit per year.}$$

All night Lighting Costs ;

$$\frac{11.27\text{w} \times 4197\text{hrs} \times 0.126\text{p}}{1000} = \text{£}5.95 \text{ energy cost per unit per year.}$$

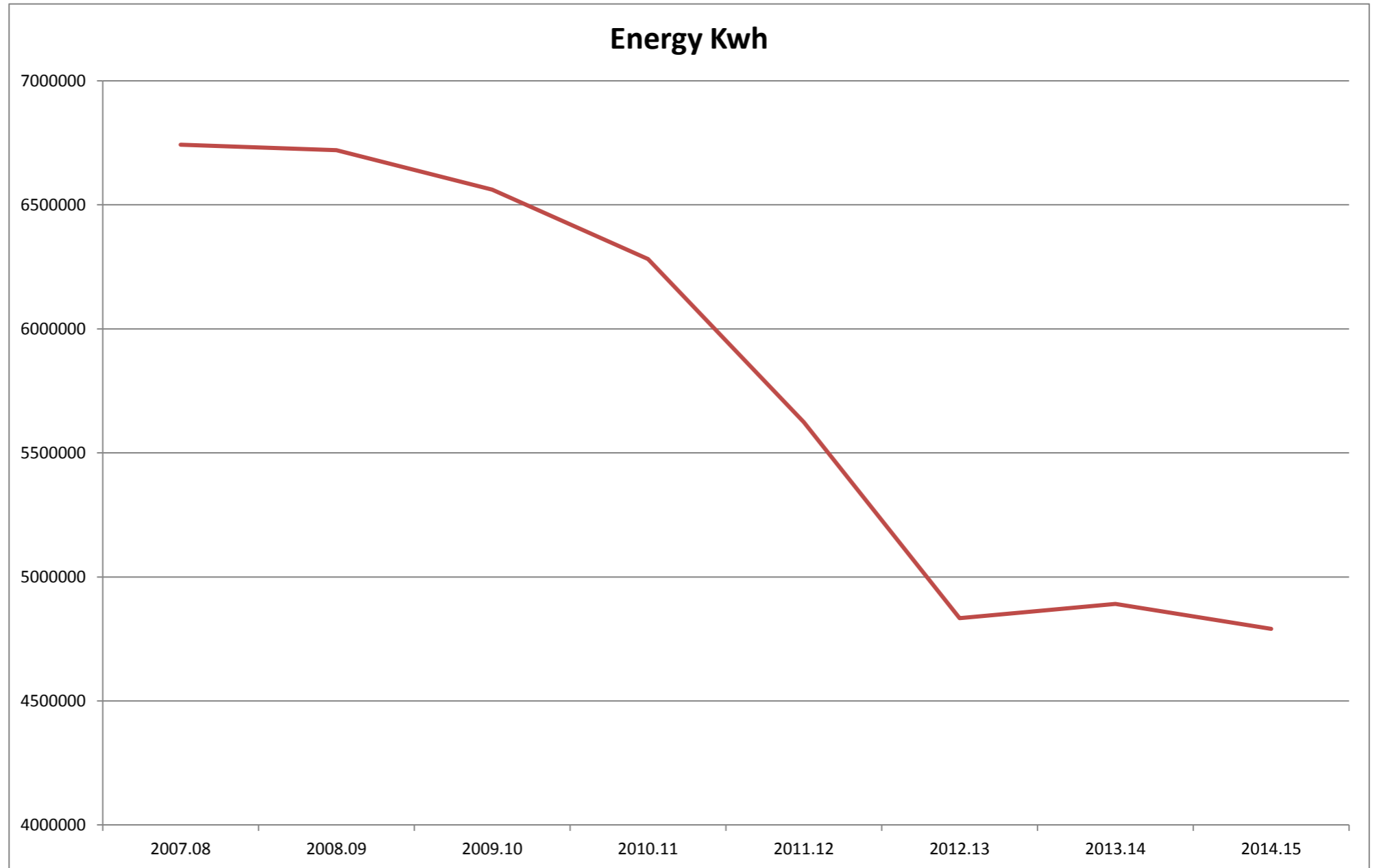
The calculations above show that to provide the residents and visitors of Torbay with all night lighting it will only cost 45p a year more i.e. 0.12p per unit per night.

Energy Consumption

Appendix 4

Lighting Consumption

Financial Year	Energy Kwh
2007.08	6742721
2008.09	6720744
2009.10	6561051
2010.11	6282124
2011.12	5624230
2012.13	4834123
2013.14	4891284
2014.15	4790583



Option 1 – Replace Existing Older Lanterns with LED, upgrade Zx1 lanterns with LED gear trays (Conventional Gear)											
Item	Quantity	Wattage		Total Energy-Kwhs		Energy Saving	Energy Rate (£)	Savings £	Total unit Cost (£)	Total Scheme Cost (£)	Payback (yrs)
		Existing	New	Existing	New						
LED lanterns	2827	90	11.5	721431.54	92182.92	629248.62	0.126	£79,285.33	140.00	£395,780.00	3.78
Gear Trays	5118	90	11.5	1306984.50	167003.58	1139980.93	0.126	£143,637.60	106.00	£542,508.00	4.99
Totals	7945					1769229.55		£222,922.92		£938,288.00	4.21
Option 2 – Replace Existing Lanterns with LED (Conventional Gear)											
Item	Quantity	Wattage		Total Energy-Kwhs		Energy Saving (Kwhs)	Energy Rate (£)	Savings £	Total unit Cost (£)	Total Scheme Cost (£)	Payback (yrs)
		Existing	New	Existing	New						
LED lanterns	7945	90	11.5	2028416.04	259186.49	1769229.55	0.126	£222,922.92	140.00	£1,112,300.00	4.99
Option 3 – Replace Existing Lanterns with LED (Electronic Gear)											
Item	Quantity	Wattage		Total Energy-Kwhs		Energy Saving (Kwhs)	Energy Rate (£)	Savings £	Total unit Cost (£)	Total Scheme Cost (£)	Payback (yrs)
		Existing	New	Existing	New						
LED lanterns	1289	79	11.5	289211.021	42100.339	1769229.55	0.126	31135.95	140.00	£180,460.00	5.80



Meeting: Council

Date: 10 December 2015

Wards Affected: All Wards

Report Title: Joint Health and Well-being Strategy

Is the decision a key decision? Yes

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

Executive Lead Contact Details: Derek Mills, Deputy Mayor and Executive Lead for Health and Wellbeing, (01803), derek.mills@torbay.gov.uk

Supporting Officer Contact Details: Caroline Dimond, Director of Public Health, (01803) 207344, caroline.dimond@torbay.gov.uk

1. Proposal and Introduction

1.1 Context - The role of Health and Wellbeing Boards (HWBs) and the Joint Health and Wellbeing Strategy (JHWS).

Statutory health and wellbeing boards were established across the country to encourage local authorities to take a more strategic approach to providing integrated health and local government services.

Specifically their role is to:

- Assess the needs of their local population through the joint strategic needs assessment process;
- Produce a local health and wellbeing strategy as the overarching framework within which commissioning plans are developed for health services, social care, public health and other services which the board agrees are relevant; and
- Promote greater integration and partnership, including joint commissioning, integrated provision, and pooled budgets where appropriate.

Future thinking into the next parliament in general supports an increasing role for the HWB in integration and over-sight of partners' plans.

1.2 The 2015 – 2020 Joint Health and Wellbeing Strategy (JHWS).

The proposed 2015 – 2020 strategy is a pragmatic approach to producing a JHWS which reflects a number of Joint plans already in existence.

For the Council for example, the Supporting People Strategy will be covered within "My Home is My Life" which is coming to Council separately and the former "Active Ageing" strategy is covered in the Joined-up plan particularly under Ageing Well.

Thus these elements are considered with a partnership based holistic approach as well as linking to the Corporate Plan.

The JHWS has been considered and developed after discussions with HWB members.

2. Reason for Proposal

- 2.1 It is a requirement under the Health and Social Care Act to have a Joint Health and Wellbeing Strategy.

3. Recommendation(s) / Proposed Decision

Recommendations to the Health and Wellbeing Board:

- 3.1 That the Council be recommended to approve the Joint Health and Wellbeing Strategy set out at Appendix 2 to the submitted report with the priorities being delivered through three strands:
- a. The Joined-up Health and Social Care Plan;
 - b. The Healthy Torbay framework; and
 - c. The Community Safety and Adult and Children's Safeguarding plans
- 3.2 That the Joint Health and Wellbeing Strategy be reviewed on an annual basis with a view that it may be possible to bring the three strands in 3.1 (a) to (c) above together at a later stage.
- 3.3 That performance and governance structure around the above be agreed to ensure the Board fulfils its requirements as outlined above.
- 3.4 That the Board agrees 3-4 key cross-cutting issues each year for particular consideration where there are significant issues to health and well-being.
- 3.5 That the emphasis for the Joint Health and Wellbeing Strategy will be on the added value the Health and Wellbeing Board can bring through its focus on determinants and cross-cutting issues, reflected in the aim ***"Building a Healthy community"***.

Recommendations to Council:

- 3.6 That the Joint Health and Wellbeing Strategy set out at Appendix 2 to the submitted report be approved, with the priorities being delivered through three strands:
- a. The Joined-up Health and Social Care Plan;
 - b. The Healthy Torbay framework; and
 - c. The Community Safety and Adult and Children's Safeguarding plans;
- 3.7 That it be noted that the Joint Health and Wellbeing Strategy will be subject to an annual review by the Health and Wellbeing Board and that it may be possible to bring the three strands in 3.6 (a) to (c) above together at a later stage.

Appendices

Appendix 1 Supporting Information and Impact Assessment

Appendix 2 Joint Health and Wellbeing Strategy

Appendix 3 Joined-up plan

Background Documents

Healthy Torbay

Supporting Information and Impact Assessment

Service / Policy:	Joint Health and Wellbeing Strategy
Executive Lead:	Councillor Mills Deputy Mayor and Executive Lead for Health and Wellbeing
Director / Assistant Director:	Caroline Dimond, Acting Director of Public Health

Version:	V1	Date:	9/11/15	Author:	Caroline Dimond
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Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>This is the partnership strategy which sets out priorities for health and well-being and delivery plans.</p>
2.	<p>What is the current situation?</p> <p>Current strategy needs refreshing. Review needed to reflect current work being delivered in Torbay across 3 areas:</p> <ul style="list-style-type: none"> - Development of Joined-up plans within Health and care providers; - Development of place based Healthy Torbay framework; and - Work on community safety and safeguarding boards.
3.	<p>What options have been considered?</p> <p>The revised Joint Health and Wellbeing Strategy has been developed and discussed at seminar sessions of the Health and Wellbeing Board.</p>
4.	<p>How does this proposal support the ambitions and principles of the Corporate Plan 2015-19?</p> <p>Fulfils Ambition: Healthy ambition.</p> <p>Fulfils principles by:</p> <ul style="list-style-type: none"> - Resources to best effect – by modelling a process to arrive at priorities. - Reduce demand through prevention and innovation – core principle of Strategy. - Integration and joined-up – Reflects joined-up work.
5.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>Strategy to improve all Torbay population health and well-being.</p> <p>Over-seen by the Health and Well-being Board.</p> <p>Strategy responsive to existing consultations.</p>

6.	How will you propose to consult? Over-riding strategy will not be consulted on by elements within it will be.
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Section 2: Implications and Impact Assessment	
7.	<p>What are the financial and legal implications?</p> <p>Aim to bring overall efficiencies to the “system” by focusing on priorities and on early intervention and prevention and joined-up services.</p>
8.	<p>What are the risks?</p> <p>Organisations need to work together to address Health and well-being issues over time.</p> <p>The alternative is to focus on single organisation issues which are unlikely to turn the tide on demand and cost within health.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>This is an over-riding strategy and does not involve procurement of itself.</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>The Strategy is based on the findings of the Joint Strategic Needs Assessment and other evidence as outlined in the strategy.</p>
11.	<p>What are key findings from the consultation you have carried out?</p> <p>Consultation on joined-up summarised in strategy document.</p> <p>Individual components within may have had own consultation.</p>
12.	<p>Amendments to Proposal / Mitigating Actions</p> <p>Not applicable.</p>

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	Specifically mentioned; Focus on emotional health and well-being through; - Child and adolescent mental health - Swift		
	People with caring Responsibilities	Not specifically mentioned but key areas for Adult Social Care – needs to be put in full		
	People with a disability	Not specifically mentioned by focus on vulnerable adults		
	Women or men	Noted that men have higher number of years lost to ill health so focus on programmes should be to address this.		
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	Not specifically mentioned		
	Religion or belief (including lack of belief)	Not specifically mentioned		
	People who are lesbian, gay or bisexual	Not specifically mentioned		
	People who are transgendered	Not specifically mentioned		

	People who are in a marriage or civil partnership	Not specifically mentioned		
	Women who are pregnant / on maternity leave	Not specifically mentioned		
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	Health inequality key focused outcome		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Public health key outcome area – see outcome framework		
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	This is an over-riding strategy which should be considered by other Council policies and strategies.		
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	This is an over-riding strategy which should be considered by other partners policies and strategies.		

Torbay's Joint Health and Wellbeing Strategy.

2015 – 2020

Torbay Council Version

“Building a Healthy community”



Foreword.

This strategy has been developed and approved by the Torbay Health and Well-being Board (HWBB), a board of senior leaders from across the public and voluntary sectors.

This strategy takes into account the Joint Strategic Needs Assessment (JSNA) and the current plans within partner organisations.

Torbay has a national reputation for integrated working and the work of the HWBB and its members has made great strides to further embed this way of working. In the 4 years the HWBB has existed, much has been achieved.

Examples include;

- Work in schools to improve emotional health and support, sex and relationship education and educational aspiration.
- Increases in the number of people screened within care settings for alcohol
- Development of independent living opportunities for people with Learning Difficulties.
- Greater support to carers including young carers.

Since the previous JHWS was written, much work has taken place to bring partners together around a joint plan and it was felt that in this revised and refreshed version, we need to reflect this rather than produce yet another strategy. To this end, the proposed 2015 – 2020 strategy is a pragmatic approach to producing a JHWS which reflects a number of Joint plans already in existence;

- a. The Joined-up Health and Social Care Plan
- b. The Healthy Torbay framework
- c. The Community Safety and Adult and Children's Safeguarding plans

With the emphasis on integration, it is recognised within this strategy is now the over-riding framework which incorporates many of the previous strategies and plans, Thus within Torbay Council, the Children's and Young People plan, the Older People, Active Ageing Strategy and the Supporting Peoples strategy will be taken forward within the Joined-up plan. In addition it is suggested that the HWBB agrees 3-4 key cross-cutting issues each year for particular consideration where there are significant issues to health and well-being.

The emphasis for the JHWS will be on the added value the HWBB can bring through its focus on determinants and cross-cutting issues. This is reflected in strap line / aim - ***“Building a Healthy community”***

1. Introduction.

Health and well-being is complex with a number of different factors coming together which affect how “*healthy*” we feel. We need to recognise that well-being is about not only physical health but also psychological and social health. Depending on our backgrounds and life experiences we tend to each view health and well-being differently and may differ on where we feel the focus of any strategy should be. Our different organisational and professional viewpoints will also differ. We may for example want to **reduce the number of people dying early** or **reduce the gaps in life expectancy** between genders or neighbourhoods or be concerned about those living with **multiple complex illnesses** and want to increase the **number of years of healthy life led**. Some are particularly concerned with **quality of care** and aim to support people to live **active, independent and dignified lives**, especially into their later years. Others consider building a **resourceful community** is key and others that supporting people to grow up, live and work in a **safe and nurturing environment** and prevent a life of crime a priority especially for those most **vulnerable**.

The years that this strategy covers will also be ones of unprecedented economic challenge and we will all be concerned with how we provide services at **least cost** and as **quickly and effectively** as possible. Collectively we need to agree what particular priorities are important which, if addressed will have the **maximum benefit** for the people we serve.

In order to consider these priorities we need to consider a number of issues;

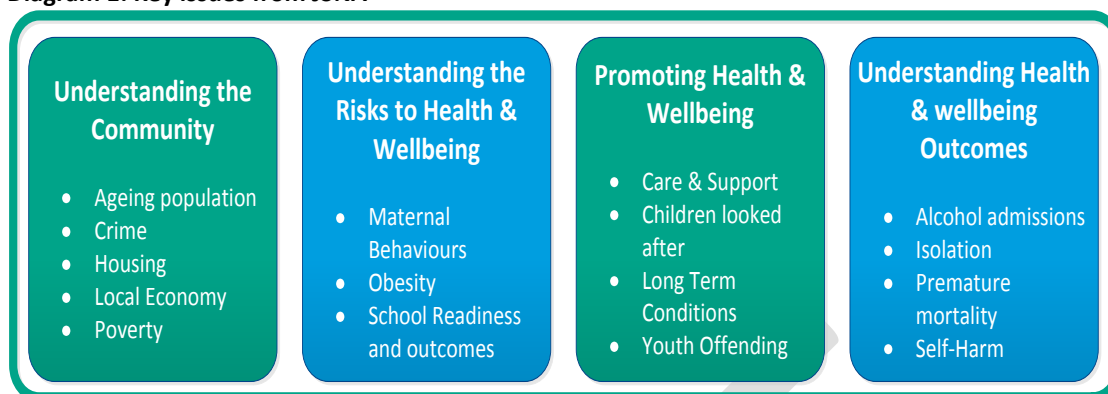
- 1. Health and well-being needs in Torbay and the key drivers of that need**
- 2. What people tell us they would like to see change**
- 3. Government policy – drivers and freedoms.**

2. Health and well-being and key drivers of needs

Many of these areas are described in the Joint Strategic Needs Assessment (JSNA). The JSNA is an extensive document and web-based tool that explores all aspects of Torbay’s health and well-being. It’s conclusions reminds us that where you live, how you live your life, how you interact with others and the community and environment around you, have as much effect on your health as how your health and care services are managed. It describes how ill health and the causes of ill health differ across life and also how this accumulates throughout life. It further shows that inequalities are evident across in all age groups. In Torbay for example, those living in more deprived areas live shorter lives, have lower qualifications, have more chronic illnesses and disabilities and live longer with poorer health (an extra 5 years on average) which they develop at an earlier age. This is compounded by an ageing population and together this is causing a rising tide of demand on our health and care services.

Key **needs** from the JSNA Torbay are summarised below:

Diagram 1: Key issues from JSNA

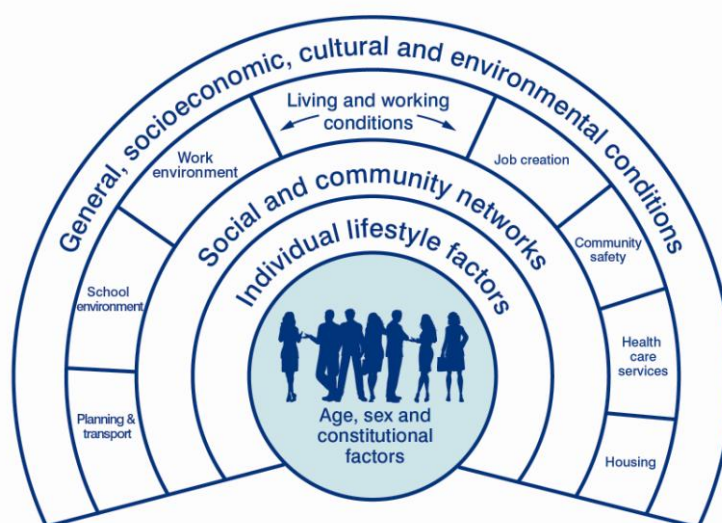


In Torbay the JSNA tell us that the following factors are particular **drivers of this need**;

Factors affecting well-being	What we know
Individual factors	Men have worse health and shorter lives than women overall We have an ageing population
Lifestyle factors	5 behaviours underlie the 5 main causes of illness and 75% of early deaths <ul style="list-style-type: none"> - Smoking - Alcohol - Lack of activity - Poor Diet - Lack of social connection
Community factors	There are large numbers of people who are vulnerable linked to high rates of self-harm, suicide, alcohol use and violent crime. There are high numbers of looked after children. Isolation and lack of community connectedness is an issue Care and support services are not fully integrated and access and take-up remains an issue with high levels of unmet needs
Social factors	There are 5 social factors linked to poor health; <ul style="list-style-type: none"> - Poverty - Employment and joblessness - Crime and community safety - Education and aspiration - Poor Housing
Socioeconomic and cultural conditions	The public sectors are facing unprecedented financial pressure which requires disinvestment in some services

This can be illustrated by the following diagram

Diagram 3: Elements affecting health and well-being Adapted from Dalhgren and whitehead.



3 What people tell us they would like to see change?

Research and consultation both locally and nationally tells us what people want to see from the care services and how they would like to access them. In summary the following 4 areas are important to people

1. Services that address “what matters to people not what is the matter with them”. Those specified ; **well-being, quality of life, mobility, independence, social connectedness and confidence to manage.**
2. Move away from the medical model to include issues such as housing and neighbourhood environment when planning services. Make greater use of assets including people, communities, neighbours, volunteers, trainers and champions. Integrated models of care should **support and enable the informal workforce and should ensure Community and Voluntary organisations are FULL partners** in the design and delivery of person centred care.
3. Focus on **information and advice and self-care** to promote personal responsibility and give greater control for patient. Improve communication and access to information and support. Help people to help themselves and to live independently at home.
4. Focus on **prevention and promoting health**, especially for those most at risk with emphasis also in the care services esp. in primary care.

4. The view from the service user.

Both research and our day to day experiences and consultation involving service users tell us that we are still not intervening early enough to address well-being issues as they arise. Thus people often present to emergency departments with severe illness or in psychological crisis, children are taken into care when families break down and people end up in a police cell who are vulnerable and have poor mental health or have turned to violence, crime or addiction.

Torbay has made great strides towards integration and is nationally recognised for the work it has done. However there are still case where families and individuals have not been supported early enough and where we could have prevented a costly slide into dependence. We need to create models of care where there is a greater shift in focus to early intervention and prevention and we consider all of people's needs be they housing, debt, behavioural or illness related.

5. Government policy – drivers and freedoms

There are 3 areas of government policy that have an influence on future strategy for health and well-being;

- The NHS 5 year plan
- The Care Act
- Devolution
- Public sector funding

NHS 5 year plan.

The NHS 5 year plan outlines 3 areas for prioritisation

1. Radical upgrade in prevention and public health
2. Greater control for patients and carers though a promotion of self-care and better access to information/
3. Breaking down barriers to how care is provided

Care Act.

Under the Care Act, local authorities must ensure people who live in their areas:

- Receive services that prevent their care needs from becoming more serious
- Can get the information and advice they need to make good decisions about care;
- Have a range of providers offering a choice of high quality, appropriate services.

The Care Act makes clear that local authorities working with other partners, like the NHS, should provide or arrange services that help prevent ongoing care and support.

Devolution.

Devolution offers more freedoms to work collaboratively across organisations.

In the South West, the emerging plan – *“Heart of the South West”* has the following areas of focus; Prosperity, Governance, Connectivity, Housing planning, Health, care and well-being integration.

6. What's already happening in Torbay?

The JHWS needs to reflect the reality of what is already planned locally and to acknowledge the current financial constraints as well as taking note of the evidence of the requirements for system change to improve health in the longer term.

6.1 The Joined-up plan for health, care and well-being services.

Torbay already has a national reputation for integrated care and has led the way nationally in joining up health and social care. Building on this, on 1st October 2015, the hospital and community care providers came together to create an Integrated Care Organisation (ICO) marking another stage in this journey. Further plans are developing to bring primary care, children's social care and mental health together as part of a new Integrated care model and to better align the Community, voluntary and independent sectors with public sector services. This should see more community based work, a focus on prevention and integrated services for all ages.

Across the public sector, there are also areas where performance is being actively addressed locally. Particular issues are;

- Mental health services – though there has been significant improvements in performance and efficiency, issues remain with regard to access to urgent care and assessment and a desire to embed mental health further with other services.
- Demand for and access to Child and Adolescent Mental Health Services
- The numbers of children who are looked after in care.
- Poor reach of current lifestyle services issues such as weight management
- High numbers of A/E attendances and numbers of avoidable emergency admissions

The work to respond to these issues and to the JSNA is being led by a partnership group, the *Joined-up Board and Systems Resilience Group*, where both commissioners and providers within the care systems are working together on this new way of working. These are described in the ***Joined-up plan***.

At end of 2014, the Joined-Up Board (JUB) for South Devon and Torbay agreed there should be a single programme of integration projects managed across the health and social care organisations, co-ordinated by a single programme office. These projects cover NHS and Council services from adult social care, children's services and public health. They are all core to the delivery of better outcomes for people of South Devon and Torbay through a focus on:

- Joining up resources/local multi agency working
- Earlier intervention and prevention,
- Quality and cost improvement

These covered the following agreed priority areas.

1. Early help for children and young families to tackle inequalities and to include emotional health of children
2. Integrated care for people with multiple ill health conditions
3. Mental health embedded within services
4. Ageing well to promote independence and improve quality of life in the older years
5. Building community resourcefulness

The following plans are being taken forward within the Joined-up plan.

- 1 Financial recovery- Social/other investment
- 2 Local Integrated Multi-Agency Teams with mental health
- 3 Social Work Innovation Fund Transformation (SWIFT)
- 4 Child & Adolescent Mental Health services (CAMHs)
- 5 Integrated prevention model
- 6 Care Act implementation
- 7 Integrated Personal Care planning & commissioning
- 8 Multi-Long Term conditions
- 9 Single Point of Contact (SPOC)
- 10 Outpatient & inpatient innovation
- 11 Frailty services - acute & community
- 12 Ageing Well Torbay
- 13 Older people's mental health and dementia
- 14 Accommodation-based care

In addition, Health and Social care partners across South Devon and Torbay together through the System Resilience Group (SRG) have received Vanguard status for taking forward work to address issues within Urgent care.

All these issues will be overseen by the Multi-agency Systems Resilience Group.

6.2 Healthy Torbay.

Improving population health however is not just the responsibility of health and social care. The work on integrated care also needs to be underpinned and complemented by interventions designed to tackle the underlying social, economic and environmental determinants of health across populations. As described above, the JHWS also needs to acknowledge the close link between the economy and health and the important role of aspiration and emotional health. It also needs to consider the environment in which people live and play and acknowledge that the health and resourcefulness of a community and its assets needs to be a focus as well as the health of individuals within that community. These areas are described within the ***Healthy Torbay framework***.

In 2014, Torbay Council approved the Healthy Torbay framework. This covers work across the public and community sectors in a number of areas. The following areas are **priorities**:

Economy; Employment and skills

There is a clear link between health and the economy. Being materially poor is THE most important factor affecting health but also improving the health of our workforce and tackling unemployment has a clear health benefit.

Though unemployment rates are falling in Torbay, we must continue to work together to improve health by creating local jobs for local people, creating an environment at work that promotes health and aspiration and by promoting opportunities for all in Torbay including those living with poor health and disabilities. There is also a link to **education** as building aspiration and closing the gap in attainment are two key areas of focus to improve both health and wealth across Torbay.

Housing.

There is also a clear link between decent housing and health with homelessness being a particular issue.

Community environment

The way our towns are planned and the environment in which we live has a profound effect on well-being. Planning, transport and building community resourcefulness are key areas of focus and building networks of healthy workplaces and schools.

Within the framework there is also work on Tobacco control, Alcohol, Diet, Physical Activity and sports promotion.

6.3 Community safety and safeguarding.

Finally it has been acknowledged that within Torbay there are groups within our community that are especially vulnerable, more so at this time of economic challenge when resilience is compromised. Services need to develop integrated ways of working across the wider system, including care services, police, probation and the community and voluntary sector to address the particular needs of these groups within our community. Though overall crime is down, there are high levels of violent crime and youth offending and in spring 2015, the Community Safety Partnership (CSP) ran a workshop looking at the threats and risks facing many of the most vulnerable people in the Bay. With the financial cuts, many of the services supporting those who are homeless, who have mental health issues and who are living in poverty, are at risk, with the potential that these vulnerable people will fall into a downward spiral of needs. Many of these people are also at risk of or have offended and the Community Safety Partnership has set out to develop an urgent piece of work to describe how we can work differently to support these clients. It is suggested that this is an early priority to be included within the JHWS though recognising also that this work would aim, over time, for integration into the Joined-up plan for health, care and well-being services. The issue of particular priority was protecting vulnerable people including those suffering from Mental health issues, Domestic violence, Alcohol and drug misuse issues and homelessness.

The **Torbay adult and child safeguarding boards** have strategies and action plans to address these risks and the lessons learnt and action arising from this work should also be considered within the JHWS.

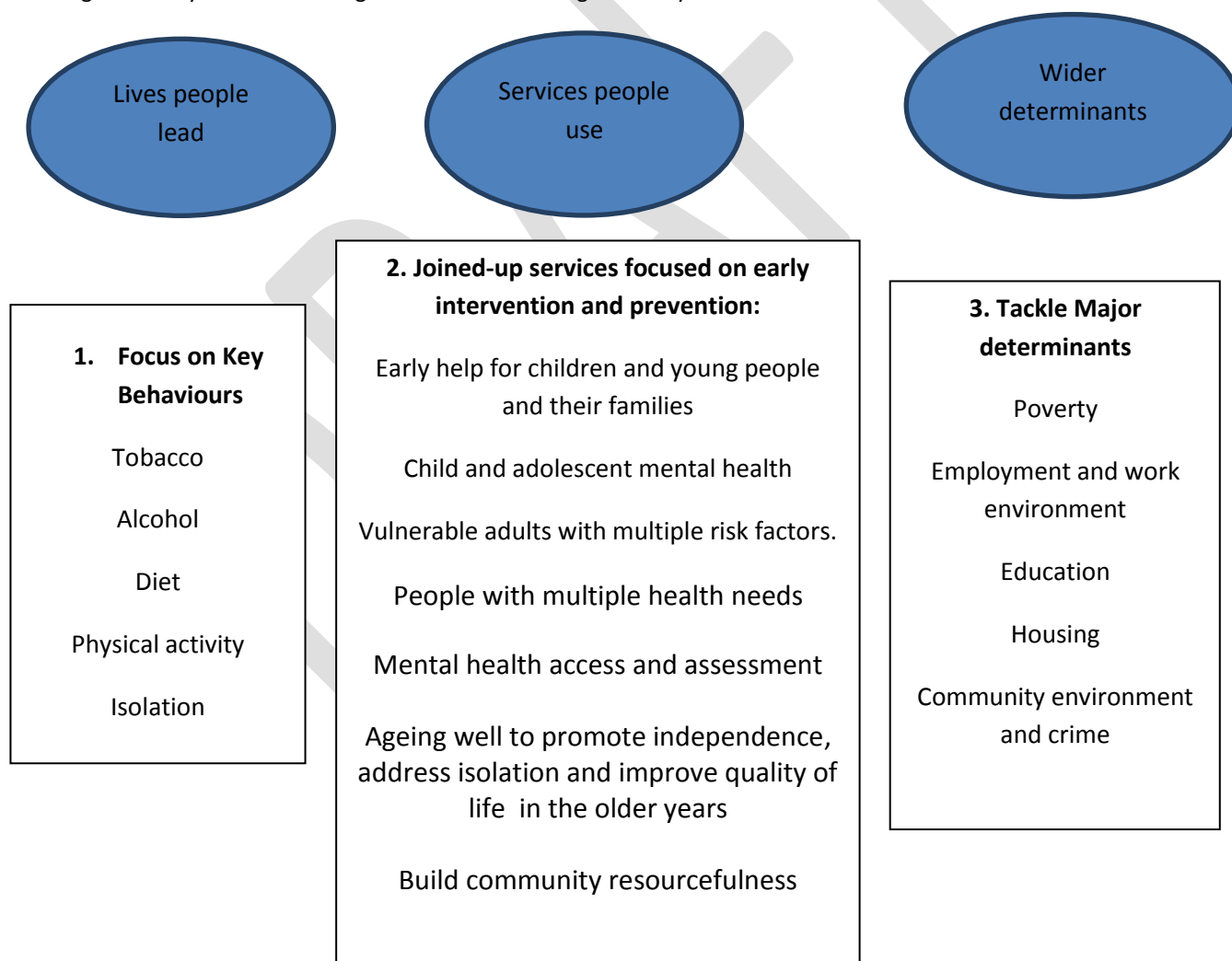
7. The proposed approach for Torbay

We are facing a period of unprecedented challenge with escalating costs and demand. Organisations need to work towards a common set of outcomes based on evidence of which issues we should focus on to enable us to “turn the tide” on these costs.

The Joint Health and Well-being strategy needs to outline how all sectors could work together to improve the overall health and well-being of the people in Torbay and the challenges outlined from the JSNA. Much is already happening and this should be reflected in the strategy.

We need to take an approach in this strategy that focused on all the issues outlined above; How people live their lives, how they use services and where current issues lie and how the factors around them effect their health and well-being. Taking the areas identified above the following summarised the proposed approach.

Diagram 3: Key factors affecting health and well-being in Torbay.



Principles and ways of working.

3.1 A life-course approach.

Patterns of behaviours and ways of life are set in very **early life** and have a profound impact on future health and well-being. These patterns dictate future patterns of multi-morbidity. Focusing also on the early years and giving children the best start in life physically, socially and psychologically is therefore incredibly important and of equal urgency to focusing on the old and frail. As children become young adults risk-taking behaviour and vulnerability become embedded so **developing well** is another important area. During **adulthood** these behaviours begin to emerge as early signs of disease and opportunities abound to turn future illness around and lessen the likelihood of longer term disability. Even as we age, by focusing on **ageing well**, promoting exercise, diet and tackling social isolation we can promote independent living and lessen the likelihood of frailty. Finally in the very old we need to ensure people can age and die with dignity and a **good quality of life in the final years** Thus to tackle costs and demands and frailty in older age groups requires not only frailty services but action across ALL the life-course.

3.2 A Whole systems approach

Any work within the health and care system also needs to be underpinned and complemented by interventions designed to tackle the underlying social, economic and environmental determinants of health across populations. Thus areas such as planning, crime, housing, planning and transport as well as the wider economy need consideration. Thus we need to ensure health is considered also in local government plans and policies and that determinants are considered in NHS plans and policies.

3.2 A focusing on Health Inequalities.

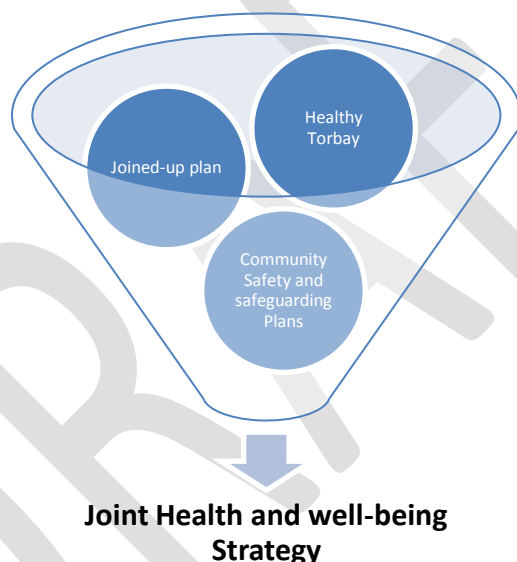
We know from the JSNA that those who live in the more deprived area or who belong to certain groups such as those from BME groups and those with mental health and learning difficulties have worse health. These people not only die younger but spend more years of life suffering from ill health and disability. They often present to the services late and with a greater overall burden of disease for more years than people in more affluent areas. Thus it is imperative we focus on these people, to prevent illness, detect illness earlier and narrow the gap in need, demand and costs that these groups bring. Action is needed in particular in Public Health and in Primary care on tackling lifestyles, access and take-up of services to prevent early escalation of disease.

8. Developing the Joint Health and Well-being strategy?

This JHWS needs to acknowledge the work going on in Torbay in the areas outlined in section 6 above. All 3 of these areas have been developed in conjunction with a review of needs and performance issues as well as considerations of local people's views and government policy. Collectively they address the issues outlined in the proposed model above and aim to be delivered with an outcome based population focus.

It would be counter-productive therefore to duplicate the work already going so it is proposed the JHWS going forward encapsulates the 3 area and plans:

- The **Joined-up plan** to address needs through service re-design and through the building of assets within our communities.
- **Healthy Torbay** with its programmes and plans to address underlying causes of ill health and promote health through assets
- The work of the **Community Safety Partnership and Children and Adults safeguarding** Boards to protect the vulnerable, and address safety at the community and individual level.



9. 2015/ 16 priorities.

It is also suggested also that the HWBB identify 3-4 issues each year where a focus across all sectors is needed. These areas should be where the Health and Well-being Board (HWBB) through its membership can bring a greater focus to work on specific areas identified as high risk to health and well-being. These should be reviewed on an annual basis. Criteria for selection should be that these issues cover **both** of the following;

- An area of significant need from the JSNA OR an areas where current performance is poor OR an area what is a key driver of significant quantifiable poor health AND
- HWBB members working together can bring added value to delivery

Discussions to date with members have identified the following common issues

- ✚ Urgent mental health support and assessment
- ✚ Alcohol
- ✚ Domestic violence
- ✚ Health, housing and homelessness.

10. Measuring success. TBC

The Health and well-being board will need to agree core metrics to monitor the delivery of the strategy as well as having oversight of both a Joint outcome framework and contract management scorecard.

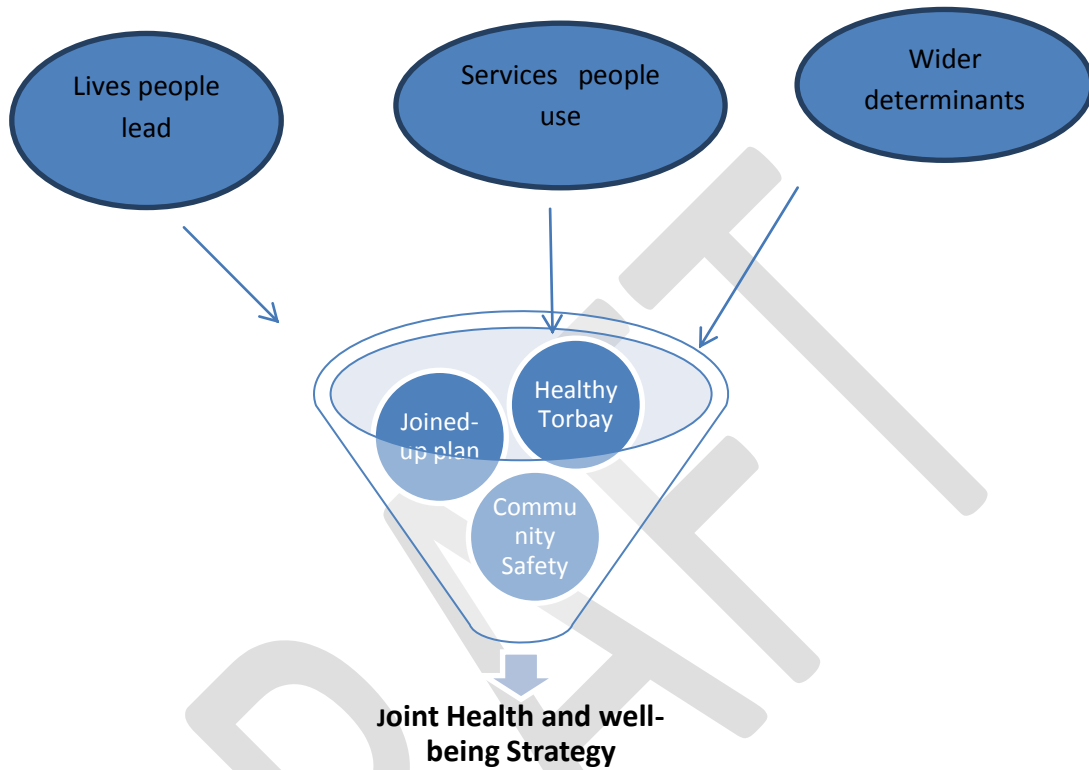
The following are a DRAFT set of proposed over-riding metrics to be considered

Life Course	Key metrics
Early years & developing well	School readiness Non accidental injuries (Self-harm sub-set) 11-18 year olds Numbers of Looked after children Gap in attainment children in receipt of free school meals and others Maternal behaviours (basket) Youth offending Patient/service user experience of care
Living & working well.	Total non-elective admissions Alcohol admissions Mental health assessments (incl within criminal justice settings) Suicide rates Avoidable admissions Patient/service user experience of care Decent homes Homelessness Violent Crime incl. Domestic Violence Employment and income levels
Ageing & dying well	Total non-elective admissions Delayed transfers of care from hospital Proportion of >75 at home 91 days post discharge Permanent admissions of older people to residential & nursing care homes Social isolation Rate of dementia diagnosis Patient/service user experience of care

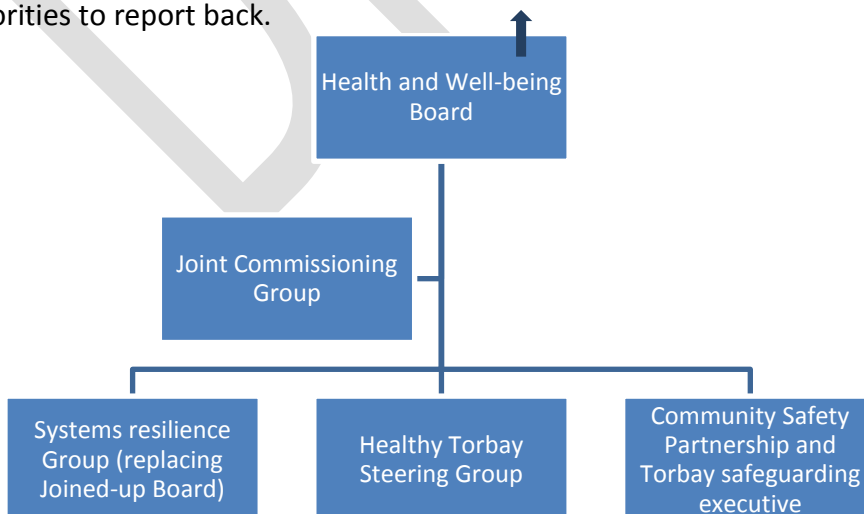
There should also be agreement on reporting of quarterly performance indicators.

11. Governance framework.

It is proposed that within the Governance framework of the HWBB, that the 3 strands that feed into the Joint Health and well-being strategy should be assessed to ensure they reflect the needs identified within the JSNA and the complementary work summarised in Diagram 3 on page 5 as follows



It is suggested that the following groups report into the HWBB via the Joint Commissioning Group. The HWBB would decide on the most appropriate group to take forward in-year priorities to report back.



JoinedUp Plan

Life Course	JoinedUp Project	Description	Ambition
All ages Page 404 All	Financial recovery Social/other investment (all organisations)	Quality & cost improvement plans in all organisations to achieve balanced budgets. Research/encourage alternative investment including, funding bids, social finance & other models, eg SWIFT development of Public Services Investment Trust Consideration of greater join up across areas ie workforce & shared services Role in economic regeneration & workforce reshaping/development	Balanced books/single pot of money Productivity- reducing delayed transfers of care & 'hand-offs' between organisations
	Local Integrated Teams with mental health (all organisations)	Development of Local Multi-Agency Teams (LMATs) with GPs across primary & secondary care to meet local population health & care needs to include mental health & CVS, with future inclusion of housing, education, criminal justice agencies & employment support. DPT SMART Recovery programme to develop integrated care pathways, single point of access & integrated working across health & care.	High quality, timely, safe services with local variation Care closer to home outside acute & crisis settings
Early years & developing well	Social Work Innovation Fund Transformation (SWIFT) (Torbay Council/ICO/primary care)	Develop & embed multi-agency working for children & families in Torbay to provide early support with communities to prevent needs escalating & reduce inequalities. Teams will include health, social care, criminal justice, housing & education with later plan to combine with LMATs (above).	Resourceful communities & self-care valuing all people Prevention (not just health)
	Child & Adolescent Mental Health services (CAM Hs) (ICO, CCG)	Implement mental health concordat - access to early support 24/7 & to urgent & emergency crisis care (on a par with physical health), supporting recovery & staying well Addressing wider determinants of emotional health including, housing, education, employment Suicide & self-harm prevention	High quality, timely safe services with local variation Care closer to home outside acute & crisis

JoinedUp Plan

		Drug & alcohol services, Managing transition	setting
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 405 Living & working well</p>	Integrated prevention model (all organisations)	Backing for CVS to lead asset based community development to support co-design, production & delivery & self-management, reducing isolation & loneliness, good neighbour & community connectedness. Development of new & blended roles in LMATs to engage & support people to identify what matters & personal goal planning to augment professional & clinical roles. Making sure wider determinants & providers are included on new models of care including, housing, welfare, employment, education, police & local community rehabilitation companies.	Prevention (not just health) Resourceful communities & self-care valuing all people
	Care Act implementation (carers, safeguarding advice, assessment, market) (Local Authorities, ICO)	Carer support, improving adult safeguarding, universal social care assessment & integrated personal care plans Information, advice & advocacy - Development of directory of services Single Point of Contact (SPOC) Market position statement Engagement of all providers in developing new models/reshaping existing provision	High quality, timely, safe services with local variation Prevention (not just health) Resourceful communities & self-care valuing all people
	Integrated Personal Care planning & commissioning (ICO, primary care)	As part of South West Integrated Personal Commissioning network demonstrator site- Developing personal health & care plans with identified cohorts with option for single personal budgets where appropriate implementing principle of shared decision-making Cost modelling to support development of integrated payments & capitated budgets where appropriate	Prevention (not just health) Resourceful communities & self-care valuing all people
	Multi-Long Term conditions	coordinated multidisciplinary management of coexisting medical conditions in one place at one time outside of the acute setting where possible & avoiding multiple	

JoinedUp Plan

		appointments per condition	
	Single Point of Contact (SPOC) (ICO, primary care)	development of multi-media gateway including 24/7 telephone call centre underpinned by comprehensive directory of services to signpost to most appropriate support at first point of contact to prevent needs escalating.	Prevention (not just health)
	Outpatient & inpatient innovation (ICO, primary care)	Developing clinical services to provide care closer to home, increase self-care & self-assessment, reducing number of new & follow-up appointments at the Acute Trust A referral management framework enabling dialogue between primary & secondary care to manage patients in most efficient way reducing waiting times & unnecessary trips to acute trust Pilots in treating patients with heart failure in outpatient rather than inpatient settings & triage for muscular skeletal patients through community physiotherapy team to reduce hand-offs & ensure consistent assessment & active treatment	High quality, timely, safe services with local variation Care closer to home outside acute & crisis settings
Page 406	Frailty services - acute & community (ICO, primary care)	Whole system pathway of care stronger relationships between GPs community & acute trust physicians to provide seamless care for frail elderly population	High quality, timely, safe services with local variation Care closer to home outside acute & crisis settings
	Ageing Well Torbay (CVS)	BIG lottery funded project to reduce loneliness & isolation in over 50s, using community builders to scope existing network/resources & encourage/understand aspirations & ways they can be met in community CVS brokerage & guided conversations to support integrated personal care planning	Resourceful communities & self-care valuing all people
Ageing well	Older people's mental health (ICO)	Dementia diagnosis & treatment, earlier intervention & support closer to home	Care closer to home outside acute & crisis settings

JoinedUp Plan

**Accommodation
-based care**
(All
organisations)

Community hospitals, accommodation based care & support including, intermediate care, nursing care & residential care, better use of existing accommodation & support, understanding market & potential to support new models of care/ways of working to facilitate care closer to home.



Meeting: Council **Date:** 10 December 2015

Wards Affected: All

Report Title: Torbay's Housing Strategy 2015 - 2020

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately

Executive Lead Contact Details: Councillor Mark King, Executive Lead for Planning, Transport and Housing

Mark.king@torbay.gov.uk; 07873 254117

Supporting Officer Contact Details: Caroline Taylor, Director Adult Social Services, caroline.taylor@torbay.gov.uk; 01803 208949

1. Proposal and Introduction

1.1 Torbay's Housing Strategy is an overarching document which co-ordinates a number of priorities and documents. This document recognises the need for a strategic approach for all housing tenures in Torbay.

1.2 Our Vision – ***“We want to enable the provision and choice of homes where people can thrive, this helps our economy by offering security and settled homes for longer, promoting health and wellbeing and reduces the impact on the environment. We want to help our communities to recognise and tackle the inequality faced by families, the poor and the vulnerable.”***

1.3 The three key elements we are setting out to achieve and enable are:

- 1) Meeting Housing Demand
- 2) Housing Commissioning “My Home is My Life” (includes the Homelessness Strategy)
- 3) Improving the Quality of Homes

1.4 The draft Housing Strategy and associated documents were considered by the Overview and Scrutiny Board at its meeting held on 23 November 2015. The Board's views are set out in its report which is included with the agenda. In the main, the views of the Board have been taken on board within the documents now presented to the Council.

2. Reason for Proposal

2.1 The proposed Housing Strategy and statutory Homelessness Strategy will enable the priorities identified to be delivered and monitored within a new performance and

governance framework. This strategy supports other Council priorities, in particular it recognises the need to alleviate the pressure on Adults and Children's Social Care and Health services.

3. Recommendation(s) / Proposed Decision

- 3.1 That Torbay's Housing Strategy including "My Home is My Life" and the new Homelessness Strategy set out at Appendices 2, 3 and 4 to the submitted report be approved.

Appendices

Appendix 1: Supporting Information and Impact Assessment

Appendix 2: Torbay's Housing Strategy 2015 - 2020

Appendix 3: "My Home is My Life"

Appendix 4: Homelessness Strategy

Appendix 5: Housing and Health Needs assessment

Appendix 6: Report of the Overview and Scrutiny Board

Background Documents

Joint Strategic Needs Assessment

Supporting Information and Impact Assessment

Service / Policy:	Housing Strategy 2015 - 2020
Executive Leads	Cllr Mark King – Executive Lead for Planning, Transport and Housing Cllr Julien Parrott- Executive Lead for Children and Adults
Director / Assistant Director:	Caroline Taylor – Director of Adult Services

Version:	1.7	Date:	30.11.15	Author:	CT/JS
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Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>To ensure that the Council has a coherent Housing Strategy for Torbay including a short overarching narrative to show how the various pieces of the Strategy link to and support each other. It will consist of Housing Commissioning “My Home is My Life” which includes the Homelessness Strategy (statutory policy) and will also include high level delivery of Affordable Homes, Private Sector Leasing, Fuel Poverty and Energy Efficiency. The delivery will need to be realistic over a three year budget period.</p>
2.	<p>What is the current situation?</p> <p>The Housing Strategy (including the Homelessness Strategy) is part of the Council’s Policy Framework. It is felt that there is a requirement for an overarching Strategy to link the Key elements defined below:</p> <ul style="list-style-type: none"> • Local Plan - Affordable Housing Funding and Provision • Social Commissioning - now described in “My Home is My Life” • Private Sector – improving the Quality/ Standards of provision. • Link to the Medium Term Resources Plan • Aligned Investment Plan <p>Local Plan (including Affordable Housing Funding and Provision)</p> <p>Work to establish a new Local Plan has included the testing a range of different growth scenarios, viability testing and a range of affordable housing options. This work has been, and continues to be, considered by an Independent Planning Inspector. The new Local Plan is due to be considered by the Council on 10 December 2015.</p> <p>The new Local Plan takes a jobs led approach, but also requires housing provision to keep pace with job creation. The new Plan includes a mechanism to increase housing supply if there is evidence to show that jobs growth is greater than expected or slow housing growth is deterring job creation / investment.</p> <p>Members have agreed all the above and, as such, need to ensure these policies / mechanisms form the basis of a delivery strategy. There has also been significant engagement on the above with the community, businesses and statutory organisations.</p> <p>In order to ensure delivery of jobs, homes and infrastructure, and secure income for the Council, the Council will need to maximise the use of its own assets – for the creation of</p>

employment space and for the delivery of new homes for example. Mechanisms for and options to achieve this will be explored further and reported to Members for decision. In addition, mechanisms such as town centre masterplan delivery will be utilised to deliver new jobs, homes and infrastructure on assets belonging to public sector partners and other 3rd parties.

The Local Plan provides the basis for a Housing Delivery Strategy and this may translate into a delivery over the life of this administration of:

- Town Centre regeneration through the delivery of masterplans in Torquay and Paignton and the delivery of projects in Brixham Town Centre.
- Around 1200 new jobs, within the three town centres and on sites such as Claylands, Edginswell Business Park, White Rock, Torquay Gateway;
- Around 1750 new homes, on sites that already have planning permission or are allocated in the Local Plan and as part of town centre regeneration proposals;
- New infrastructure, such as Edginswell Station and road improvements as funded by new development;
- Key sector growth, such as EPIC at White Rock, Hi Tech Centre at South Devon College, new hotels (Pavilion; Torwood St; Palace)

Two initial schemes to be delivered to test increase in revenue for this approach linked to debate on MTFP and use of existing capital, and the benefit of increasing types of housing stock as per housing needs analysis and JSNA, and ambitions of Local Plan.

Housing Commissioning: My home is my life 2015-20 for Vulnerable People including the statutory homelessness pathway following formal consultation.

The Council's approach to commissioning for vulnerable people and their housing needs is set out in "My Life is My Home". This document was endorsed by Torbay's Health and Wellbeing Board at its meeting on 2 October 2015. It was recognised that good quality housing underpins other life chances, wellbeing and is a determinant of good health. Board members were informed the strategy was not just about bricks and mortar but the communities in which people live, their hopes for themselves and each other. The strategy addresses these challenges and takes new opportunities to set ambitious plans.

It aligns with earlier work on the child poverty strategy that council considered and adopted. Children need stable housing of a good standard in order to flourish and is critical to our long term expectations of improving the lives of vulnerable children and families. In a similar manner the built environment for elderly people to ensure independent lives for as long as possible need to align with our Joint Health and Wellbeing Strategy, including extra care housing, working with care homes to meet future demand, adapted housing and the best use of disabled facilities grant (part of better care fund).

It encapsulates the work done to improve housing standards in the private sector, building on the success of the Mayoral led initiative to combat rogue landlords and ensure private tenants have secure tenancies in good standard accommodation. It includes schemes for licensing and housing bonds, including preventing homelessness where possible.

The Board acknowledged that housing had been the missing piece of the jigsaw when attempting to tackle the 'causes of the causes' of poor health and welcomed the strategy. The commissioning plan is based on needs via JSNA and a housing and health needs assessment.

Within the period of this administration the delivery expectation is:

- Provide adequate specialist housing for those needing care and support

- Improve the Living Environment and Quality of Life
- Provide an integrated approach and options for Housing Advice providing help when and where it's needed, and agree to consider pathway for DFGs and potential to reduce cost pressures on adults and children's services.
- Draft Homelessness strategy Priorities –
 - To maintain and improve measures to prioritise early intervention and prevent homelessness and crisis.
 - To meet accommodation needs of people with a housing need.
 - To ensure that service pathways are responsive, flexible and sustainable and to maximise integration and partnership working.
 - Reducing homelessness in specialist groups with individual needs

Private Sector - Fuel Poverty/Energy Efficiency/Standards, Private Sector Leasing

Delivery will partly depend on central government and its approach to resourcing this area via energy companies or direct grants. Local MPs to be asked to lobby government for the continuation of sustainable schemes for the benefit of local people.

In terms of the Council's approach to tackling fuel poverty and improving the energy efficiency of homes in Torbay, £9m has been secured across Devon (excluding Plymouth) under the Energy Company Obligation (ECO) to spend on energy efficiency measures. This has been achieved by the Devon Authorities working together via CosyDevon to establish a partnership with E.ON.

The larger energy providers have to achieve government targets to save carbon. This translates into them installing such measures as cavity wall, loft insulation, solid wall insulation etc. By working with E.ON CosyDevon has arranged for them to undertake a significant amount of work in Devon, with 65% of all the work being in our most deprived areas.

Private landlords, private tenants and homeowners can all contact CosyDevon to explore if they may be eligible. The scheme does not cover social landlords and social housing tenants. Although private landlords, private tenants and homeowners can apply, work will actively take place to generate leads to individuals and families living in fuel poverty in the most deprived areas of Torbay.

Within the period of this administration the delivery expectation is:

- A total of 1,133 energy efficiency measures in areas of highest fuel poverty and deprivation in Torbay. This will assist at least 535 households with cavity wall insulation, loft top up insulation, external wall insulation, and virgin loft insulation.
- A limited number of free replacement boilers will also be available to households receiving qualifying benefits whose boiler meets certain criteria..

Many of the measures will be free, however there will be criteria related to the boilers i.e. qualifying benefits. Solid wall insulation will also need a contribution which will link in with the Green Deal Home Improvement Fund (GDHIF).

These measures apply to rented and owner occupier accommodation, but not Social Landlords.

To reduce reliance on Council support and use of Temporary Accommodation we will explore Private Sector Leasing as an alternative to commissioned temporary accommodation.

Link to Medium Term Resources Plan

Central government has made it clear that it sees one of the major resource blocks for local government as New Homes Bonus. Government policy is to support local government on the basis of growth, as opposed to Revenue Support Grant on the basis of need. Therefore housing in the form of New Homes Bonus and increase income from Council Tax needs to be considered as part of the mix of our resources for service delivery.

It should be noted that central government are primarily funding the New Homes Bonus by reducing other Council funding. As a result, this is not new money and the Council currently budgets centrally for the grant to offset the reduction in RSG.

In its MTRP the Council has forecast ongoing reduction in RSG and has assumed a 0.4% increase in new homes (approx 300 homes) per annum with an impact on both Council tax and new homes bonus.

It should be noted that the long term future of the new homes bonus has not been confirmed by central government and the current new homes bonus is for a six year period.

The actual impact on Council Tax income from a new home is dependent on a number of factors including the value of the house (Council Tax band) and the personal circumstances of the residents as reliefs such as Single Person Discount and Council Tax Support Scheme could apply. Harder to estimate will be the increased demand for Council services and the subsequent cost of that demand in terms of education, social care, waste collection, street cleaning etc. Conversely more population could result in more economic growth and more businesses which the Council could gain from increased NNDR income in the future.

Aligned investment plan

To ensure a coherent housing plan the Council needs to align its investments with delivery. Some local authorities have used potential income from asset disposal to build more housing and support an acceleration of delivery.

One option would be to use part of the social fund reserve to improve our prevention outcomes.

The Affordable Housing budget currently stands at circa £1.6m. This money can be used to facilitate the delivery of affordable housing

Income and revenue generation is going to be necessary to ensure certain services are sustainable going forward. Currently decisions on investment proposals can take a significant amount of time as they fall outside of the agreed budget which limits our ability to respond to market led opportunities. One proposal would be for the Council to allocate an amount of money to an investment fund. Proposals would then be put to a panel administering the fund who will assess the merits of any proposal against a clear set of criteria. The criteria would be treasury management led and will no doubt include a minimum rate of return.

Homelessness Strategy

The intended outcomes of the Homelessness Strategy are:

- There is a corporate commitment to fulfilling the duties and responsibilities placed upon the Local Authority by the Housing Act and the Homelessness Act, and to preventing homelessness
- Early Intervention/Prevention of homelessness is a priority for all Council departments and partners
- All Local Authority Services and Commissioning are responsive to legislative change

	<ul style="list-style-type: none"> • Funding opportunities are identified and pursued, through an effective partnership with the community and voluntary sector • There is a better understanding of the health needs of the homeless population. Gaps in service are identified and targeted measures are developed to improve health and reduce presentations to A&E • The Council's overall spend on homelessness is understood, and resources are appropriately targeted • There is a productive partnership between Torbay Council and the Private Sector to enable all client groups to access good quality affordable accommodation • The Devon Home Choice application process is accessible to all • There is a varied and affordable temporary accommodation option • Ensure no families are in B&B for over 6 weeks • Ensure no 16/17 year olds are placed in B&B • A responsive flexible and sustainable pathway is in place for hospital discharge to reduce delayed discharge • A responsive flexible and sustainable pathway is in place for people leaving prison • A responsive flexible and sustainable pathway is in place for rough sleepers/single homeless people • A responsive flexible and sustainable pathway is in place for young people • A responsive flexible and sustainable pathway is in place for people with mental health issues • A responsive flexible and sustainable pathway is in place for people fleeing domestic abuse • Frontline staff in ASC, mental health services and probation are trained to work with people who are facing homelessness or homeless • The Housing requirements of the Care Act are met in Torbay • The number of rough sleepers is reduced • Rough sleepers are safeguarded • People with mental health issues or complex needs are appropriately supported within the housing pathway and have access to appropriate accommodation • People who are banned from, or refused by Leonard Stocks have support to access and maintain accommodation • People fleeing domestic abuse are appropriately housed and supported • People with a housing need have increased opportunities to become involved in Education, Employment and Training • Safeguarding of Children in households with a Housing Need is evidenced across services • Early Intervention is a priority to reduce Numbers of households with dependent children in emergency accommodation
<p>3.</p>	<p>What options have been considered?</p> <p>The development of the Housing Strategy has been discussed with councillors through a series of meetings of the Joint Commissioning Policy Development Group.</p> <p>In terms of the Homelessness Strategy, a needs assessment has been undertaken and considered.</p>
<p>4.</p>	<p>How does this proposal support the ambitions and principles of the Corporate Plan 2015-19?</p> <p>The principles within the draft Corporate Plan need to be considered in preparing a Housing Delivery Strategy given that it is recognised within the</p>

	<p>“My Life is My Home” that good quality housing underpins other life chances, wellbeing and is a determinant of good health and that growth is part of government policy for the finances of local government.</p>
<p>5.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>Housing is a key ingredient of our community and the local plan has been consulted on. In terms of the Homelessness Strategy, the people who will be most affected are those who are homeless but to a lesser extent, our partners (both statutory and community/voluntary) are affected.</p>
<p>6.</p>	<p>How did you consult?</p> <p>The first draft of the homelessness strategy was written after consultation with service users (current rough sleepers, people in temporary accommodation and members of the public who have been homeless), partners from statutory services (e.g. police, probation, mental health services etc) and community and voluntary groups involved in delivering services for homeless people.</p> <p>Consultation was also carried out after a first draft was written. The first draft was put on the website and also sent to partners and service users.</p>

Section 2: Implications and Impact Assessment

7.	<p>What are the financial and legal implications?</p> <p>The production of a Homelessness Strategy is a Statutory requirement.</p> <p>The revenue resource for the procurement of a Hostel provision has been approved by the Executive Lead for Business in August 2015</p> <p>There is currently £1.6m allocated within the Council's Capital Plan for affordable housing.</p> <p>Overall, the proposed Housing Strategy will be delivered through partnership and market arrangements.</p>
8.	<p>What are the risks?</p> <ul style="list-style-type: none">• Lack of appropriate accommodation to meet the need of Homeless people• Lack of choice of affordable homes to meet the housing need• Increase risk of safeguarding interventions for Adults and Children• Increase in numbers of households living in poor quality accommodation, and associated Health issues.• Increase use of Temporary Accommodation <p>Whilst the Housing Strategy and its supporting elements mitigate against these risks, reducing public sector finances mean that the Council will continue to act as an enabler and if demand continues to increase the risks will remain.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>The ongoing constraints on funding available to the Authority means there is a clear expectation in the Tender documentation that Providers seek additional funding or a contribution to costs through charitable sources and working in partnership with the voluntary sector in order to support the delivery of the services.</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>In developing the Housing Strategy consideration has been given to the Local Plan, the Joint Strategic Needs Assessment, the Housing and Health Needs assessment, House Condition Survey and the MOU Housing and Health. Consideration has also been given to the national data relating to Homelessness.</p> <p>There is accepted knowledge that families cannot have a stable start in life without stable and suitable housing and that older people and those with disabilities require flexible and suitable housing as their care needs change. Housing generally needs to be warm and affordable with the right supply to support the economy.</p> <p>Summaries of the evidence and data in relation to housing need are included in both the draft Housing Strategy and My Home is My Life. The Housing and Health Needs Assessment is included as an appendix.</p>

<p>11.</p>	<p>What are key findings from the consultation you have carried out?</p> <p>In relation to the consultation on the Homelessness Strategy, 13 questionnaires were returned and a number of e mail replies were also received. Most of the points raised were minor. There was overall agreement with the priorities set in the strategy. Some points made were:</p> <ul style="list-style-type: none"> • The strategy needed to include more around young people • More needed to be included about risk around rough sleepers • More needed to be included around the issue of local connection
<p>12.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>The first draft of the Homelessness Strategy was written after consultation with all groups so is written with the information obtained at that point in mind. From the consultation after the first draft, information was added around young people, risk and local connection and several pieces of factual information were added.</p>

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	The overall Housing Strategy will benefit families by supporting some more affordable housing and for some older people by delivering more extra care units.		The strategy does not set out any special measures relating to age. There is a youth homelessness strategy which specifically looks at this issue
	People with caring Responsibilities	The overall Housing Strategy will benefit some people through the provision of extra insulation and warm homes as grant aid for these schemes allows.		The Homelessness strategy does not really effect people with caring responsibilities as people who are homeless are not being cared for by anyone.
	People with a disability	Some benefit for some people with extra care housing schemes.		All council procured/ commissioned accommodation ensures access that is suitable for use by wheelchair users .
	Women or men	Homelessness Strategy pinpoints needs of women and actions around this		
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			Strategy will not affect people who are black or from a black and minority ethnic background
	Religion or belief (including lack of belief)			Strategy does not introduce any measures that will have a differential affect on anyone due to their religion or lack of belief
	People who are lesbian, gay or bisexual			Strategy does not introduce any measures that will have a differential affect on anyone who

			is lesbian gay or bisexual
People who are transgendered			Strategy does not introduce any measures that will have a differential affect on anyone who is transgendered. Services are not gender specific
People who are in a marriage or civil partnership			Strategy does not introduce any measures that will have a differential affect on anyone due to their marital or civic partnership status
Women who are pregnant / on maternity leave			Strategy does not introduce any measures that will have a differential affect on anyone due to being pregnant/on maternity leave
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The Strategy Delivery plans have actions that intend to improve the financial situation for those with a housing need across all tenures, especially for vulnerable people and help reduce poverty.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The Strategy is aimed at Improving the quality of homes and their warmth, insulation, standard and supply. The Homelessness Strategy identifies positive actions to work with rough sleepers with the aim of reducing numbers. This would have a positive effect on the community.		
14	Cumulative Impacts – Council wide (proposed changes	Energy grants which have been used successfully are reliant on pro-active work across Devon and the future ability of Torbay to gain from grant aid scheme which re not under our direct control. Temporary Accommodation funding needs to be assessed in light of new emerging central government	

	elsewhere which might worsen the impacts identified above)	policy affecting partner RSLs as well as welfare and housing benefit changes affecting private landlords.
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	Unknown impacts of further changes to welfare reform and to the supply of housing due to changes in RSL and housing benefits rules. Could have a negative impact on delivery of strategy and timescales.



Torbay's Housing Strategy

2015 – 2020

Our Vision

The Strategy is for everyone in Torbay as housing has a fundamental effect on our lives whether we are an owner – occupier, living in a social housing renting privately or homeless. Our Vision is;

“We want to enable the provision and choice of homes where people can thrive, this helps our economy by offering security and settled homes for longer, promoting health and wellbeing and reduces the impact on the environment. We want to help our communities to recognise and tackle the inequality faced by families, the poor and the vulnerable.”

Executive foreword - Councillor Mark King, Executive Lead for Housing Planning, Transport and Waste.

Torbay Council through this Strategy will continue to promote and develop Torbay as a great place to live, work and visit.

We recognise the importance of the changes we want to enable so that everyone in our communities has somewhere warm and safe to live for each stage of life. We want to offer the right mix of homes for our local families and young people to be able to stay in Torbay and the right type of specialist housing for those with care and support needs. This is a challenging vision as public resources have radically reduced but we are committed to improving housing in our community over the next 5 years in line with our vision and set out in our strategic framework.

Introduction

We recognise that we need to identify ways in which we can invest in all tenures, as this will be vital to support a housing system that works for everyone. We are committed to ensure that all of our housing activity continues to align and work together to provide effective and efficient services in a time of reducing resources and increased need.

We also recognise the need for our Strategy to support the council’s priorities where housing impacts on their success particularly in helping to alleviate the pressure on Adults and Children’s Social Care and Health services.

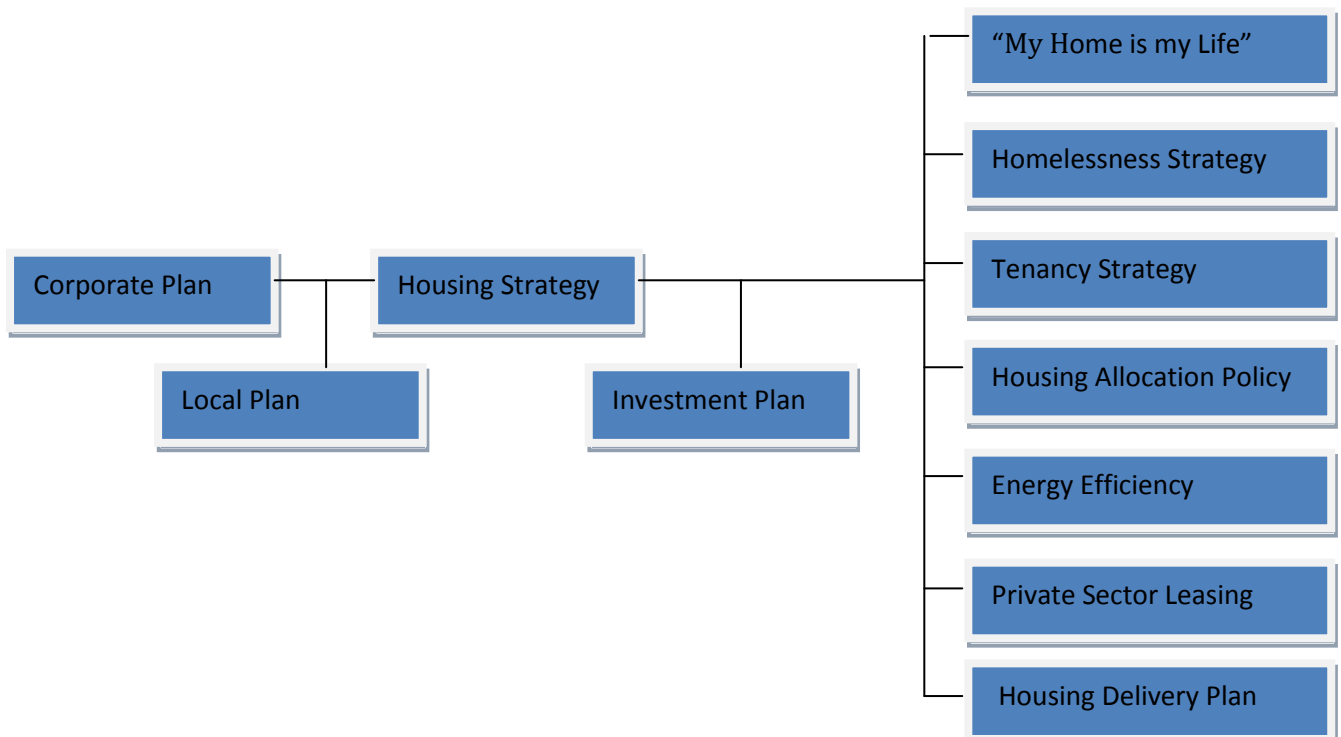
One of the key demographic pressures for Torbay is the exceptional number of older people. Many enjoy a high quality of life here but inevitably some require additional support as they become frailer in later years. We need to find new ways of providing this support, including settings with combined housing & social care, to ensure more older people are able to lead full & independent lives.

The Council’s values of Being forward thinking, People orientated & adaptable, always with integrity underpins our approach to going beyond the traditional bricks and mortar focus of housing and deliver real change focussed on the needs of individuals and communities .

We have therefore developed an overarching document that focuses on 3 key elements and co –ordinates a number of Housing and Health related priorities –

- 1) Meeting Housing Demand**
- 2) Housing Commissioning “My Home is My Life”, (includes the Homelessness Strategy)**
- 3) Improving the Quality of Homes**

The Housing Strategy Family



Our Housing Challenges

The Government's agenda focuses on economic and housing growth, enabled by infrastructure and positive planning. Ongoing reduction in Government support for local government places far greater emphasis on growth, if local services are to be maintained. Also on income to Council's from business rates, new homes bonus and community infrastructure levy / Section 106 monies.

Many of the conditions for growth are in place in Torbay. The South Devon Highway will be open in late 2015/2016; the Bay has a large and competitively priced workforce; it has a substantial catchment area; residential and commercial values for high quality new developments are good; the Economic Strategy, Local Plan and 6 master plans are in place to support high quality growth in the right place, at the right time.

Demand for new homes in Torbay remains high, but is being carefully balanced with:

- The capacity of Torbay's environment, which itself brings in investment by businesses and attracts tourists;
- Growth in Torbay's economy, acknowledging that the availability of housing is a key factor for business expansion and relocation, and that new homes help deliver new infrastructure to support economic growth.

By 2030 Torbay will see around 5,000 new jobs and 8,900 new homes. The Local Plan policy seeks 30% affordable housing provision, of each new development. The Local Plan encourages the redevelopment of brownfield sites by reducing the need for affordable homes. It also reduces the need for small developments to provide affordable homes, as 30% affordable homes on small sites are often unviable. The Local Plan also supports self-build or custom built development. It will remain important, especially while the housing market is weak, to identify and use mechanisms that help bring forward new homes.

Our housing commissioning document "My Home is My Life" recognises that good quality housing underpins other life chances and wellbeing. The priority themes in this document have been informed by the Housing and Health Needs assessment Appendix 1

We are seeing an increase in approaches for homeless households needing advice and assistance. Preventing Homelessness and moving individuals and families out of temporary accommodation into more settled accommodation, can take longer than we would like due to a shortage of the right choice of affordable homes, and a dependency on the private rented sector as the main solution. More details can be found in the Homelessness Strategy.

The age and quality of the housing stock in Torbay means that it is poorly insulated, generally inefficient, which leads to poor living conditions and fuel poverty. There are areas

with a high proportion of licensed Houses in Multiple Occupation (HMOs) there are a number of ways where the council could consider introducing a greater degree of control over the quality of the private sector. This could include exploration of introducing a Private Sector Leasing Scheme, or by introducing Selective Licensing into geographical areas which meet the definition for such a scheme.

We know that poor housing, unsuitable housing and precarious housing circumstances affect our physical and mental health. Generally speaking the health of older people, children, disabled people and people with long-term illnesses is at greater risk from poor housing conditions. The home is the driver of health inequalities, and those living in poverty are more likely to live in poorer housing, precarious housing or lack accommodation altogether.

We need to recognise the way we work together and how the lack of suitable housing can influence, and impact on health, the NHS 5 Year Forward View published in October 2014 noted that a key condition for transformation across local health economies is a strong primary and out-of-hospital care system, with well-developed planning about how to provide care in people's own homes, with a focus on prevention, promoting independence and support to stay well. Home adaptations for disabled people and access to community equipment meet this condition as they can:

- Enable independence at home
- Speed up hospital discharge/reduce readmission
- Prevent escalation of need e.g. accidents and falls
- Support maintenance of physical and mental well-being

From 2014 all local areas are required to pool elements of health and social care funding into a 'Better Care fund.' Torbay council and South Devon and Torbay Clinical Commissioning Group have pooled funding to deliver to deliver new models of integrated care through Torbay and South Devon NHS Foundation Trust. Better Care Fund outcomes include, avoiding delayed transfers of care, emergency admissions and admissions to residential and nursing care. Appropriate housing has a crucial role to play in supporting out of hospital cares and as an alternative to residential care placements.

In addition a fundamental component of the Care Act is the 'suitability of accommodation' in meeting the at home care and support needs of older and vulnerable people. The Act and the accompanying regulations and guidance outline how housing can support a more integrated approach and set out local implementation requirements by April 2015. Of particular note:

- A general duty to promote wellbeing makes reference to suitable accommodation
- Housing not just the 'bricks and mortar', also includes housing related support or services

- Housing must be considered as part of an assessment process that may prevent, reduce or delay an adult social care need
- Information and advice should reflect housing options, as part of a universal service offer
- Care and support delivered in an integrated way with cooperation with partner bodies, including housing

All parts of the system need sufficient momentum to effect a realistic change in need and demand and this will extend beyond the life of the strategy. With ever increasing numbers of people in need the housing enabling role fulfilled by the council needs the support of partners and sustained resources.

A deliverable target for affordable housing over the plan period will be 75 homes per year. A stretched target would be 100 homes per year but this would require additional impetus and as always with development there will be a lag before any additional efforts will produce new homes on the ground. So it is unlikely that the numbers will change from what is predicted in 2015/16 and 2016/17

Delivery Plan 2016/17

1) Meeting Housing Demand

2) Housing and Health Commissioning

3) Improving the Quality of Homes

Key Deliverable	What are we going to do/enable?	Who is responsible	When/ target
1) Provide Homes Fit for the Future at each stage of life	Redesign specification for extra care housing by January 2016. Develop approx 60 additional units of extra care by 2018	Joint Partnership Commissioning Team/Torbay and South Devon NHS Foundation Trust	2018 60 units extra care
	Continue to review and develop community equipment service, home	Joint Partnership Commissioning Team	April 2016 Full service review

improvements, disabled facilities grants and assistive technology to prolong independence at home, avoiding unplanned hospital admissions and reducing delayed transfers of care and long term placements into residential care

1) Enable development especially on Council Sites, where this helps secure other policy objectives

- | | | | |
|---|---|---|--------------------------|
| <ul style="list-style-type: none"> • Helps support the local economy, for example construction skills | <p>The delivery of a minimum 480 homes p.a. over the maximum 5 years, alongside new employment space and infrastructure</p> | <p>Spatial Planning/
Torbay Development Agency</p> | <p>Every Year</p> |
| <ul style="list-style-type: none"> • Promotes self-build homes, at various entry levels. | <p>The use of section 106 agreements to secure the use of local construction skills in 5 major development sites</p> | <p>Spatial Planning</p> | <p>April 2018</p> |
| <ul style="list-style-type: none"> • Increase homes available for sale to local, first time buyers | <p>Improvements to the quality of housing in community investment areas, by using financial contributions from open market housing developments in the ward to lever in additional funding</p> | <p>Spatial Planning/
Community and Customer Services</p> | <p>April 2018</p> |
| <ul style="list-style-type: none"> • Reduce demand on more environmentally / ecologically sensitive sites | | | |

<ul style="list-style-type: none"> • Council can prove it has a 5 year supply of deliverable housing land 	<p>Review our planning guidance before end 2016 to ensure it is fit for purpose to secure more affordable housing on major development, including more starter homes for first time buyers</p>	<p>Torbay Development Agency/Spatial Planning</p>	<p>Affordable Housing 75 units pa predicted completions 15/16 60 units 16/17 70 units 17/18 97 units</p>
<ul style="list-style-type: none"> • Deliver early wins for master plan delivery 	<p>Annual publication of our housing monitoring, showing start and completion, green land, and sites included in the Council's 5 year land supply. Bring Forward at least two Council owned sites, in 2016 for self- build and starter homes</p>	<p>Spatial Planning</p> <p>Strategic Land task Group/ Master plan Programme Board</p>	<p>Every Year</p> <p>End 2016</p>

<p>2) To provide Help when and where it's needed</p>	<p>To maintain a Home Improvement Agency to support vulnerable clients in applying for Disabled Facilities Grants.</p>	<p>Community and Customer Services./ Joint Partnership Commissioning Team</p>	<p>April 2016</p>
	<p>Review of service provisions and contract</p>	<p>Community and Customer Services</p>	<p>April 2016</p>
	<p>To maintain housing options service with access to temporary accommodation for those in highest need. Operational service redesign</p>	<p>Community and Customer Services</p>	<p>January 2016</p>
	<p>To review the provision of a Bond</p>	<p>Community and Customer Services</p>	<p>March 2016</p>

	<p>Scheme to facilitate access to accommodation</p> <p>To work in partnership with other local authorities and housing associations in providing Devon Home Choice as the means by which choice based lettings is delivered. Annual assessment of performance and need</p> <p>Explore Private Sector Leasing as an alternative to commissioned temporary accommodation</p>	<p>Community and Customer Services</p>	<p>Ongoing</p> <p>Annual April 2016</p> <p>April 2016</p>
<p>2) Make sure vulnerable people have access to a range of accommodation based care and support</p>	<p>Develop accommodation, care and support strategy, by April 2017</p>	<p>Joint Partnership Commissioning Team/Torbay and South Devon NHS Foundation Trust /South Devon and Torbay CCG</p>	<p>April 2017</p>
<p>2) People will have access to the right information to enable them to make an informed choice</p>	<p>Provision of a new Information and Advice Website(the ORB) that enables a single point of quality up to date information, to increase self help and community knowledge for individuals, organisations , communities and professionals, by April 2016</p>	<p>Community Development Trust, and Partners</p>	<p>April 2016</p>

2) To reduce reliance on Council support and use of Temporary Accommodation	Explore Private Sector Leasing as an alternative to commissioned temporary accommodation	Community and Customer Services	April 2016
2) Prevent Homelessness and reduce rough sleeping	Implement Homeless strategy action plan including, strengthening early intervention and prevention of homelessness, by April 2016	Joint Partnership Commissioning Team/Housing Options.	April 2016
	Working in partnership with Torbay and South Devon NHS Foundation Trust and South Devon and Torbay CCG to include, housing and homelessness advice and support in multi-agency teams with primary care and other services by 2017	Joint Partnership Commissioning Team	April 2017
	Commission accommodation based and outreach support for single homeless people by April 2016	Joint Partnership Commissioning Team	April 2016 Hostel units review
	Ensure the re-commissioning of young peoples' homelessness support services provides an appropriate range of services to prevent placement of 16/17 year olds in B&B by July 2016	Joint Partnership Commissioning Team	July 2016

	Plan recommissioning of domestic abuse in liaison with partners by September 2018	Joint Partnership Commissioning Team	September 2018
2) Long term placements into residential care for adults and children are reduced	Adults - Hospital discharge protocol (homeless strategy) by April 2016	Joint Partnership Commissioning Team/Torbay and South Devon NHS Foundation Trust/Housing options	April 2016
	Develop extra care housing and specialist accommodation based support as an alternative to long term residential placements for adults - by 30 June 2016	Joint Partnership Commissioning Team/Torbay and South Devon NHS Foundation Trust/Devon Partnership Trust	June 2016 100 Approx units
	Re specify and commission Young Parents service as an alternative to high-cost complex placements out of area- by 31 May 2016	Joint Partnership Commissioning Team/Torbay Children's Services	May 2016 Min 12 units accommodation/ 12 units support
2) To increase the stability of homes, education and community, especially for children.	Redesign of crisis support for rent deposits. Development of new ways of working for Health and Social Care interventions and Early Help for Children, Young People and Families (SWIFT Social Work Innovation Fund Torbay)	Community and Customer Services Team/ Housing Options	April 2017
		SWIFT Team Public Service Trust and Youth Trust	March 2017
3) Create Healthy Homes, Healthy You, Healthy Bay	Undertake full assessment of the health needs of the	Homelessness Strategy Action	October 2016

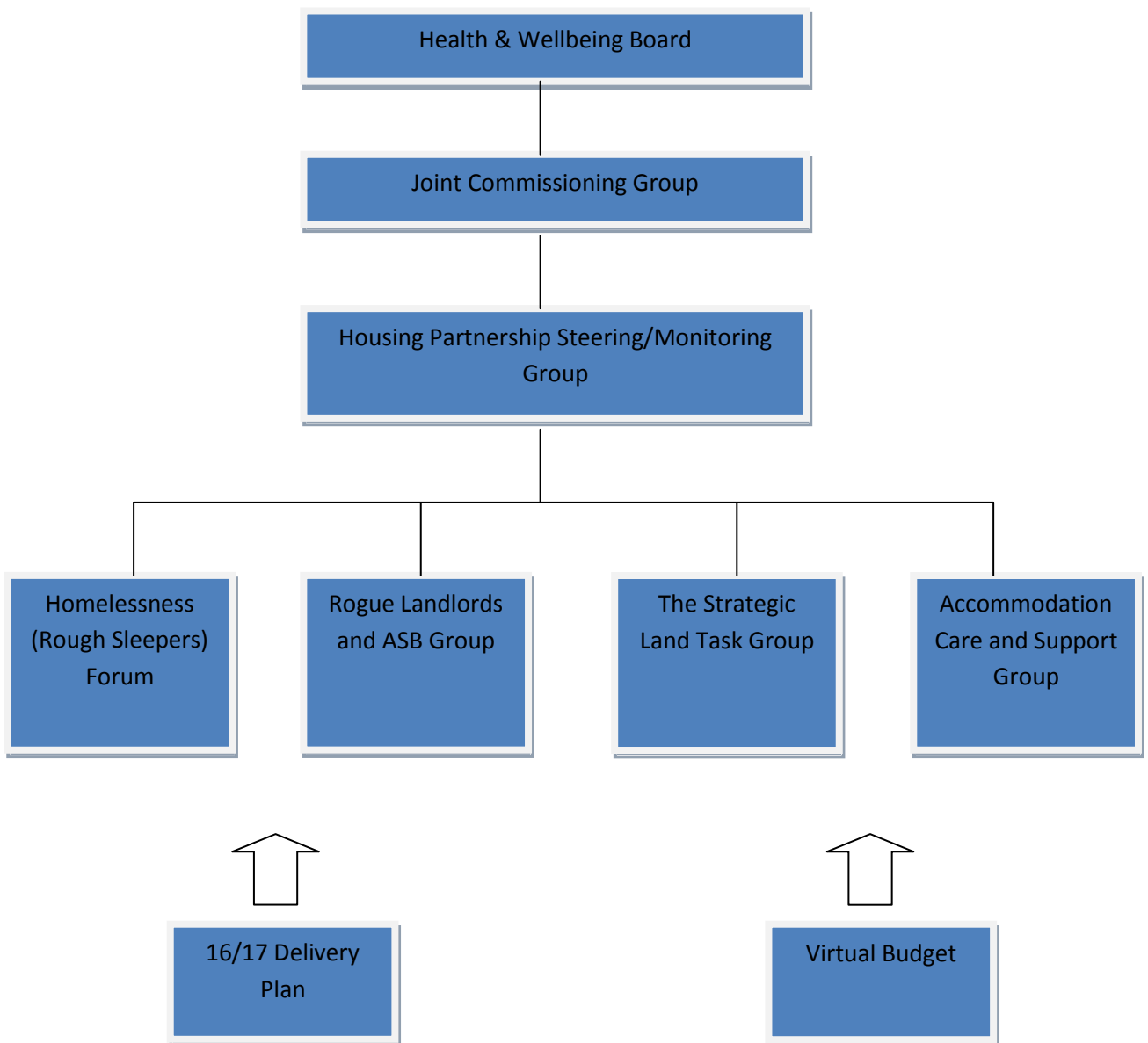
	homeless population of Torbay is carried out by Oct 2016		
3) Good Quality homes through Energy Efficiency	Facilitate access to energy efficiency measures through the Energy Company Obligation scheme Work in partnership with other local authorities to facilitate access to government funding for other energy efficiency measures e.g. central heating	Community and Customer Services.	April 2016 Ongoing
3) Reduce the number of empty and/ or underused properties by encouraging landlords to bring their properties back into use	Target empty properties to purchase and bring back into use Explore the introduction of a "Villa" revival programme to help secure re - use of Georgian and Victorian villas for family homes and to promote a contemporary villa building programme in Torbay.	Torbay Development Agency/Communities Team Spatial Planning	April 2017
3) Ensure that housing landlords act responsibly and ensure that the properties they manage meet the minimum statutory thresholds for quality and safety	Continue to target poor quality accommodation and management through the Rogue Landlords Programme Service redesign Prioritisation of high risk	Community and Customer Services. Community and Customer Services.	April 2016

complaints about poor quality accommodation
 Target Private Sector properties of highest risk, including Community Investment areas

Ongoing

Community and Customer Services.

We will deliver our priorities by our Performance and Governance structure:



Through this structure the delivery of the new Housing Strategy we will ensure there is a clear pathway from the plans of the commissioner and provider of health and care to the housing provision and support we have in the Bay.

We will review progress, actions set out in the delivery plan on an annual basis. Via scrutiny, and ensure the voice of housing provision has a clear voice and influence on the Health and Wellbeing Board.

The Housing Partnership Steering/ Monitoring group is a new group that builds on the work of the Housing Working group, that helped develop the Strategy, this group has representatives of executive members and officers. Consideration will be given to the inclusion of an Overview and Scrutiny representative within the TOR to be agreed.

This group will monitor the elements that make up the housing strategy using the strategy delivery plan and “My home is My Life” delivery plan.

The Joint Commissioning Group will ensure alignment with key partners and achieve leverage from the council resources we have to get maximum impact on our joint priorities.

The Accommodation Care and Support group is also a new group that will build on the Living Well at Home development Board activity, deliver on increase independence, quality and safety at home. , and ensure our market position statement is achieved with providers.

The Homelessness Rough Sleepers forum, this group will deliver the Homelessness Strategy, develop and monitor accommodation and support pathways.

The Rogue Landlords/ ASB Group, has oversight of standards and take initiatives to tackle poor housing.

The Trojan scheme received an award for the approach on a number of high profile prosecutions that led to a ripple effect in the area. This had an impact on other portfolio landlords who have voluntarily provided improvement programmes on properties. We have seen apposite outcome of culture change within our private sector.

The Strategic Land Task Group, this group will develop plans and ensure delivery of the built environment aspects of housing, in accordance with local plan for council owned land.

In addition as required by the panning inspectorate there will be a new group-south Devon delivery review panel which will monitor the delivery of new jobs, homes and infrastructure across South Devon.

Specific terms of Reference for the groups will need to be reviewed / develop and agreed by the Housing Partnership Steering Group Chairs / Leads for each of the groups will need to be confirmed (Some are already in place)

An Investment Plan / Virtual Budget for accelerated growth

Contribute to the Medium Term Financial Plan, by maximising new homes bonus and Council Tax revenue by increasing housing supply in accordance with government policy and the new housing and planning bill and in relation to any future devolution agreement with central government.

Delivery will be dependent for the built elements on having productive relations with the markets and a flexible approach to development as schemes come forward. The limited capital resources held for housing will need to be maximised for impact working with the market as it recovers from the downturn and its impact on house building in the recession.

Partnership arrangements

Torbay Council will use its position to ensure effective operation of all aspects of the local housing market.

However we are aware that we cannot tackle our housing challenges alone. We rely on working closely with our partners, which include our local communities; large and small private sector bodies ranging from developers and construction companies to private landlords, the broader public sector; and our local community and voluntary sector.

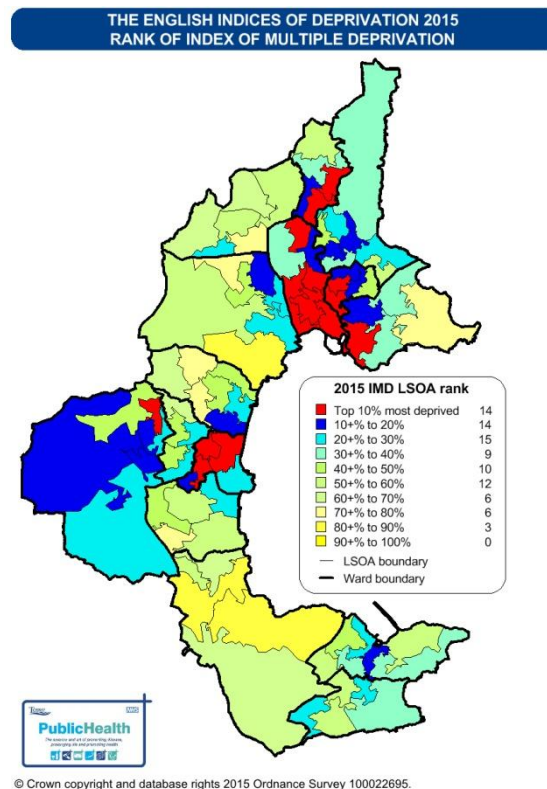
Our Evidence Appendix

The last house condition survey was published in 2009. This details that the largest proportion of Torbay's housing stock was built before 1981 particularly during 1965 to 1980, with fewer dwellings built after 1980. The stock has high proportions of medium/large terraced houses, semi-detached, bungalows, converted flats and low rise purpose built flats (less than 6 storeys). There are a substantial number of houses in Multiple Occupation in Torbay, 2.3% of dwellings are HMOs, representing 1450 buildings being used to house multiple households (this compares to a national average of 2%). Of these multi-occupied dwellings only 80 meet the criteria for mandatory licensing.

Deprivation

The Index of Multiple Deprivation (IMD) 2015 is the official measure of relative deprivation for small areas (Lower Super Output Areas) in England. Data source:

<https://www.gov.uk/government/collections/english-indices-of-deprivation>



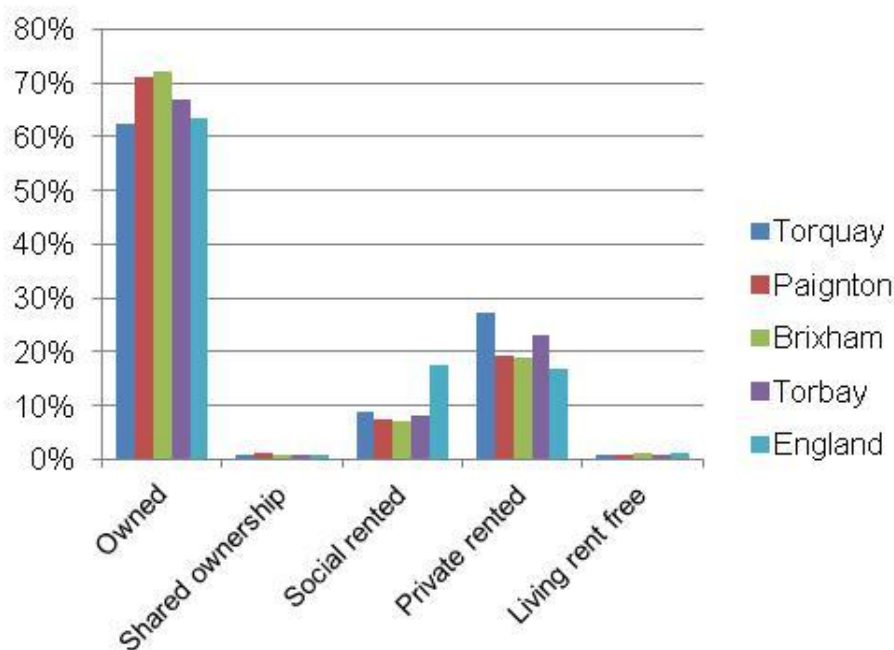
- Torbay is amongst the top 15% most deprived district local authorities in England (46th out of 326).
- Levels of deprivation have increased in Torbay
- Torbay is the most deprived district local authority in the South West region.

- There has been a 75% increase in Torbay residents living in areas amongst the top 20% most deprived in England (16 LSOAs in 2010 to 28 LSOAs in 2015).
- Almost 1 in 3 (31.5% - 42,050) residents live in areas amongst the 20% most deprived in England.

Homelessness

- The total number of homeless applications and decisions made in 2014-2015 has more than doubled since 2011-2012, an increase of 106%
- In recent times, Torbay has experienced a rise in statutory homelessness acceptances, a rise of 16% from 2013-2014 to 2014-2015
- The number of homeless non-priority cases has more than tripled, rising by 208%

Tenure of households in each geographical area



Affordability

Owner-occupation remains the preferred tenure choice in Torbay despite a reduction from 73% in 2001 to 67% in 2011. The uncertain national economy has made an impact on the housing market over the past five years causing average house prices in Torbay to fall in most areas in the country. A recent upturn in the national market alongside limited mortgage availability means that homeownership is still out-of-reach to most households on low and moderate incomes. This is supported by evidence from Torbay's House Price and

Earning Ratios which shows that local households would on average need an income at 30% higher than the national income average, and 7% above the South West average to afford purchasing a home at an average price in the area. It is clear that affordable housing in Torbay is in short supply and wages don't support the value of its properties.

The impact of rising demand and competition for private rented homes in Torbay has resulted in increased rental prices. From 2011 to 2015, Torbay has seen a rise in average market rents by 11% and a rise of 34% in terms of median market rental values. In turn the buoyant market has led to an increase in the level of start-up costs and pushes agencies to select the more affluent tenants for their landlords. Despite a good supply of private rented sector properties being available in Torbay, private rental values are relatively high in an area where local earnings are below the national average and so the sector is often unaffordable and difficult to access for many households on low and moderate incomes.

- Torbay has a large private rented sector consisting of over 13,696 properties which has been steadily increasing over the last 10 years (by 6.7%)
- Rental fees in the private market have increased significantly over the past four years and this trend is set to continue
- Torbay is restricted in terms of housing land availability for potential generation of new-build rented homes, placing strategic importance on the management and distribution of existing stock to meet all housing need groups
- Torbay has a recognised issue with its level of empty homes, further indicating the need for new initiatives that can assist in bringing them into use, such as through incentivising owners to let them through an in-house Leasing Scheme
- In two of the main towns in Torbay (Torquay and Paignton) the PRS represents around 50% of the total stock composition



My Home is
my Life

2015-2020

Page 438

Good quality housing underpins other life chances and wellbeing

Torbay's Housing
Partnership Delivery
Plan

Agenda Item 17
Appendix 3

Priority Theme Deliverable Outcomes

1.Homes Fit For The Future Outcomes

- * Provide a mix of house types and tenures to match the local need.
- * Make best use of existing social housing stock. Working with private landlords including private retirement schemes to make best use and build successful mixed communities
- * Improve the standard of new affordable housing to ensure homes cost less to heat, maintain and minimize the impact on the environment.
- * Improve standards in the Private Rented Sector to encourage choice in the market
- ? future capital investment options, existing ageing stock, PSL, owning/developing own stock

2.Help when and where it's needed Outcomes

- * Closer working with partners and the voluntary sector – achieving, increased choice, self help and access to advice (especially financial) and early intervention across agencies and communities
- * Improve housing offer to meet a range of local needs and aspirations.
- * Local support for those most vulnerable (specifically to mitigate the impacts of Welfare reform)
- * Housing that is part of an integrated approach to health, social care and support keeping people healthy and independent as they age and making sure they have the best start in life.
- * Long term placements for adults and children into residential and nursing care are reduced. Ensure more people with learning disabilities and those with poor mental health are able to live independently and older people are enabled to remain independent in their own home

3.Healthy Home, Healthy You, Healthy Bay Outcomes

- * Good quality homes with high energy efficiency, safety, minimum standards and good Landlords
- * Improve and maintain independence and inclusion, effective support for disabled, older people and vulnerable groups.
- * Ensure housing is designed and maintained to minimise exposure to both indoor and outdoor pollutants, including damp, mould, combustion, CO, Particulates, noise, asbestos
- * Reduce injuries in home - especially falls in the elderly; and accidents among children
- * Design healthy homes to encourage physical activity e.g walk/cycle/play/garden etc. and access to healthy food and lifestyles.

My Home is my Life - Housing and Health Needs Assessment Key Messages.

		Good housing is part of good health and enables people of all ages to thrive
1		Nearly all (99%) of households are in an urban (not rural) location
1		There is a higher percentage of home ownership in Paignton and Brixham, compared to Torquay and England
1		There is a significantly lower percentage of social rented housing compared to England (proportionally most is in Watcombe and Blatchcombe)
1		There is a significantly higher percentage of private rented housing in Torbay (particularly Torquay). It is mainly situated in the 3 town centres
1		All 3 towns have a higher proportion of one person households compared to England- Torquay is significantly higher
1		81 licensed HMOs out of about 1450 in the Bay. High proportion of licensed Houses in Multiple Occupation (HMOs) in Tormohun area of Torquay. HMOs form 2.3% of Torbay's Housing stock compared to a national rate of 1.6%
1		There are higher percentage of flats, maisonettes, apartments, and bedsits in Torquay, whereas Paignton and Brixham has a higher percentage of detached or semi-detached houses
Page 440		In 2013 it cost over 7 times the median/average Torbay salary to buy the average Torbay house. This ratio has remained consistently higher compared to England. Wages are consistently £5000 a year lower than England for full time workers
		The Local Plan 'seeks to identify land for the delivery of around 480 homes per annum, equating to about 8,900 new homes over the Plan period of 2012 – 2030 (draft, containing proposed modifications, June 2015)
		There is a pressing need for affordable housing in Torbay to meet the needs of local people who are unable to afford open market house prices or rents
1	2	Torbay has a lower percentage of Housing Benefit claimants aged over 70 but a higher percentage of under 25s compared to England (2014)
1	2	Brixham has a higher percentage of Housing Benefit and Council Tax Support claimants in the older age ranges, particularly aged 70 and over, and has a higher percentage of couples without dependents (February 2015)
1	2	Torquay has the highest proportion of Housing Benefit and Council Tax Support claimants in the younger age ranges, and single claimants with no dependents (February 2015)
1	2	There is a higher % of people aged 16-64 claiming benefits who are disabled- 1.9% in Torbay compared to 1.1% in England in May 2014
1	2	The largest number of households on the Torbay housing register for social housing have been placed in band D (low housing need) with a requirement for 1 bedroom (January 2015)
2		Domestic violence incidents involving a partner are a main reason for loss of the home of people accepted as homeless by the Torbay Council

2			The number of households accepted as homeless with the priority need of 'mental illness or disability' has increased.
2			Torbay has higher proportions of lone parent families
2			Torbay (particularly Brixham) has a higher percentage of people aged 65 and over and a much lower percentage of people aged under 40
1	2	3	Just over a quarter of households on the housing register for social housing have a mobility need (relates to steps and wheelchair access). The majority require homes with 1 bedroom. The town with the highest percentage on the register with a mobility need is Brixham (January 2015)
1	2	3	Nearly a third of the housing register for social housing is identified with a physical disability need. Proportionally, Brixham has the most households on the register with a physical disability. About 20% of households on the register have a mental health need. Proportionally, Torquay has the most households on the register with a mental health need (January 2015)
1	2	3	The majority of households on the housing register with a disability or health need require homes with 1 bedroom (January 2015)
2		3	Between 2013 and 2014, the number of rough sleepers estimated to be in Torbay increased from 5 to 17, a larger increase than other South West Local Authority areas
Page 441		3	Around half of people using support services to help them move on to independent living had mental and/or physical health issues (2013/14)
		3	A range of options are needed for young people to suit complexity and diversity of need, and there is currently a lack of services for young people with complex needs and/or challenging behaviour
		3	There have been significant increase in referrals and those receiving adaptations funded by Disabled Facilities Grants, particularly in Paignton and Brixham, and an increase in those aged 45+ across Torbay
2		3	The number and percentage of people aged 65 and over is projected to increase in future years
2		3	People with learning disability said that they want to live in their own home, in their local community. They want good quality housing and don't want to have to move as they grow older. They want good quality care to help them at home
2		3	Around 1 in 4 children in Torbay live in relative poverty compared to around 1 in 5 across England
2		3	Torbay has been ranked as highest nationally, with 37% of households (22,600) identified as being at risk of falling into poverty
3			Areas with the highest proportion of private rented and social rented housing, and the lowest proportion of home ownership, are also the areas with the highest levels of deprivation
3			There is a higher proportion of flats, maisonettes, apartments, and bedsits in Torquay, whereas Paignton and Brixham has a higher proportion of detached or semi-detached houses
3			There is a strong link between living alone and risk of accidental fire death
			*Key messages are referenced in the Housing and Health Needs Assessment

Notes, Known Gaps	<ul style="list-style-type: none"> • Energy Efficiency Information • Condition of Private Rented Stock (latest report 2011) • Hospital Admissions, Homeless Health conditions, awaiting report • Final Local plan details (Affordable Housing Delivery numbers) • Other ideas of evidence gaps/ information/ evidence held (further consultation with Joint Commissioning Group) • New partnership framework for delivery
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1- Introduction

This is Torbay Council's new Partnership Delivery Plan for 2015 to 2020. It has come at a time when the national economy has suffered a sustained period of uncertainty affecting housing supply and demand in many different ways for the past six years. It is called "My Home is my Life" because good quality housing underpins other life chances and wellbeing. It is recognised as a key determinant of good health. It is not just about bricks and mortar, it is about the communities in which people live, their hopes for themselves and each other. Good housing influences life chances, education, work opportunities, good health and freedom from fear of crime.

The plan addresses these challenges and takes new opportunities to set ambitious plans to recognise our local pressures, encourage community resilience, build as much housing that offers affordable choice, tackle homelessness through new housing options and strengthen our role in the private housing sector over the next three/ four years.

The return of the responsibility to improve the health and wellbeing of local people to local authorities has brought with it a renewed emphasis to tackle the 'causes of the causes' of poor health. Councils have an influence over the day-to-day conditions in which people live, so are well placed to make the most of a move away from the medical model of health based on clinical treatment to a social model based on health promotion, protection and prevention. There are key policy areas – the social determinants of health - where action is likely to be most effective in reducing health inequalities. Action on the supply, provision and maintenance of housing is one of these key areas.

It ranges from the "bricks and mortar" of the home itself, through to the condition of the interior of the property, services for those who are homeless and in priority need, through to regulating the social landlords and private landlords sectors to ensure that properties are appropriately managed and the tenants are not placed at any undue risk of harm. For some clients properties can be adapted to enable them

to live independently in their own home for longer. Thermal insulation is also a key issue to enable people to be able to keep their homes warmer for longer and reduce their fuel poverty issues.

At the same time, a range of supporting/specialist housing and support related strategies have come to the end of their term and funding. Therefore, we have taken an innovative and forward thinking approach to developing this new Plan with our Partners. In this way we will make best use of existing and new housing, making sure people have homes for life when appropriate with access to the right type of housing, support and care at the right time. The Plan will contribute to the Health and Well being Strategy and Torbay and Southern Devon's aims to reduce bed based care and promote independence and self management of conditions in the community with housing forming part of an integrated approach to health and social care.

We have not had a current Plan for a couple of years and have therefore produced a document which identifies three key priority themes which contain, outcomes and action plans The action plans will be reviewed on an annual basis, monitored by the Health and well Being Board. The document is intended to show how the Council and partners will prioritise and tackle housing need, promote new housing options and improve housing conditions across all tenures encompassing housing topics that specifically cover:

- Living Environment
- The successful Housing market
- Right housing at the right time
- Specialist housing needs for those needing care and support (including Older People, as well as those with learning disabilities and other long term conditions)

Priority Themes

Theme

Homes Fit For The Future - Increase choice, quality and affordability - Private sector and Affordable housing

Good quality, decent homes provide an opportunity for stable family life. They underpin economic growth and help create thriving, sustainable communities. However, for some getting on to the housing ladder is very challenging. Demand outstrips supply, the availability of mortgage financing is limited and the quality of housing varies hugely across Torbay.

For the young, the difficulties of 'staying local' can disrupt the traditional family networks upon which strong communities are based.

For families, uncertainty over housing can undermine the contribution they make to our economy through work and active citizenship.

For Torbay's increasing elderly population homes that meet their changing needs are growing.

With an ageing population in Torbay there is a clear direction of travel for people to remain in their own homes longer not only to improve their quality of life but also to reduce the pressure on the public purse. National policy changes are also reshaping the needs of our population. In order to meet the increased pressures placed on local authorities in the wake of welfare reforms there is a need for an innovative and flexible approach to the provision of temporary accommodation

The age and quality of the housing stock in Torbay means that it is poorly insulated and generally inefficient, leading to poor living conditions and an increase in fuel poverty. 71.4 % of the Private Rented Sector receives Housing Benefit. This adds pressure to statutory agencies and adds further pressure on the local housing market.

It will be an on – going challenge to manage expectations – we can't house everyone in affordable housing

Outcomes

1. Provide a mix of house types and tenures to match the local need.
2. Make best use of existing social housing stock and empty homes. Working with private landlords including private retirement schemes to make best use and build successful mixed communities
3. Improve the standard of new affordable housing to ensure homes cost less to heat, maintain and minimize the impact on the environment.
4. Improve standards in the Private Rented Sector to encourage choice in the market

Year	Number of Lettings per Annum Social Housing	Waiting List Figures	Number of New affordable Homes Delivered
2013/14	457	3195	195
2012/13	303	3066	35
2011/12	371	3425	35
2010/11	344	3966	127
2009/10	371	2482	117
2008/09	326	6493	119
2007/08	397	5221	149
2006/07	317	3995	144
2005/06	237	4611	135

Headline Actions

Delivers on Outcome/s	Action	Resource	Person Responsible	Completion date	Risks/ Dependencies Review Comment June 2015
1	Reassess overall delivery target and targets around mix of size, type and location based on thorough needs analysis	Design reporting and ongoing monitoring tool. Collate information from Commissioning unit	Joint Commissioning Team, Asst Director Community	April 2015	Information is key to setting housing delivery targets. Draft Health and Housing Needs assessment complete Key messages added to this doc and cross referenced to Priority Themes and Outcomes
1	Ensure understanding of current and future housing needs is kept up to date and is fit for purpose	Analyse and provide data from Torbay's Housing Register to inform needs data including demand and availability of specialist accommodation and to ensure new housing meets the aspirations of home seekers. Review current housing market data. Review census data as it becomes available Explore opportunities for commissioning research, including joint commissioning with other LAs	Housing Commissioner JS Asst Director Community FH ,Joint Partnership Commissioning Team		As above and annual reviews

1,	Prepare brief for delivery of new housing development at Hatchcombe.	Liaise and engage with SP and Care trust to establish specification	Head of Assets and Housing Manager LM	Ensure specification is future proofed and minimises any revenue contribution.
1	Continue to maximise delivery through planning gain and S106 agreements.	Officer time – requires policy reviews	Head of Assets and Housing Manager LM	This delivery route is entirely dependent on market conditions – risk to delivery
1,3,	Identify land owned by Torbay Council for the delivery of affordable housing.	Land review, requires Council approval	Head of Assets and Housing Manager LM	Conflict between delivering affordable housing and maximising the capital return for the Council.
2,4	Look at ways in which Empty homes can be targeted for affordable housing.	Continue to work with Private Sector property owners to create bespoke solutions.	Asst Director Community Head of Assets and Housing Manager LM unity FH	This work is often labour intensive and can often be more expensive than traditional delivery routes, However there are additional benefits – Private Sector renewal. And an increased control of the market if accommodation can be targeted at those most in need
1,2,3,4	Consider ways in which we can make better use of what we already have. Review allocation policy to increase priority of those downsizing	Consultation with wider Devon Las and DHC. Review annual lettings plan annually from Sept	Housing Options service	May end up with different arrangement than the rest of Devon.

3	Continue to monitor the performance of the properties at Beechfield. Roll out most effective components on new housing developments to aid fuel poverty.	Plymouth University currently provide the data. Office required to amend legal specification documents	Head of Assets and Housing Manager LM		Resistance from developers and potentially RPs as the new specification will carry additional costs.
1,3,	Review and assess the merits of Council House Building programme	Significant inter departmental review including legal and finance	Head of Assets and Housing Manager LM		
1,3,	Ensure robust planning policy exists to drive and maximise new affordable housing and improve quality.	New affordable housing SPD. Include tapered approach which will generate an additional income stream to assist the delivery of affordable housing	Head of Assets and Housing Manager LM		Resistance from developers.
	Detailed housing needs and domestic market assessment including conditions, tenure, gaps, etc.	External body to be commissioned		Mar 2016	Outstanding
	Develop innovative approaches to work with partners to reduce hazards in the privately rented sector.	Housing Standards Team	Asst Director Community Services FH	Ongoing	This is linked to the Rogue Landlords programme

Explore alternative options to meet the identified needs of the Bay e.g. equity release schemes, procuring different types of temporary accommodation, role of the community sector	Joint Commissioning Team Asst Director Community Services FH	Need to consider a range of options including new build, private sector leasing schemes as part of a suit of alternative models.
Develop partnerships with the energy providers and other private sector organisations to reduce fuel poverty in Torbay	Asst Director Community Services FH	Dependent on changing central government policy. Needs to e targeted at those most in need and link fuel poverty and poor accommodation standards.

Choice and affordability
Housing Partnership
contribution discussion
Enabling the
development of high
quality and sustainable
affordable housing in
places where people
want to live responding
to local need and
supporting the
economy. Enabling
people to make
informed choices about
their housing
circumstances and
enabling them to meet
their own housing
needs.
Improving the condition
and usage of existing
housing across all
tenures taking into
account social and
environmental factors
that impact on quality
of life.

Housing Partnership
Economic Strategy,
Planning

LM, PS

Theme

Help when and where it's needed – create a quality approach to housing advice that offers early intervention and prevention – to both clients and Landlords that deals with the problems before they become a crisis. Sub strategy, Homeless Prevention action plan, housing as part of an integrated health and social care system

The links between housing, health and wellbeing are well-documented. Local authorities working in partnership with health, community voluntary sector organisations and criminal justice agencies have a key role to play in making sure housing and the nature of the Local area maximise the health and wellbeing of more vulnerable people including, the elderly, people with learning disabilities and other health problems.

As a pioneer site for integrated care across Torbay and South Devon, creation of an Integrated Care Organisation will build on successful integration of health and social care services for older people at a local level. Housing will be fully integrated into a joined-up health and social care system with a single budget aimed at providing better care with the following priorities:

- Inequalities across children and young people's care will be reduced
- Mental health will be 'mainstreamed' as part of overall wellbeing and health
- Frail older people – structural pathway problems and patient experience improved
- Seven-day services equally available for all, through a 'broad front door'
- Community resilience and enhanced social fabric will form the basis for health and wellbeing

Prevention and early intervention sit at the centre of this approach alongside enabling people to remain independent for as long as possible in their own homes.

While spend on residential and nursing care is the largest area of spend in the adult social care budget demand for traditional accommodation based care is in decline. Fewer people are entering residential care and those who do so tend to enter at an older age and stay for a shorter period.

Torbay's market position statement sets out a vision for the health and social care residential market for adults based on reducing and avoiding reliance on bed based care through a more co-ordinated approach to accommodation based care by:

- Continued reduction in long term placements into residential care
- Focus on short term reablement, rehabilitation, recovery, respite and crisis
- Development of extra care housing
- Later admission to long term nursing care

Torbay and Southern Devon Learning Disability operational commissioning strategy (2014) contains local implementation plans for a wider learning disability health and care strategy spanning Torbay, Devon and Plymouth councils as well as North, East and West Devon and South Devon and Torbay Clinical Commissioning Groups (CCG). The strategy plans to develop:

- Extra care and sheltered housing models to provide independent accommodation and support for people with learning disabilities and opportunities for people to remain living with older carers with support needs.
- An accommodation and Flatmate service including, maintaining a vetted 'flatmate' list for people with a learning disability who need accommodation and those who would like to share.

The three Devon Local authorities and two CCGs have also produced a mental health strategy (2013-2016). 'A good home' is cited as one of the foundations of good mental health and wellbeing. A crisis house has been developed in Torbay to reduce and avoid hospital admissions and local implementation plans are in development with people who use services, their carers, community voluntary sector organisations and commissioners.

To make sure accommodation based services and pathways enables families, children and young people to have the best start in life a review of placements and services is underway

We will aim to target preventative measures more effectively, based on an evidenced housing offer and local need in order to reduce the pressure on statutory services.

The emerging integrated care organisations provides new opportunities to join up the operational activities across the care giving economy e.g. facilitating links with housing at discharge from hospital.

Fuel costs are rising faster than income rates, thereby increasing the pressure on individuals and families to meet their housing costs. This can in turn add demand pressures on statutory services e.g. the provision of temporary accommodation, the take up of cheap, low standard rented properties, etc.

Our ageing population and those with complex needs place demands on care organisations if they are unable to live independently in their own home. Mechanisms need to be implemented to increase residents' ability to either maintain their tenancy or own homes for longer.

Outcomes

5. Closer working with partners and the voluntary sector – achieving, increased choice, self help and access to advice (especially financial) and early intervention across agencies and communities
6. Improve housing offer to meet a range of local needs and aspirations.
7. Local support for those most vulnerable (specifically to mitigate the impacts of Welfare reform)
8. Housing that is part of an integrated approach to health, social care and support keeping people healthy and independent as they age and making sure they have the best start in life.
9. Long term placements for adults and children into residential and nursing care are reduced. Ensure more people with learning disabilities and those with poor mental health are able to live independently and older people are enabled to remain independent in their own home.

Headline Actions

Delivers on Outcome/s	Action	Resource	Person Responsible	Completion date	Risk/ Dependencies Review Comment June 2015
5,6,7,8, 9	Completion of new Homeless strategy includes temporary accommodation commissioning plan.	Housing Options Service Manager Joint Commissioning Team and Partners	FH Asst Director Community Services FH Joint Commissioning Team JS	April – June 2015	Development commenced Planned timeline Youth Homelessness Prevention Commissioning Strategy completed (sits below Homelessness Strategy)
5,6,7,8,9	Co production and partnership delivery of a new approach/model for Information and Advice. Includes development of Children's Community Hub	Information and advice Steering group, and Children Hub Steering group	Housing Commissioner JS and Partnership	April 2016	Delays from a co – production model, full engagement from key partners. New Information and Advice Single Point of Information Web portal and searchable Data Base due to go live Sept 2015.(Phase 1 completion) Children's Hub development now part of Innovation Fund SWIFT project.
5,6,7,8	Explore co location of Housing Options service at community access points/ hubs	Housing Options Team and partners	Asst Director Community Services FH		In House youth homelessness prevention and mediation service jointly delivered by Housing Options and IYSS
5,6,7,8	Explore/ Develop service pathway for Non Statutory Single Homeless	Identify funding opps/ grants.	Asst Director Community Services FH		Subject to capacity being released by reductions in existing demand.

5,6,7,8	Explore alternative options to meet the identified needs of the Bay e.g. equity release schemes, procuring different types of temporary accommodation, role of the community sector		Housing Options service, Joint Commissioning Team		
5,6,7,8	Work with partners to raise the profile of an individual's housing needs at key moments in the individual's life, and enable them to remain in their own homes for longer e.g. hospital discharge	Information and advice co production model and partners	Information and Advice Steering Group	March 2016	On- Going
6,7	Work with partners to develop means of supporting tenants to maintain their tenancies e.g. support with mental wellbeing, credit unions, etc.		Asst Director Community Services FH Joint Commissioning Team		Working across the CSP partners to ensure take up of good tenancy schemes for our most vulnerable client groups.
5,6,7,8,9	Work with housing associations and other housing providers to ensure that resources are prioritised to those most in need	New Torbay Housing Partnership	Appointed Councillor Lead, Officers		Outstanding to regroup when Strategy/ Priorities adopted.

8,9	Development of extra care housing For older people and younger people including those with learning disabilities, poor mental health and acquired brain injury		Joint Commissioning Team	April 2016	
6,9	Flatmate scheme for people with LDs		Commissioning Team		Review in 2016 as part of LD commissioning implementation plan 2014.
5,6,7,8,9	Families young people and children placement and pathway review	Children's Commissioning and Sufficiency Plan Children's Services and Peninsula Framework	Director of Children's services		Review due to be complete by end 2015

Theme

Healthy Home, Healthy You, Healthy Bay – improve Health through quality housing in communities people want to live.

There is a compelling need to identify sustainable channels in communities to build resilience and increase community cohesion. Whilst we have started to change the landscape in Torbay, much more needs to be done.

There are also a variety of hidden harms within our communities which have a direct and generational impact on individual families. For example, the impact of domestic abuse reaches out further than the criminal justice system and affects a family's entire life, including finance, health, wellbeing, education, etc. Providing a holistic service to survivors of domestic abuse will enable them to enjoy a healthier life, this includes the living in good standard, safe accommodation, across all housing sectors.

The integrated care organisation (ICO) provides new opportunities to join up the operational activities across the care giving economy e.g. facilitating links with housing at discharge from hospital.

In the future we need to ensure that equipment provision, Home Improvement Agency Service and Disabled Facilities grants are more joined up in their commissioning aspirations and future provision.

Housing is an important social determinant of health. The availability, quality and tenure of housing, along with more specific factors such as damp, inadequate heating, indoor pollutants and noise all have an impact on the health of its occupants. Overall the Building Research Establishment (BRE) has calculated that poor housing costs the NHS at least £600 million per year. A range of specific housing-related factors are known to adversely affect health:

- Agents that affect the quality of the indoor environment such as indoor pollutants (e.g. asbestos, carbon monoxide, incomplete combustion, radon, lead, moulds and volatile organic chemicals)
- Cold and damp, temperature or warmth, fuel poverty
- Housing design /type or layout (which in turn can affect accessibility and usability of housing), infestation, hazardous internal structures or fixtures
- Environmental factors including noise, external air pollution, services, drainage
- Factors that relate more to the broader social and behavioural environment such as: overcrowding, sleep deprivation, neighbourhood quality, infrastructure deprivation / inaccessibility (i.e. lack of availability and accessibility of health services, parks, stores selling healthy foods at affordable prices), neighbourhood safety, and social cohesion

- Factors that relate to the broader macro-policy environment such as housing allocation, lack of housing (homelessness, whether without a home or housed in temporary accommodation), housing tenure, (including ownership) housing investment, and urban planning.

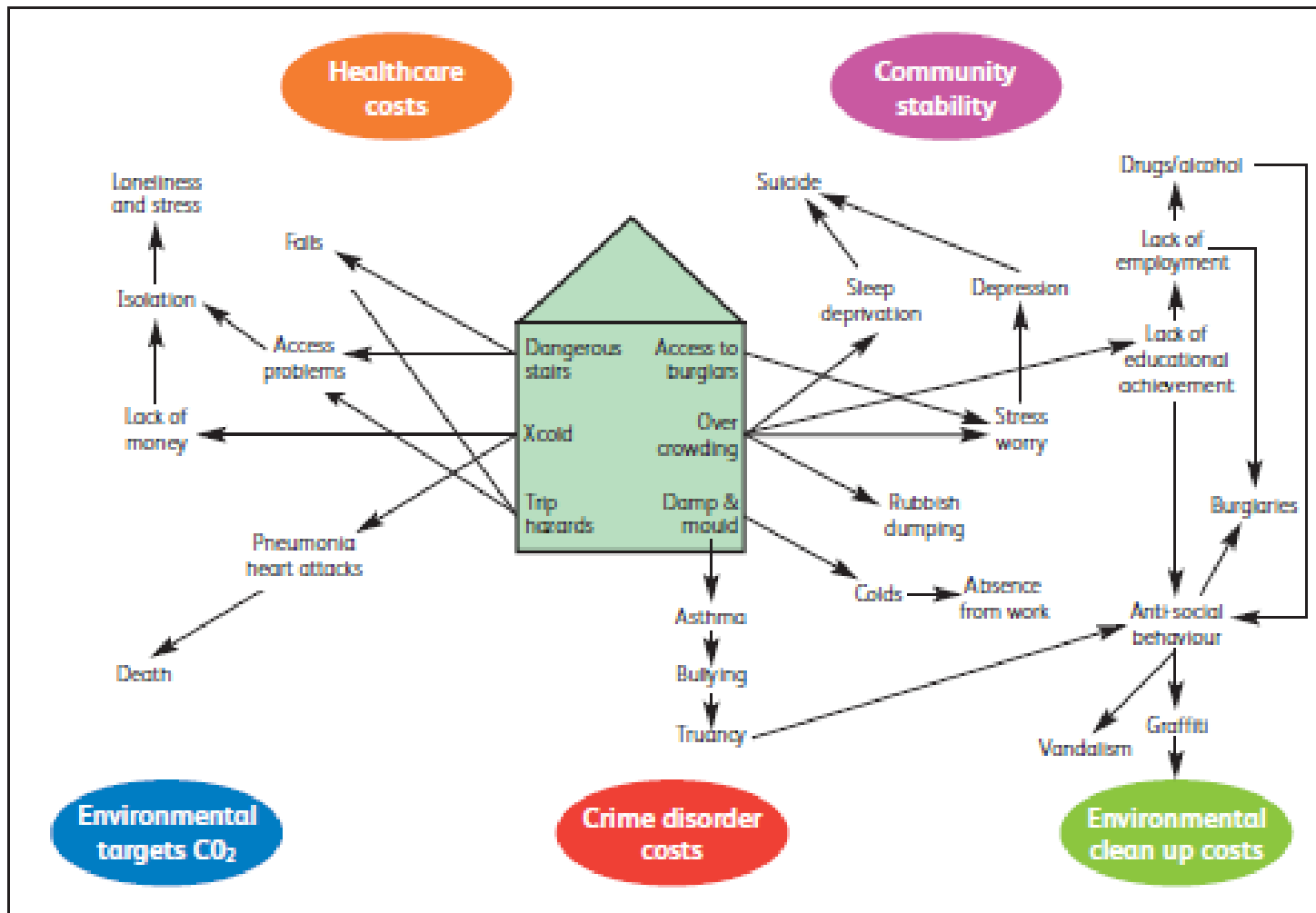
There are a range of health conditions arising from these factors, including cardiovascular disease, depression and anxiety; nausea and diarrhoea; infections; allergic symptoms; hypothermia. 45% of accidents occur in the home and accidents are in the top 10 causes of death for all ages.

Unintentional injuries in and around the home are a leading cause of preventable death for children under five years and are a major cause of ill

health and serious disability. Analysis shows that each year in the UK approximately 60 children and young people died, 450,000 attended accident and emergency (A&E) and 40,000 were admitted to hospital as an emergency.

Cold homes are linked to increased risk of cardiovascular, respiratory and rheumatoid diseases, as well as hypothermia and poorer mental health. There were an estimated 36,450 excess winter deaths attributable to all causes in England and Wales in 2008/09.

Torbay has some specific housing factors that lead to



poor health. Those without a home are expected to experience negative health outcomes. In Torbay the numbers accepted as being homeless and in priority need in Torbay is 1.2 per 1,000 households (2012/13).

The condition of Torbay's dwelling stock could be described as worse than the national average. Over half of the areas in Torbay are in the top 20% (quintile) most deprived for housing in poor conditions in England (2010). Torbay has a relatively low social housing stock. Figures for April 2011 suggest the social housing stock in Torbay to be 7.9%, compared to 18% nationally and 13.6% regionally. The percentage of households that experience fuel poverty based on the "Low income, high cost" methodology is 11.4%, significantly worse than the England value (2011).

The Joint Strategic Needs Assessment found that some groups of people are notably worse off in terms of health and care inequalities. We will contribute to tackling these disparities by developing a better understanding of our communities and ensuring that housing services, delivered through our partnerships with local communities and specialist agencies, promote and support inclusion and are accessible to an increasingly diverse population.

The local authority has a commitment to developing supported living and for many people with learning difficulties or poor mental health this means giving them greater choice and control over where they live. In addition, the growing number of older people will create increased demand for support to live independently at home and for extra care and sheltered housing. We will meet these needs by remodelling existing provision and encouraging the development of suitable affordable housing options.

Outcomes

10. Good quality homes with high energy efficiency, safety, minimum standards and good Landlords
11. Improve and maintain independence and inclusion, effective support for disabled, older people and vulnerable groups.
12. Ensure housing is designed and maintained to minimise exposure to both indoor and outdoor pollutants, including damp, mould, combustion, CO, Particulates, noise, asbestos
13. Reduce injuries in home - especially falls in the elderly; and accidents among children
14. Design healthy homes to encourage physical activity e.g. walk/ cycle/play/garden etc. and access to healthy food and lifestyles

Headline Actions

Delivers on Outcome/s	Action	Resource	Person Responsible	Completion date	Risks/ Dependencies Review Comment June 2015
13,	Reduce unintentional injuries in and around the home among children under five years to bring down the number of children admitted to hospital from injuries.	PHE report (2014) actions Healthy Torbay Steering group	Public Health Children's Lead and Early Years service Torbay Housing partnership		Possible scheme with Fire Service and Children's Centres being worked up
10,12	Consider use of external and housing renewal funding to make homes more energy efficient and tackle Fuel Poverty, and target to people and areas in greatest need	Partners	Asst Director Community Services FH		Scheme in progress with EON through Energy Company Obligation to target energy efficiency measures with vulnerable groups i partnership with Devon.
10,12,13	Use powers and strategic influence to reduce non Decent Homes to a minimum, prioritising the removal of category 1 health and safety hazards, exposure to pollutants, and tackling overcrowding.	Community safety	Asst Director Community Services FH		Ongoing and links to Rogue Landlord Programme
10,11,12,13,14	Target assistance to low income and vulnerable households to reduce health and safety risks in their homes including excess winter deaths and falls.	Housing partners	Public Health		Public Health to identify target groups

14	Design homes and residential areas to encourage physical activity and access to walking, cycling, play, open spaces, gardens	Housing partners, planners	Public Health and Planning lead AG	As part of Public Health and Planning actions
11,	Work with the Community Development Trust to reduce social isolation in Torbay		Housing and Adult Commissioners, Joint Commissioning Team	Linked to Ageing Better Lottery funded Programme
11	Work with partners to identify support mechanisms for victims of domestic abuse	DA Steering group	Asst Director Community Services FH	Delivery of survivors' and children's programmes by the Torbay Domestic Abuse Service. Review of existing provision across Council and partners to be undertaken.
10,11,12,13,14	Maximise the opportunities of joint commissioning arrangements to improve the wide determinants of health and reduce inequalities across commissioned and directly delivered services.	Joint Commissioning Group	Public Health	Through this strategy and Healthy Torbay framework KPIs and outcomes related to reducing health inequalities incorporated into Youth Homelessness Accommodation and Support Services specification.
11,13	Work with partners to promote independent living especially within the more vulnerable communities e.g. time banking, disabled facilities adaptations	Housing Partners , Community Development Trust		

11,13

Reduce the number of preventable accidents in the home through targeted support e.g. handypersons scheme;

Housing Partners
CCG

Public Health

Focus on older people through Ageing Better programme

Torbay
Homelessness
Strategy

2015-2020

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Executive Forward

Councillor Mark King
Executive Lead for Housing, Planning,
Transport and Waste



Since the last homelessness strategy was written in 2011, there have been considerable changes in the delivery of the homelessness service and homelessness prevention activities of the council and its partners.

It is clear that many households and individuals require help, advice, and access to affordable accommodation. We are determined to work with our partners to alleviate these problems.

Torbay Council through this strategy will take the lead role on tackling homelessness by working with other services and agencies to address the causes of homelessness and assist those in need to secure appropriate accommodation.

This homelessness strategy takes forward our efforts to improve the lives of many individuals and families in Torbay who find themselves faced with homelessness whilst also addressing other challenges brought through welfare reform and the current economic climate

Introduction

There have been many changes since Torbay Council published its last Homelessness Strategy in 2011. These changes, both local and national, have had an impact on the nature of homelessness, and the way in which Torbay Council needs to respond to homelessness.

To formulate this new strategy we have undertaken a homelessness review, which has involved looking at national policy and data, and a comprehensive review of the local homelessness situation, looking at data and evidence of need. We have consulted with all partners, both statutory, community, voluntary and people who use homelessness services. We have mapped current services and available resource. This strategy has been developed from the results of this review.

The Council recognises that homelessness is not always just an issue of lack of housing; there can be other factors involved which affect people's ability to obtain and sustain settled accommodation. Issues such as substance misuse, mental health issues, relationship breakdown, domestic abuse, and financial issues can be involved. The Council recognises that it cannot tackle these issues alone, and partnership work is essential to an effective response to homelessness.

Torbay Council is committed to the prevention of homelessness, and recognises that many services, both statutory, community, and voluntary, have an opportunity, and a part to play, in this prevention work. Building on existing partnerships to promote the prevention of homelessness, leading to changes in practice to facilitate early intervention, is the most important element of our approach.

The strategy sets out our vision, priorities and actions for the next 5 years from 2015. The strategy aims to provide a clear guide to the present situation, and our response to it, in the form of the delivery plan. The delivery plan will be monitored by a newly formed Homelessness Strategy group, which will be attended by statutory and voluntary partners and Torbay Council Executive Leads for Housing, and Adults.

The next review of the homelessness strategy is due in 2020, but if there are major changes in national or local policy within the time, a decision may be taken to bring forward this review.

Our Priorities 2015 – 2020

- **To Maintain and Improve Measures to Provide Early Intervention and Prevent Homelessness and Crisis**
- **To Meet Accommodation Needs of People with a Housing Need**
- **To ensure that Service pathways are responsive , flexible and sustainable, and to maximise integration and partnership working**
- **Reducing Homelessness in Specialist groups with individual needs.**

Section One: The Legal and Policy Situation

Legal and policy framework

The Local Authorities' legal responsibility to homeless people is set out in Part 7 of the Housing Act 1996, amended by the Homelessness Act 2002.

The Housing Act 1996 placed a range of duties upon the Local Authority, including advice and assistance and provision of temporary accommodation. The main housing duty is to accommodate those who are unintentionally homeless and in priority need.

The Homelessness Act 2002 put in place the requirement for Local Authorities to have a homelessness strategy in place that sets out how it plans to prevent homelessness and ensure it has enough accommodation and support for homeless people or anyone at risk of becoming homeless.

The Localism Act 2011 made an important change to the authorities' ability to end its main homelessness duty. Following the Localism Act, Local Authorities have been allowed to discharge their duty to secure accommodation through an offer of suitable accommodation in the private rented sector. The duty can only be ended in the private rented sector in this way with a minimum 12 month assured shorthold tenancy.

No Second Night Out' 2011 - A Vision to End Rough Sleeping 'No Second Night Out' was the first report of the Government's ministerial working group in 2011. The idea behind 'No Second Night Out' was to ensure that rough sleepers were helped off the streets as quickly as possible, that nobody lives on the street, and that people do not return to the streets. The report set out principles, which the majority of Local Authorities have adopted;

- New rough sleepers should be identified and helped off the streets immediately so that they do not fall into a dangerous rough sleeping lifestyle.
- Members of the public should be able to play an active role by reporting and referring people sleeping rough.
- Rough sleepers should be helped to access a place of safety where their needs can be quickly assessed and they can receive advice on their options.
- Rough sleepers should be able to access emergency accommodation and other services, such as healthcare, if needed.
- If people have come from another area or country and find themselves sleeping rough, the aim should be to reconnect them back to their local community unless there is a good reason why they cannot return. There, they will be able to access housing and recovery services

Making Every Contact Count – A Joint Approach to Preventing Homelessness 2012

This document set out the expectation that local services should work together to make every contact with a homeless person count, and for resources to be targeted on early intervention initiatives for groups most at risk of homelessness. The document introduced a 'Gold Standard' for Council's Homelessness Services by introducing the 'ten local challenges'

1. Adopt a corporate commitment to prevent homelessness which has buy in across all local authority services
2. Actively work in partnership with voluntary sector and other local partners to address support, education, employment and training needs
3. Offer a Housing Options prevention service, including written advice, to all clients
4. Adopt a *No Second Night Out* model or an effective local alternative
5. Have housing pathways agreed or in development with each key partner and client group that includes appropriate accommodation and support
6. Develop a suitable private rented sector offer for all client groups, including advice and support to both clients and landlords
7. Actively engage in preventing mortgage repossessions including through the Mortgage Rescue Scheme
8. Have a homelessness strategy which sets out a proactive approach to preventing homelessness and is reviewed annually so that it is responsive to emerging needs
9. Not place any young person aged 16 or 17 in Bed and Breakfast accommodation
10. Not place any families in Bed and Breakfast accommodation unless in an emergency and then for no longer than 6 weeks

Torbay Council welcomes the direction of the ten local challenges, and is working towards the challenges that we do not currently meet. The local challenges have informed the direction of our Homelessness Strategy and Delivery Plan.

Supreme Court Judgement on definition of 'vulnerable' homeless person.

This judgement in May 2015 superseded the previous 1998 'Pereira' High Court ruling which defined a vulnerable person as 'being less able to fend for oneself than the ordinary homeless person'. The Supreme Court ruled that vulnerability should be measured against the 'ordinary person' if they became homeless, rather than against existing street homeless people. This judgement has clear implications for Local Authorities in making homelessness decisions, and has the potential to increase homelessness acceptances, and the pressure on Local Authority budgets.

The Care Act 2014

The Care Act 2014 gives a new statutory framework for adult care and support which came into effect in April 2015. The Care Act has the following implications for Housing;

- Local authorities that are responsible for care and support are given a duty to promote the well being of every adult. The definition of well being includes 'suitability of living accommodation'
- Local authorities responsible for care and support are expected to integrate services with those provided by the NHS; this includes their Housing services
- All Local authorities must co-operate with each other in relation to the provision of care and support, and have a duty to ensure co-operation between Adult Social care, Housing, Public Health and Children's Services.

This legislation has clear implications for Local Authorities to ensure that effective partnerships and working protocols are in place between services.

Welfare Reform

Welfare Reform Act 2012

The Welfare Reform Act introduced many changes to welfare benefits;

Universal Credits aims to simplify the benefits system by bringing together a range of working-age benefits into a single payment. All current benefits will be rolled into one monthly payment, paid to one member of the household. Claims will need to be made online, and payments will be made into a bank account. This will include a housing payment. Universal credits began in April 2013, but currently only applies to a small number of people in certain areas. It is anticipated that everyone of working age will be receiving Universal Credits by 2017.

There is a concern that people with limited budgeting skills may not manage a lump sum payment and fail to pay their rent regularly, thus jeopardising their tenancy and causing a general increase in homeless presentations to the Local Authority.

The Benefit Cap set a maximum amount of total benefits that any household could receive. This amount includes Housing Benefit, and was again reduced in the July 2015 budget, bringing the annual total maximum to £23,000 in London, and £20,000 in other parts of the country.

Benefit Sanctions were introduced in circumstances where people do not comply with activities that are required of them, for example attending appointments at the Job Centre, attending training events, and undertaking activities to search for work. Sanctions can run for between a week and 156 weeks.

When a person receives a benefit sanction, the Council will be informed, and Housing Benefit will be stopped. There is a clear danger that vulnerable people will fail to contact the Council to restart their claim, thus building up rent arrears and putting their tenancy at risk.

Summer Budget 2015

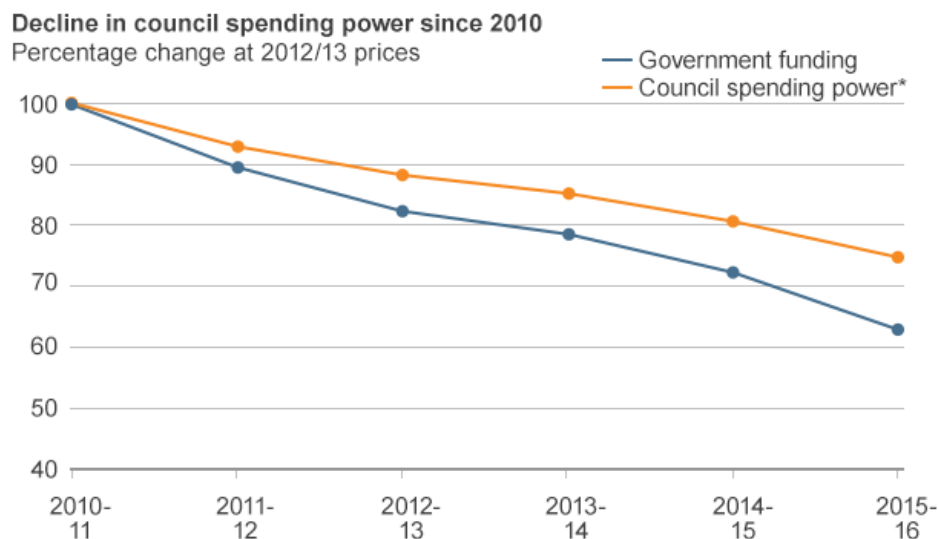
Further welfare reform was introduced in the Chancellor's summer budget in July 2015. Reforms that may impact on homelessness include;

- Tax credits and Universal Credits will be restricted to 2 children affecting those born after April 2017
- Working age benefits including tax credits and LHA will be frozen for 4 years
- 18-21 year olds will have no automatic right to claim Housing Benefit

Changes to Local Authority Funding

Since May 2010, the Coalition Government has instituted a series of budget reductions to address the overall budget deficit. This has meant substantial reductions in the settlement to Local Authorities. The Local Government Association estimates that central funding for Councils has shrunk by 40% overall since 2010. Councils have therefore had to make savings on services they provide, and this has, in some areas, impacted on services for people who are homeless.

Decline in Council Spending Power since 2010⁶



*Spending power includes government funding and council tax income

Source: National Audit Office, Dept for Communities and Local Government

BBC

BBC News 18th December 2014. Source National Audit Office. Department for Communities and Local Government.

Changes to other statutory services

There have been funding reductions to other services whose work can impact on homeless people, for example the police, adult social care, mental health services, and substance misuse services. These funding reductions have particularly impacted on work with people who have complex needs, and rough sleepers. Health budgets have also been affected by the increasing demand of an ageing population.

Changes to Probation

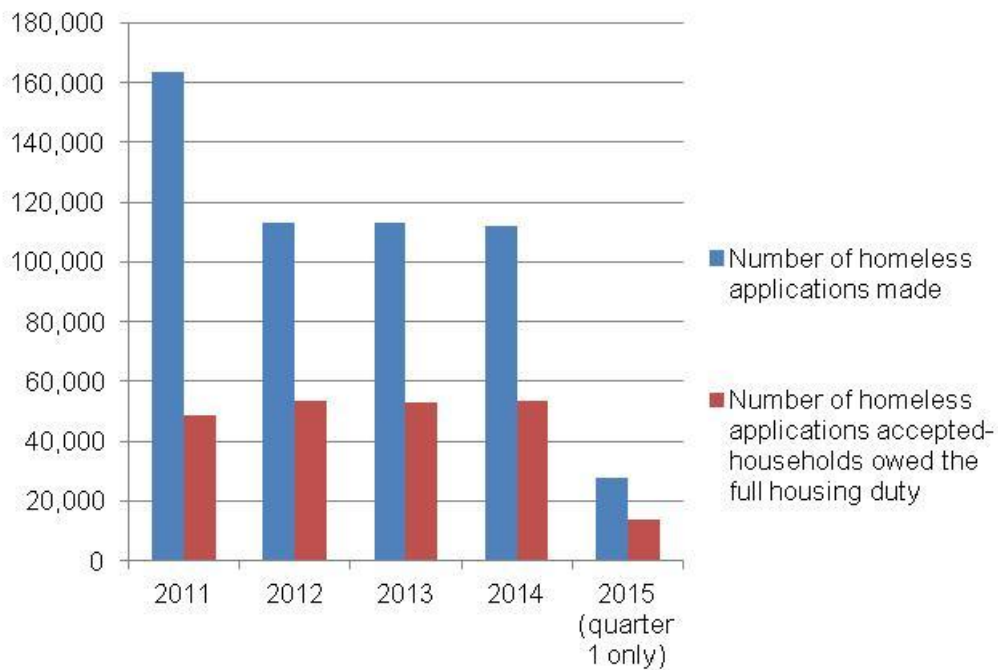
Major changes to probation occurred in early 2015 in England and Wales, when a single National Probation Service was created, to be responsible for the management of high risk offenders, and 21 Community Rehabilitation Companies became responsible for the management of low to medium risk offenders. The Community Rehabilitation Companies work was tendered, and contracts awarded for work to begin in April 2015. The CRC's will have a new responsibility for supervising short sentence prisoners (with sentences of under 12 months) after their release. They are expected to build 'supply chains' that consist of organisations from the public, private and voluntary sectors in order to subcontract some of the services to address issues including, homelessness, employment and poor mental health that may lead to repeat offending.

Section Two: National Homelessness data

National Homelessness Data – England

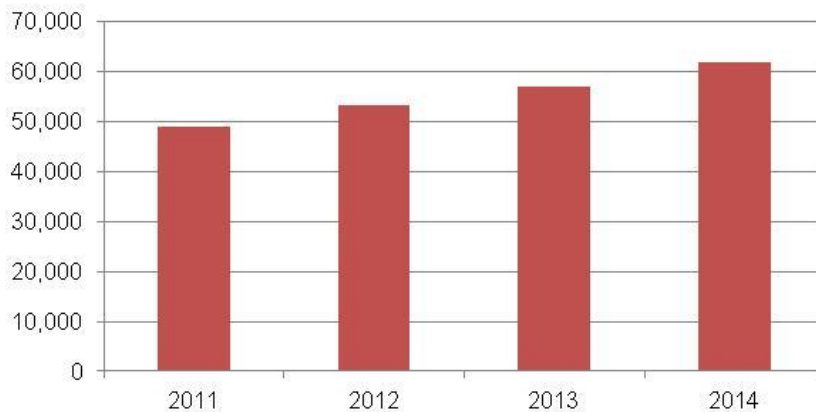
Statutory homelessness

Homeless applications made and accepted, England



Source: Homeless Link

Number of households in temporary accommodation as on the last day of quarter 4, England



Source: Homeless Link

Reasons why households (that were accepted) became homeless 2011-2015, England

Year	Relatives friends no longer able/willing to house	Relationship breakdown	Mortgage arrears	Rent arrears	Assured shorthold tenancy came to end	Loss of other rented/tiered accommodation	Other
2011	34%	18%	3%	3%	18%	6%	19%
2012	32%	18%	3%	3%	21%	6%	18%
2013	30%	18%	2%	3%	25%	6%	17%
2014	27%	17%	2%	3%	29%	6%	17%
2015 (quarter 1 only)	27%	16%	1%	3%	29%	6%	17%

Source: Homeless Link

The national figures show that homeless acceptances rose quite dramatically from 2010 – 2011, and then fell very slightly in 2012. Since then, there has been a slow but steady rise in homeless acceptances nationally.

The number of households in temporary accommodation has risen steadily from 2011.

There has been an interesting change nationally, in the reason for loss of previous accommodation; in 2011, relatives/friends no longer willing/able to accommodate was the predominate reason, at 34% of all households. However, loss of previous accommodation due to the end of an Assured Shorthold Tenancy has risen steadily from 18% of households in 2011, to 29% in 2014 and the first quarter of 2015. It is now the predominate reason for loss of previous accommodation in England.

Rough sleeping

Rough sleeper numbers –England 2010-2015

Since autumn 2010, all local authorities have been required to submit an annual figure to DCLG to indicate the number of people sleeping rough in their area on a typical night. They can arrive at this figure by means of an estimate or a count. This annual rough sleeping figure allows local authorities to track progress, consider whether current measures are effective in tackling rough sleeping and if new approaches are needed.

Number of people sleeping rough in England 2010 -2015 ⁵

Year	Number of people sleeping rough	% Change from previous year
2010	1768	
2011	2181	23%
2012	2309	6%
2013	2414	5%
2014	2744	14%

Section Three: The Local Situation

The Torbay area

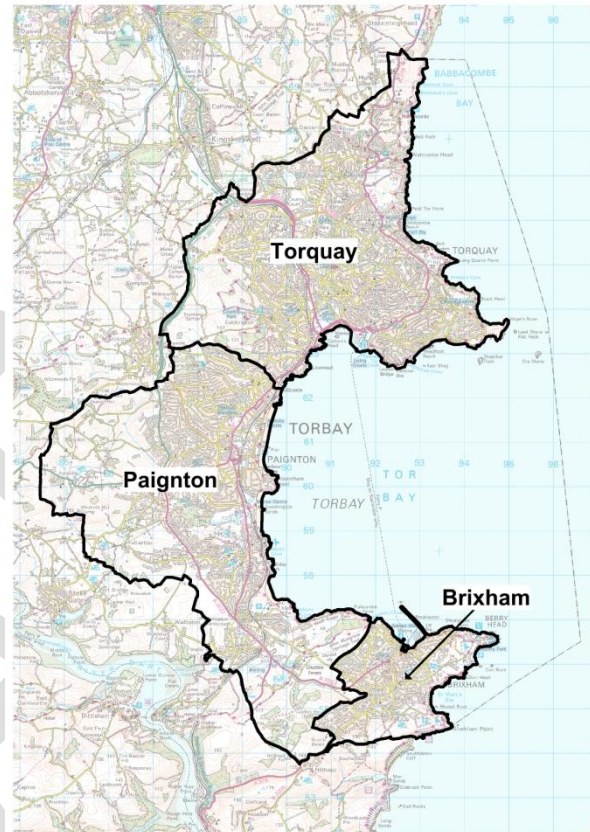
Torbay is a coastal area, encompassing the three towns of Torquay, Paignton and Brixham. It covers an area of 62.9 square kilometres/ 24.3 square miles and is administered by Torbay Council.

Distribution of homes/households within Torbay

Urban areas		Rural areas	
Number	%	Number	%
58,668	99%	342	1%

Source: 2011 census, www.nomisweb.co.uk

The vast majority of Torbay households are within an urban location.



Population and households within each town

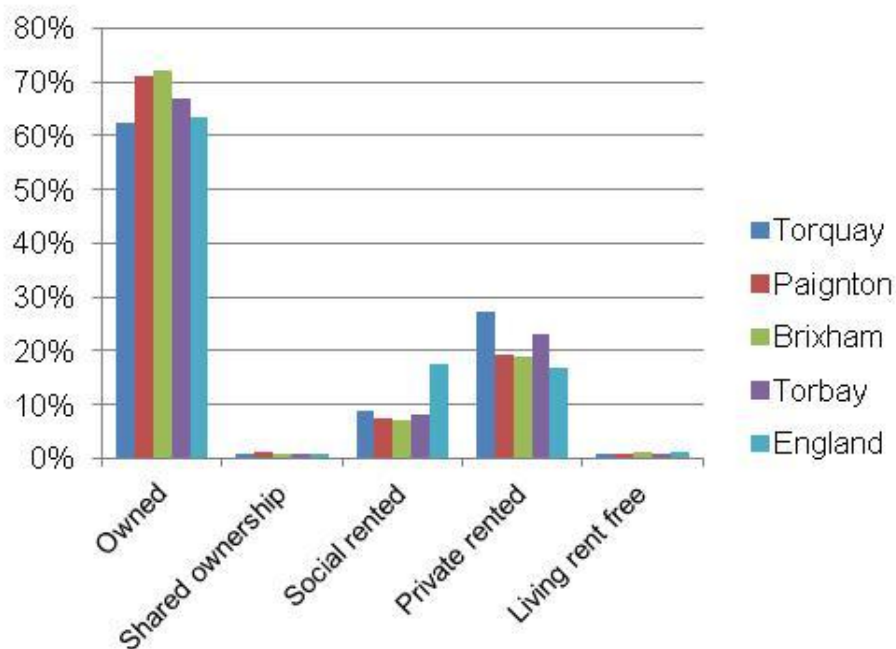
Town	Number of households	Number of people	% of households within each town
Torquay	29,510	65,245	50%
Paignton	21,764	49,021	37%
Brixham	7,736	16,693	13%
Total in Torbay	59,010	130,959	

Source: 2011 census, www.nomisweb.co.uk

Homes in Torbay

The tenure of housing within Torbay is as follows;

Tenure of households in each geographical area



Source: 2011 census, www.nomisweb.co.uk

The tenure chart shows that there is a:

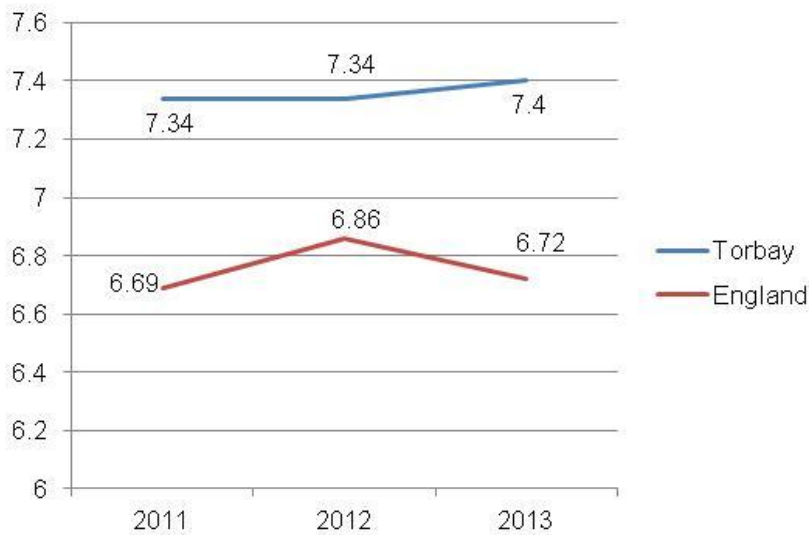
- Higher percentage of home ownership in Paignton and Brixham compared to England
- Significantly lower percentage of social rented housing in all three towns than in England
- Significantly higher percentage of private rented housing in Torbay compared to England, particularly in Torquay

Source: 2011 census, www.nomisweb.co.uk

House prices and earnings

The chart below shows that in 2013 it cost over 7 times the average Torbay salary to buy the average Torbay house. This ratio has remained consistently higher compared to England.

Average (median) house price to income ratio



Source: Land Registry and the Annual Survey of Hours and Earnings (ASHE), Table 577, www.gov.uk, 2012 and 2013 figures are provisional

Despite this, the percentage of home ownership is slightly higher in Torbay than in all England.

Local Homelessness data

The following table shows the number of cases dealt with by the Housing Options team, where homelessness was prevented or relieved. These figures include cases where homelessness was prevented, where people were threatened with homelessness, and cases which were not statutory

Year	Number of cases where homelessness was prevented or relieved
2010/11	557
2011/12	511
2012/13	688
2013/14	517
2014/15	423

Source: Housing Options, Torbay Council Government P1E returns

The drop in numbers from 2012/13 to 2013/14 and subsequently 2013/14 to 2014/15 can be explained by the loss of Supporting People services over this period of time, as people moving to one of these services was recorded as a positive outcome of prevention/relief.

Households accepted as owed the full housing duty, Torbay



Source: Housing Options service, Torbay Council, Government P1E returns

The numbers of acceptances were steady in the period from 2010-2012, followed by a large rise in 2012/13. There was a drop in the number of acceptances in 2013/14, back to a similar level to 2010-12. This was followed by a rise in 2014/15.

This pattern of number of acceptances is very different to the national pattern over the same period.

Main reasons for loss of last settled home for applicant households accepted as owed the full housing duty in Torbay

	2010/11		2011/12		2012/13		2013/14		2014/15	
	No.	%	No.	%	No.	%	No.	%	No.	%
Violent breakdown of relationship, involving partner	11	19%	12	21%	18	24%	19	34%	14	22%
Loss of rented/tied accommodation due to:										
Termination of assured shorthold tenancy	15	26%	17	30%	12	16%	13	23%	8	12%
Reasons other than termination of assured shorthold tenancy	8	14%	8	14%	10	13%	7	13%	12	18%
Other reasons	23		20		35		17		31	
Total number accepted as owed the full housing duty	57		57		75		56		65	

Source: Torbay Council, Housing Options P1E returns

Other reasons for loss of home in Torbay since 2010/11 for those households owed the full housing duty involved very small numbers:

- Parents, other relatives or friends no longer willing or able to accommodate
- Non violent breakdown of relationship with partner
- Violent breakdown of relationship involving associated persons (not partner), Other forms of violence (not linked to racial or relationships)
- Harassment (racial and other)
- Mortgage arrears (repossession or other loss of home)
- Rent arrears on private sector dwellings
- Left prison/on remand, left hospital, left other institution or Local Authority care
- Other (e.g. homeless in emergency, sleeping rough or in a hostel)

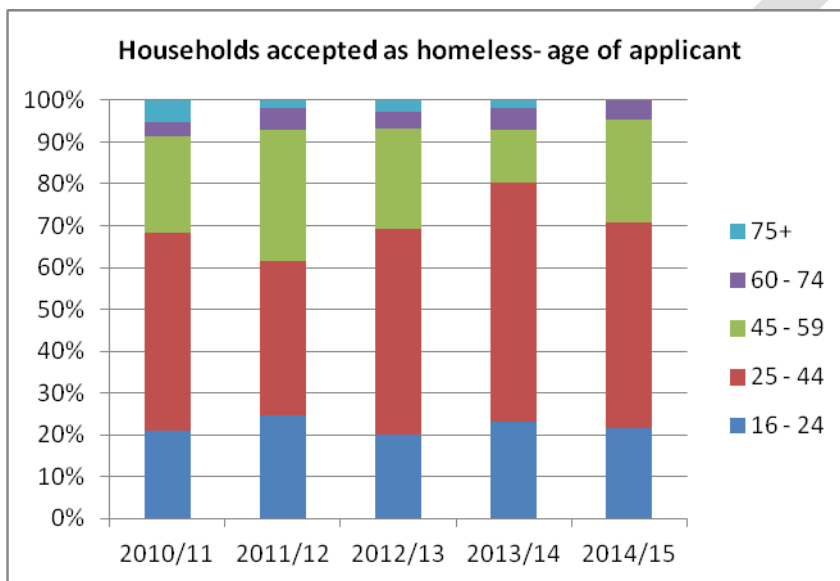
Therefore it can be seen that the reasons for the loss of previous tenancy show a different pattern to the all England figures. In Torbay, the violent breakdown of a relationship has risen steadily as the reason for loss of previous tenancy, from 19% of households in 2010/11 to 22% in 2014/15, with a spike of 34% in 2013/14.

The loss of an Assured Shorthold tenancy, conversely, has shown an irregular pattern, varying year by year and ranging from 30% of all households in 2011/12, to 12% of all households in 2014/15. The relatively small numbers of households involved may explain this pattern.

The clear predominate reasons for loss of previous tenancies in Torbay from 2010/11 to 2014/15 have been the violent breakdown of a relationship, and the loss of rented accommodation, whether this is through the loss of an AST, or other.

Details of households accepted as homeless

Age of applicant



Source: Torbay Council, Housing Options Team, Government P1E returns

The highest proportion of people accepted as homeless are aged 25-44 years

Data shows that in 2014/15, 42% of households accepted as owed the full duty, had dependent children and around 50% of those accepted as owed the full housing duty in 2014/15 were one person households.

Source: Housing Options service, Torbay Council, Government P1E returns

Priority need

To be accepted as owed the full housing duty by the Local Authority, the household must be identified as in 'priority need for accommodation'. Households with dependent children and pregnant women are always identified with this as their priority need regardless of any other priority need they may have.

In 2014/15 the number of households accepted as owed the full housing duty where the priority need was due to 'mental illness or disability' more than doubled compared to the previous year and was the highest number for at least the last 5 years. In 2014/15 this is the most common priority need (outside of children/pregnancy) for households owed the full housing duty. Fleeing domestic abuse is another main reason for being accepted as owed the full housing duty.

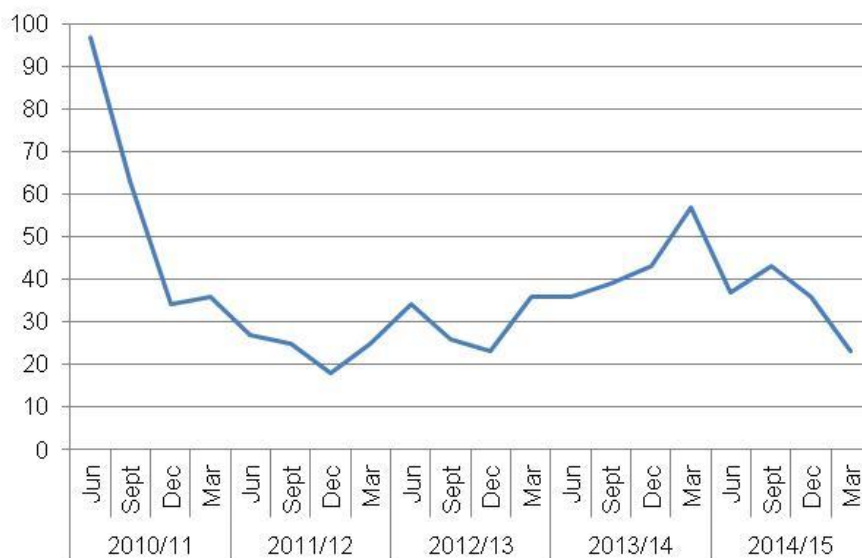
Source: Housing Options service, Torbay Council

Homelessness- temporary accommodation

The Local Authority has a duty to provide emergency accommodation when it has reason to believe that an applicant may be homeless, eligible and in priority need for accommodation.

The Local Authority also has a duty to provide emergency accommodation for households owed the full housing duty.

Number of households in emergency accommodation provided by Torbay Council, measured at the end of each quarter



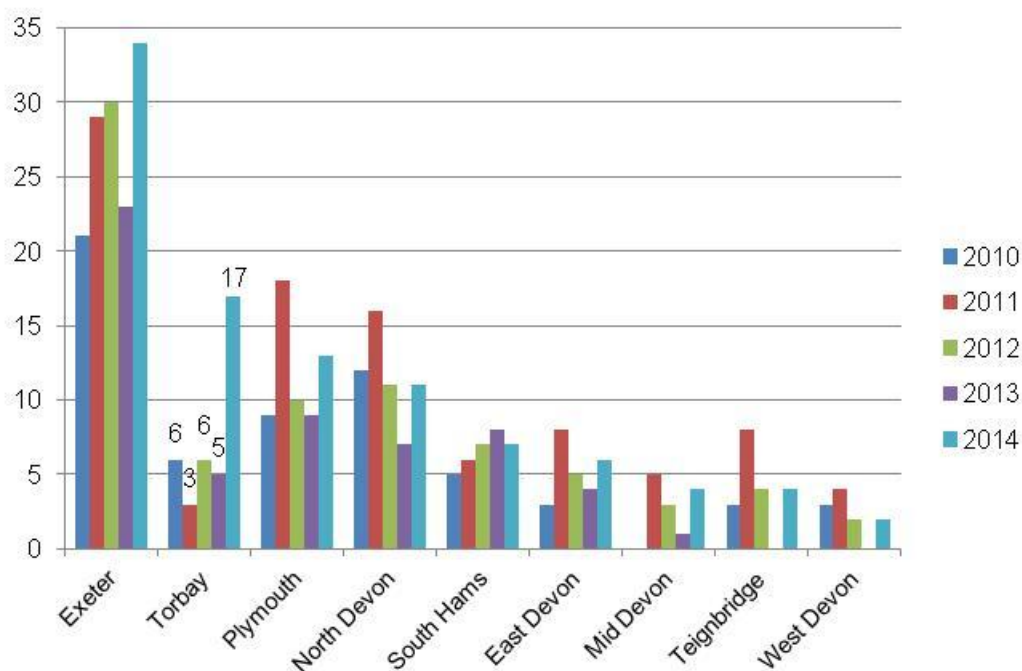
Source: Housing Options service, Torbay Council, P1E returns

The number of households in temporary accommodation measured at the end of each quarter has decreased generally since 2010/11, with a rise in 2013/14.

As of June 2015 the number of households in temporary accommodation had increased to 52.

Rough sleeping

Counts and estimates of the number of rough sleepers in Devon, 2010-2014



Source: Department for Communities and Local Government, www.gov.uk
Lack of a column for a year means the estimate was 0.

All of the above were estimates except: Exeter- 2010, 2011, 2013; Torbay- 2011; Mid Devon- 2013

Between 2013 and 2014, the Torbay estimate increased from 5 to 17 rough sleepers, an increase of 240%. All other Local Authority areas (except South Hams) saw an increase in this period. England as a whole rose from 2,414 to 2,744 rough sleepers between 2013 and 2014- an increase of 14%.

To summarise, Torbay's housing market is dominated by owner occupiers and use of the private rented sector with low levels of social housing. House prices are high compared to average salaries.

Homeless acceptances show a general rise since 2011, with a spike in 2012/13. The main reasons for the loss of last accommodation is the loss of rented accommodation, and the violent break up of a relationship. Acceptances on the basis of vulnerability due to mental health have more than doubled in 2014/15 compared to the previous year, and are at the highest level for at least 5 years. Domestic abuse is also a major reason for acceptances due to vulnerability.

Rough sleeping has increased dramatically; this reflects a national trend, but Torbay shows a higher percentage increase than the rest of England.

DRAFT

Corporate Support and Strategies

The Draft Corporate Plan for Torbay 2015-2020 is designed to provide an overarching framework for the ambitions of the Councils. The priorities within this draft document are:

- Protecting all children and giving them the best start in life.
- Working towards a prosperous Torbay.
- Promoting healthy lifestyles across Torbay.
- Ensuring Torbay remains an attractive and safe place to live and visit.
- Protecting and supporting vulnerable adults.

There are clear ties to homelessness within these priorities.

Within the current administration, the delivery expectations are;

- To provide adequate specialist housing for those needing care and support
- To improve the Living Environment and Quality of Life
- To provide an integrated approach and options for Housing Advice and prevention of Homelessness

The draft 'My Home Is My Life' strategy is the overarching Housing strategy for Torbay Council. The homelessness strategy forms a key element of this strategy in particular around the elements of preventing homelessness, and vulnerable people.

All strategies have regard to the JSNA, the Market Position Statement, and the Housing and Health Needs Assessment 2015.

There are clear ties from the homelessness strategy to the Youth Homelessness Strategy.

The Early Help Strategy is a key element in Torbay's commitment to improve outcomes for children and young people; prevention of homelessness and ensuring quality of accommodation are key threads of the strategy.

Services and Partnerships in Torbay

Services for people who are homeless or have a housing need

Services that the Council provides

- **Statutory services** are provided through the Housing Options team. The public can access the Housing Options team through Connections, a walk in contact centre for the public available in all 3 towns of Torquay, Paignton and Brixham, or by telephone.

In addition to statutory work, the Housing Options team provides;

- **A MEAM worker**, who works predominately with young people with complex needs, to give them additional support to obtain and maintain settled accommodation as part of a multi agency approach. This post is funded until July 2016.
- **A private sector development worker** whose aim is to form partnerships to improve the supply and quality of private sector accommodation for single homeless people, and to look at innovation in this area. This post is funded until July 2016.
- **Youth homelessness mediation and prevention service** – this service is for 16-24 year olds threatened with homelessness and focuses on preventing homelessness.

The wider Community Safety team is involved with homelessness, both from an enforcement perspective, and with offering support. They employ the following workers;

- **A MEAM worker**, who works with adults with complex needs, to give them additional support to obtain and maintain settled accommodation and address underlying issues.
- **A Vulnerable and Complex Needs Officer** to work specifically with people with mental health issues and complex needs throughout the housing pathway.

Tenancy Training – This has been developed through the Housing Options Team, and piloted with tenants within the Single Homeless accommodation and support service. The training is delivered in modules, and supported by the support workers attached to the support service. The training aims to give tenants the opportunity to learn skills to help maintain future tenancies, and a certificate to present to future landlords. The Private Sector Development Worker is promoting the certificates with local landlords. Tenancy training is funded until July 2016.

Torbay Council Commissioned services

- **The Leonard Stocks Centre**, a 24 bed engagement and resettlement centre is commissioned to work with single people with housing and support needs, and a local connection. Severe Weather provision is included in this contract, and provided from the Leonard Stocks building. A GP and nurse service, provided in partnership with a local GP practice, is delivered for Leonard Stocks residents, and rough sleepers, from the purpose built surgery within the Leonard Stocks building. 3 of the units at Leonard Stocks are accessible for people with disabilities, and there is a kennel, to ensure the hostel can house people with dogs. Occupancy of Leonard Stocks has been between 95% and 97% every year since 2011, and there is always a sizeable waiting list for the service.
The current contract for Leonard Stocks runs until April 2016. The service will be re procured to start a new service from the building in April 2016.
- **'Bay 6'** is a service which provides support around hospital discharge. This is provided through a 15 hour a week post which is based between Housing Options, and the hospital, to identify people who are going to be homeless on discharge, and source accommodation for them to ensure discharge is not delayed. The funding for this service is secured until the end of September 2015.
- **Prison release service.** This service employs two workers across two of the local prisons (Channings Wood and Exeter) and several local authority areas. The service aims to reduce numbers of people being released with no accommodation. The workers have multiple bases with various local agencies, to maximise potential for partnership work.
- **Homemaker** – This service provides debt and welfare support, maximises income and prevents homelessness in social housing sector, and is accessible through Housing Options. This service is funded until March 2016.
- **Temporary accommodation** – a variety of temporary accommodation is commissioned in Torbay. This service will be reviewed in April 2016.
- **Accommodation and support service for single homeless people.** This service provides a 4 bedroom house with support for single homeless people. It provides move on accommodation from Leonard Stocks, and the Council's Temporary accommodation.
- **Young people's services** – all services for people aged 16 to 24 are in the process of being re-commissioned. New services will include accommodation and support services for this age group.

Non- commissioned services for people who are homeless

- **An outreach service**, which contacts rough sleepers and signposts them to services is funded by the Friends of Factory Row and delivered by Shekinah. The service employs a worker who visits known sites in the 3 towns to speak to rough sleepers and signpost them into services.
- **Shekinah Mission** provides an Employability Co-ordinator who works with supportive employers locally who offer work experience and supported job opportunities. The Employability Co-ordinator meets with residents of Leonard Stocks, and rough sleepers once a week and engages with those who are interested in employment opportunities.
- **Friends of Factory Row** fundraise for, and promote the work of the Leonard Stocks Centre. They currently contribute £100 a month to Leonard Stocks, for activities
- **The Street Pastor** service has a presence on the streets on Friday and Saturday nights. They work with people who are homeless, (amongst others) and provide food, practical assistance, and signposting.
- **The Haven** is a drop in centre in Paignton which is open every week day and provides a listening ear, practical support and signposting to people who are street homeless.
- **The Living Room** is a drop in centre at a local church, which operates on Wednesday and Friday lunchtimes, and provides food, signposting and a listening ear for people.
- **The Salvation Army** – offers food parcels and signposting
- **Brixham Does Care** offers signposting and practical assistance in Brixham
- **Night shelters.** During the month of February 2015, Church groups provided a night shelter for people who were street homeless. The night shelter was operated from Church Halls in Paignton.
The Church groups plan to offer a similar service in 2016, and to expand to offer shelters in Torquay in January 2016, in addition to Paignton in February.

Partnership projects

- **Single Homeless Bid**

The funding for a number of the current posts and commissioned services (MEAM worker, private sector development worker, prison workers) originated from a bid made jointly by several local authorities in Devon in 2014; Torbay, Teignbridge, East Devon, Mid Devon and Exeter. The successful bid to the single homeless fund brought in £250,000 of funding to the area, and funded the above posts, some tenancy training, and some consultancy.

➤ **Specialist Accommodation**

This joint project between Adult Social Care, Housing Options, and the Commissioning Team, sought to bring outcomes based support and accommodation services into Adult Social Care, and improve the prevention of homelessness in this area. This project will enable the retention of local providers who were previously funded through Supporting People contracts, and have particular skills around tenancy sustainment for people with complex needs and mental health issues. The procurement process is currently underway to establish a list of approved providers, and work is being done with practitioners to introduce them to the available services.

➤ **'Ladies Lounge'**

This service works with vulnerable women with complex needs, who are often rough sleeping, involved with sex working, and have complex needs. A joint project between the Street Pastors, Torbay Council's Community Safety team, St Mary Magdalens Church, and Shekinah, the project offers a weekly womens only drop in. The drop in, at a centrally located church, offers a safe space and aims to build relationships and trust with vulnerable women, with a view to supporting them to a more stable life.

➤ **The Orb**

The Orb is a co-commissioned project, facilitated by Torbay Community Development Trust. The Orb will provide an all encompassing online directory for everything within Torbay from statutory services to small groups/clubs and events, and is due to be launched in October 2015. The aim is for the Orb to replace all other Torbay directories, meaning that all information can be accessed from a single site. This site will offer service users, and staff in statutory, community and voluntary agencies, access to information about services for people who are homeless, or vulnerably housed.

Forums/partnerships

➤ **Rough sleepers forum**

This forum is attended by Housing Options, voluntary groups working with people who are street homeless, and the current provider of the Leonard Stocks Centre. The aim of the group is to share information about work that is being done by various agencies around rough sleeping, focus effort, and avoid duplication

➤ **Rough sleepers operational group**

This group is organised by a voluntary sector partner, and is attended by voluntary sector groups working with people who are street homeless. The group aims to co-ordinate the work around individual rough sleepers, by looking at cases and agreeing and allocating work between agencies.

➤ **The 'Move On' Meeting**

This is a monthly meeting to look at move ons from services. The meeting originated when there were numerous services moving people on, to ensure appropriate and smooth moves through the single homeless pathway. This meeting is currently being reviewed.

➤ **Youth Homelessness Prevention Panel**

This group focuses on young people, and is attended by Children's Services, Housing Options, current providers of commissioned services for young people, and the MEAM worker. The group prioritises people for vacancies in services, looks at placements at risk, and those ready for move on. The group aims to co-ordinate work around young people to prevent homelessness.

➤ **Community Safety Partnership**

The Torbay Community Safety Partnership has four main aims:

- Torbay will be a safe environment
- Torbay will have less victims of crime
- People of Torbay will feel safe
- People will be given an opportunity to change

And four Priority areas;

- Anti-Social Behaviour (ASB)
- Abuse in the family
- Reducing re-offending
- Alcohol and the night time economy

Wider Local Context

Welfare reforms – local impact

Universal credits are to be introduced in Torbay from January 2016. There will be a gradual introduction with only new claims from single working age claimants being affected in the initial phase. The DWP estimate that there will be approximately 350 claims made during the first year, and around 100 of these will include the Housing element (formerly Housing Benefit)

Changes to probation

The local Community Rehabilitation Company in Torbay is Working Links. Discussions have begun with Working Links, to look at the implications of the new service and its work, and forming partnerships. This work will be further developed and is picked up in our delivery plan.

Integrated Care Organisation (ICO)

From 1st October 2015 Torbay and Southern Devon Health and Care Trust (local community health and social care provider) and South Devon Healthcare Foundation Trust (Torbay Hospital) will become an ICO with a pooled budget for health and social care. The ICO will deliver new models of integrated care in the community, reducing the need for acute hospital care and enabling people to manage conditions with greater access to advice information and community support. The ICO will change the focus of care from “What’s the matter **with** me?” To “What matters **to** me?” In this way, new ways of working with primary care and community voluntary sector in multi-agency teams will ensure crucial influences on health, such as homelessness, will form part of wider care and support plans.

Better Care Fund

From 2014 all local areas are required to pool elements of health and social care funding into a better care fund aimed at protecting social care services, ensuring 7 day services, data sharing and joint assessments. The objective is to avoid delayed transfers of care, emergency admissions and admissions to residential and nursing care, improving patient and service user experience and dementia diagnosis in Torbay. Homelessness can have a direct impact on performance in these areas so the ICO and CCG will be involved in delivering the Homelessness strategy delivery plan.

Supporting People Services

Supporting People services formed an integral part of the pathway for homeless people, to ease transition into settled accommodation. Since the removal of the ring fence from the Supporting People budget in 2009, and increasing pressure on statutory services, budget investment in housing related support services has decreased dramatically. More than 600 units of outreach and accommodation based support have been decommissioned in Torbay since 2014.

The impact of the loss of these services has been mainly in the disruption of pathways, which enabled people to move through services of differing intensities, from 24 hour intensive support, to a tenancy in the community with an hour's visiting support per week. This loss of 'step down' or 'move on' accommodation can impact on the time people spend in emergency, or temporary accommodation such as LSC, or in residential care and hospital. Many of the services supported people with low level mental health and social care needs; the support enables people to maintain a home and live independently, and prevented their needs escalating, or enabled planned resettlement following crisis.

Torbay Council is looking for innovative ways to provide these pathways, and recognises that the way forward is through partnership working, particularly with the voluntary and community sector, joint commissioning, and the identification of funding opportunities.

Partnership working such as the cross authority single homelessness bid and the Specialist Accommodation Project with Adult Social Care have provided extra capacity to support the homelessness pathway, and strengthened partnerships.

Section 4 – Our Priorities

Consultation/how we developed our priorities

To develop our priorities, we conducted a Homelessness Review from March to July 2015. This involved looking at both national and local data, to identify any emerging trends, and undertaking extensive consultation. We spoke to practitioners and Commissioners from Adult Social Care, probation and Mental Health services, voluntary and statutory sector partners and partners from commissioned services. Service user consultation was undertaken by Torbay Voice, a group of people who have used, or are using support services in Torbay. Torbay Voice Members are trained in interview skills, and safeguarding, and receive support and supervision to carry out their work. Torbay Voice spoke to rough sleepers, people in temporary accommodation, people in the Leonard Stocks centre (hostel) and members of the public.

The main findings from our consultation were;

- There was a lot of positive feedback from service users around the support they had received from Housing Options, the Leonard Stocks Centre, and voluntary agencies in Torbay. However, some people wanted more support to find accommodation and settle into accommodation, information about what's available, help with things when they need to be done online, and help with deposits. The Devon Home Choice process was flagged by some as being difficult as it has to be done online.
- Frontline staff in mental health and Adult Social Care sometimes found it difficult to contact Housing Options. They all felt that there isn't enough support for people to fill in Devon Home Choice forms online, and that they often ended up doing this. They all stated that they are doing more housing work with people since the decommissioning of Supporting People services, and the end of the funding for the link workers. They would like a better link with Housing Options (ideally an outreach service from Housing), and support for people to fill in Devon Home Choice forms. They would like training in things such as DHP and if there are places to access deposits.
- Mental health staff flagged that there are a small number of people with mental health issues who are not accepted into Leonard Stocks as they are too risky.
- Police priorities were the area around Leonard Stocks, mental health (as they are seeing a lot of people with mental health issues) and re-establishing a pathway for people who are homeless.
- Probation stressed continuity of services for people leaving prison, and pathways for people who are homeless.
- Move on from Leonard Stocks was flagged as problematic by many people. Other supported accommodation has been decommissioned, and the private sector is the main option for people. It is particularly difficult to house people who have dogs, or who are known to landlords as 'bad tenants'

- The Council's family services reported more pressure on their service since the supported accommodation service (Stone Court) was decommissioned. Previously, homeless families who needed support would get support at Stone Court – now family services have to get involved. Family services would like to see a pathway for homeless families.
- Voluntary agencies raised the fact that there are a number of people who cannot go to Leonard Stocks due to being banned or who do not see Leonard Stocks as an appropriate place for them. They stressed the need to target people who are new to the streets to stop them becoming entrenched.
- The importance of all departments of the local authority recognising their role in homelessness prevention was flagged, as was, the importance of Housing Options remaining as a specialist team due to their knowledge and experience
- The importance of Leonard Stocks and the GP service being protected was mentioned by many people.
- The importance of links to employment and training for people who are/have been homeless.
- The importance of access to mental health services was raised

The homelessness review presented us with clear areas where there are currently gaps or services that are only funded short term, areas where we could be working better together, policy change that will have an impact in the future, and areas where we have good practice that we need to maintain.

From this, we have set our priorities, and developed our delivery plan.

Our Priorities

From our homelessness review we have decided upon the following priorities to try to address the issues that have emerged;

- **To Maintain and Improve Measures to Provide Early Intervention and Prevent Homelessness and Crisis**
- **To Meet Accommodation Needs of People with a Housing Need**
- **To ensure that Service pathways are responsive , flexible and sustainable, and to maximise integration and partnership working**
- **Reducing Homelessness in Specialist groups with individual needs.**

Delivery Plan

Our delivery plan has been drawn up around the priorities we have identified, and with regard to trends recognised from data, consultation results, the ethos of prevention, the ten local challenges, and policy and legislative changes.

The delivery plan will be a live document and will be updated as actions are progressed. There are some areas that need further investigation before a course of action is set. These areas will be updated with our course of action. The strategy and up to date action plan will be available on the Council's website.

The Delivery Plan is an appendix to the Strategy.

How we will monitor our Delivery Plan

A new Homelessness Strategy Group will be formed and will include a wide range of partners and agencies, for example the Police, Adult Social Care, Probation, and voluntary sector partners. The primary objective of the group will be to monitor the Homelessness Strategy Delivery Plan, and, to facilitate this, the Chair will be from the voluntary sector, or a Councillor.

The Rough Sleepers Forum will end, and its work will be incorporated into the new Homelessness Strategy Group. The Executive Lead for Adults and Children will attend the Homelessness strategy group, and also attends the Health and Wellbeing Board, ensuring a link between the groups. Progress of the Homelessness Strategy action plan will be reported to the Health and Wellbeing Board

Torbay Housing and Health Needs Assessment

November 2015



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The Torbay area

Torbay is a coastal area, encompassing the three towns of Torquay, Paignton and Brixham. It covers an area of 62.9 square kilometres/ 24.3 square miles and is administered by Torbay Council.

This needs assessment illustrates the housing and health profile and needs of the population, and the links between housing and health.

Figure 1. Distribution of homes/households within Torbay

Urban areas		Rural areas	
Number	%	Number	%
58,668	99%	342	1%

Source: 2011 census, www.nomisweb.co.uk

The vast majority of Torbay households are within an urban location.

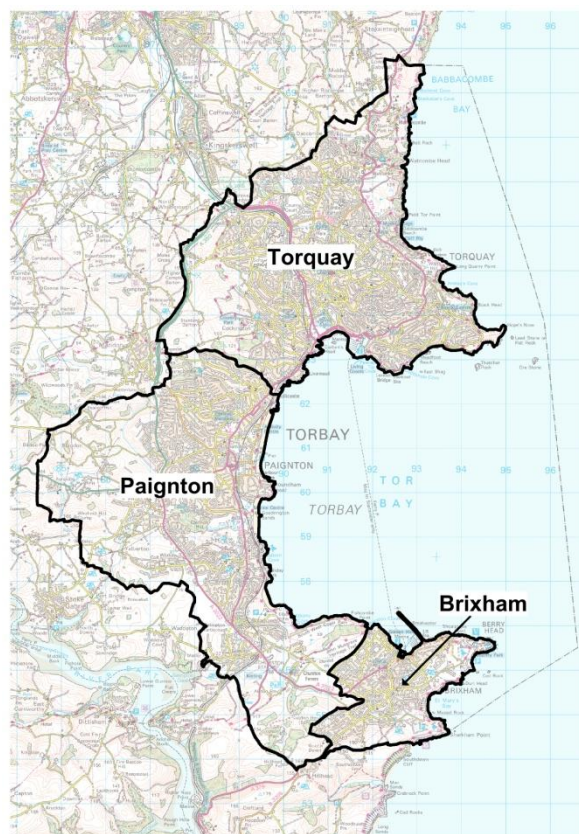


Figure 2. Population and households within each town

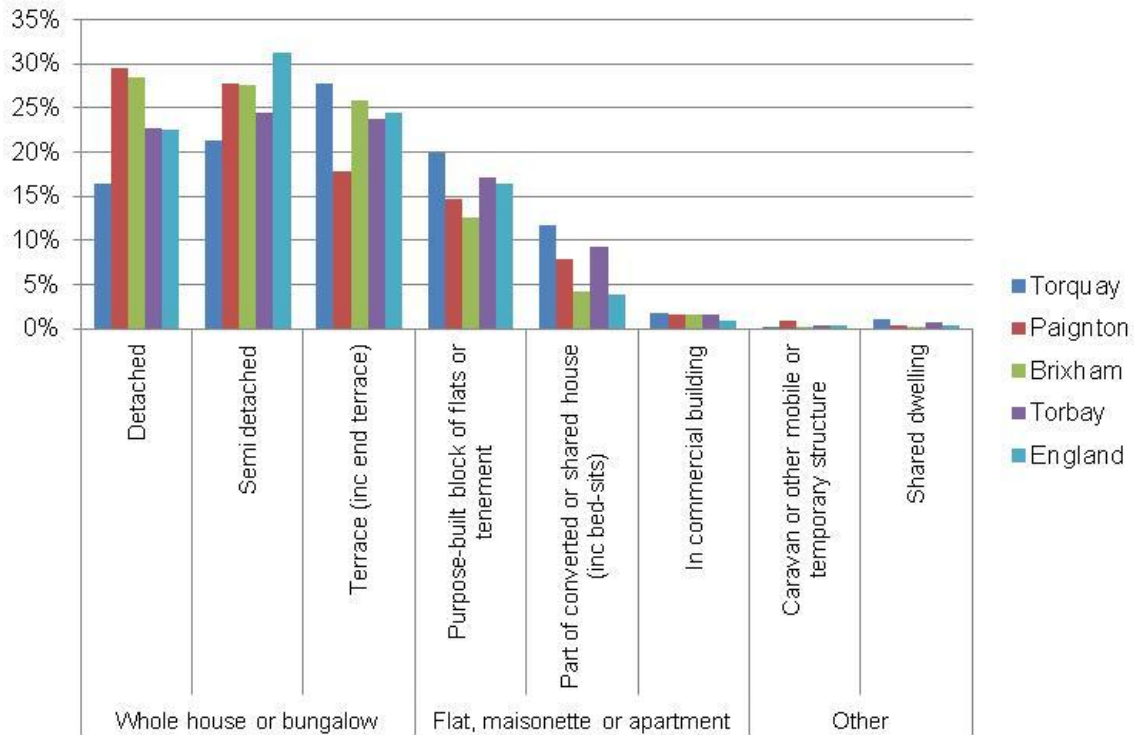
Town	Number of households	Number of people	% of households within each town
Torquay	29,510	65,245	50%
Paignton	21,764	49,021	37%
Brixham	7,736	16,693	13%
Total in Torbay	59,010	130,959	

Source: 2011 census, www.nomisweb.co.uk

Homes in Torbay

Dwelling type and tenure

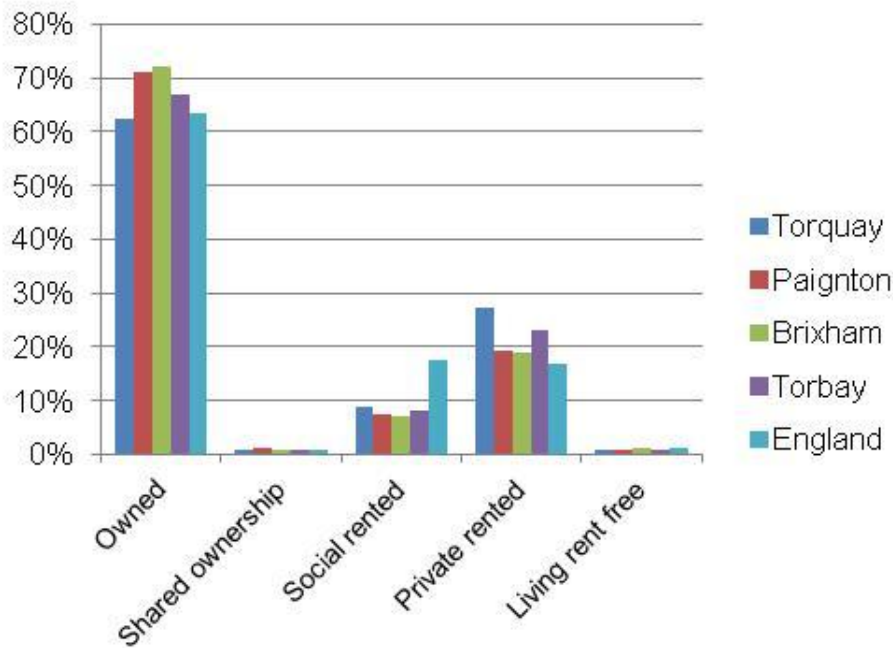
Figure 3. Dwelling type of homes in each geographical area



Source: 2011 census, www.nomisweb.co.uk

There is a higher proportion of flats, maisonettes, apartments, and bedsits in Torquay than in Paignton, Brixham or England, whereas Torquay has a much lower proportion of detached or semi-detached houses than these areas.

Figure 4. Tenure of households in each geographical area



Source: 2011 census, www.nomisweb.co.uk

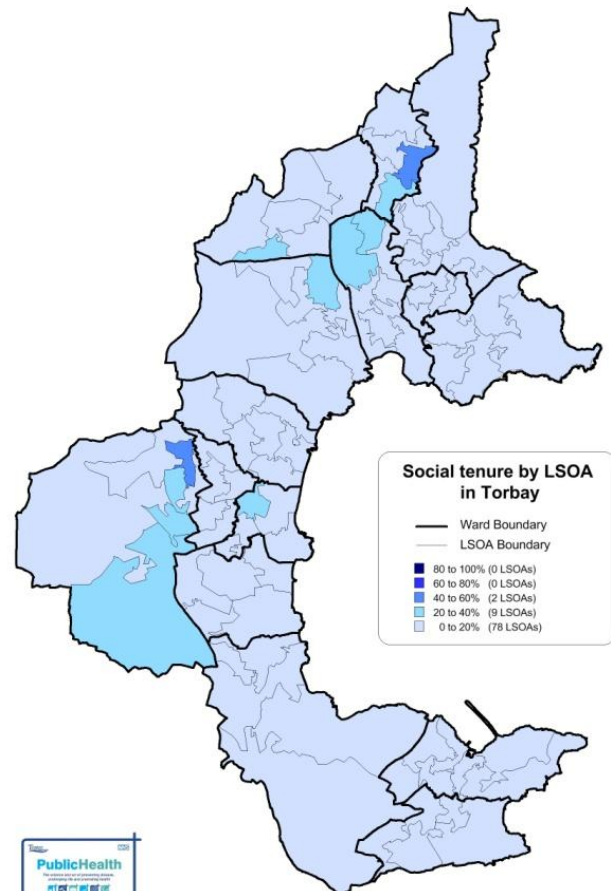
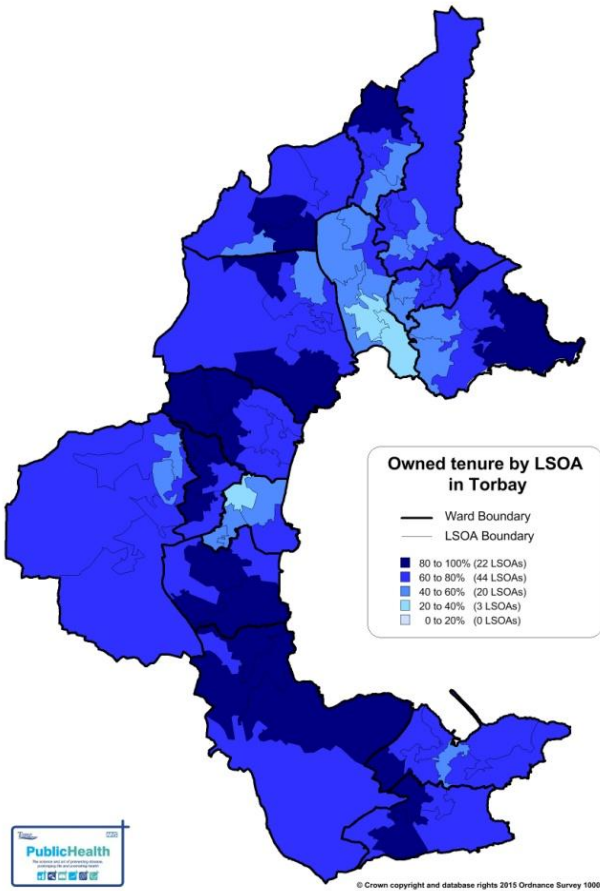
The tenure chart (Figure 4) shows that there is a:

- Higher percentage of home ownership in Paignton and Brixham compared to England
- Significantly lower percentage of social rented housing in all three towns
- Significantly higher percentage of private rented housing in Torbay compared to England, particularly in Torquay

On the next page are maps showing this spread of tenure types throughout Torbay, as recorded in the 2011 census. Maps show the proportion of households that own their homes, live in social rented homes, or private rented homes within each small area (LSOA- Lower Super Output Area) of the Bay. These maps do not include shared ownership or households that live rent free (which are shown in Figure 4 above). However, these only make up 2% of all tenures.

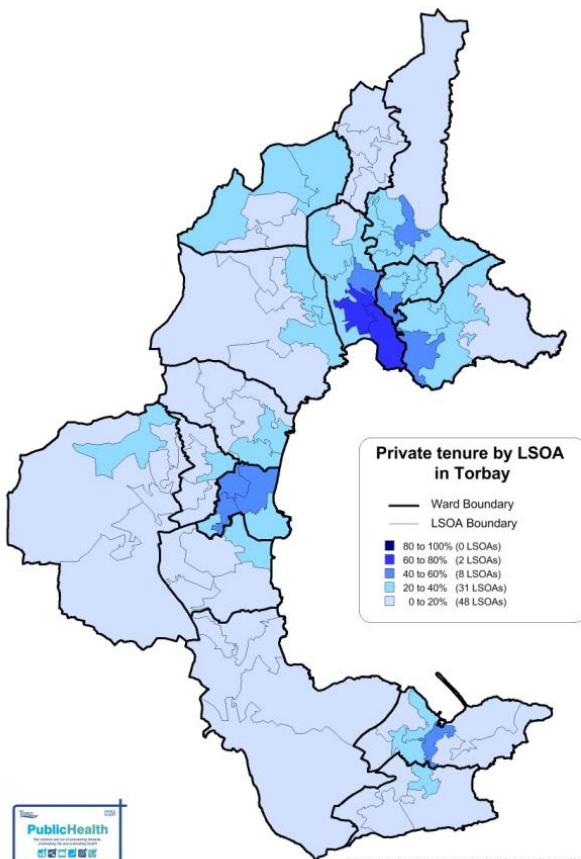
Proportion of owned tenure by LSOA in Torbay - 2015

Proportion of social tenure by LSOA in Torbay - 2015



Proportion of private tenure by LSOA in Torbay - 2015

Figure 5. Owned tenure
Figure 6. Social rented tenure
Figure 7. Private rented tenure



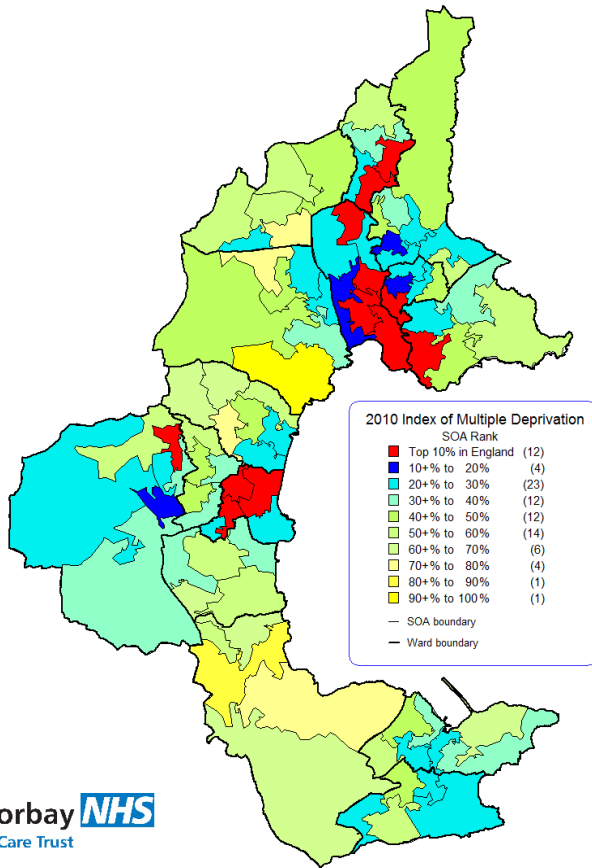
The darker the area of the map, the higher percentage of the tenure type in that area. The dark lines show ward boundaries

There is generally a high proportion of home ownership across the Bay and a low proportion of social rented housing.

Areas within Watcombe ward (Torquay) and Blatchcombe (Paignton) have the highest proportions of social rented housing.

Private rented properties are mostly situated in Torquay, Paignton and Brixham town centres

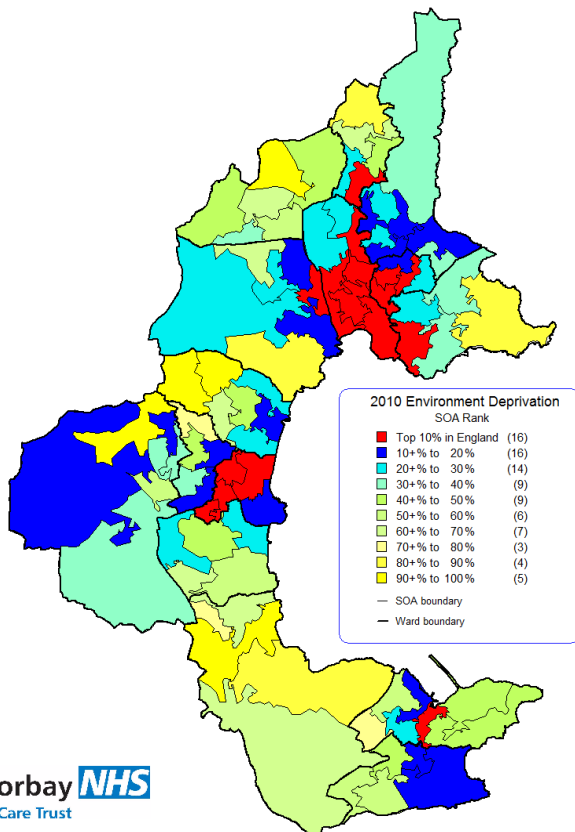
**THE ENGLISH INDICES OF DEPRIVATION 2010
RANK OF INDEX OF MULTIPLE DEPRIVATION**



Torbay NHS
Care Trust

Source: Department for Communities and Local Government

**THE ENGLISH INDICES OF DEPRIVATION 2010
RANK OF LIVING ENVIRONMENT DEPRIVATION**



Torbay NHS
Care Trust

Source: Department for Communities and Local Government

Figure 8. Rank of index of multiple deprivation

Figure 9. Rank of living environment deprivation

The Indices of Multiple Deprivation, 2010, is a group of indicators that measure different aspects of deprivation and give a score for each geographical area.

Figure 8 opposite shows the spread of deprivation throughout the Bay. The red areas are those within the top 10% most deprived areas in England. This mainly includes areas within the wards- Tormohun, Watcombe and Roundham with Hyde.

Figure 9 below shows 'living environment' deprivation, which measures quality of individuals' immediate indoor and outdoor living environment- quality of housing, air quality and road traffic accidents. The areas that are within the top 10% most deprived in England in Figure 9 are similar to Figure 8 but include a small area in Brixham.

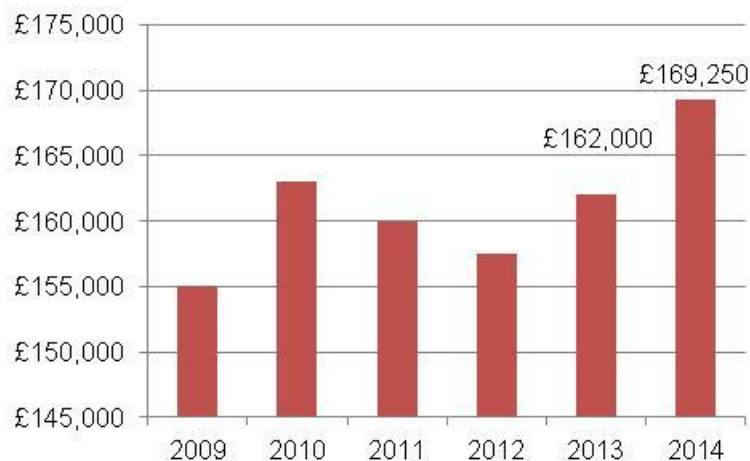
Comparing these maps with the tenure maps on the previous page:

- Areas with a low proportion of home ownership are within areas with the highest levels of deprivation (parts of Tormohun and Roundham with Hyde)
- Areas with the highest proportion of private rented households are also the areas of highest deprivation
- Areas with the highest proportion of social rented housing (within Watcombe and Blatchcombe wards) also are within the top 10% most deprived areas in England

House prices and earnings

Figures 10 and 11 below show the average (median) house price of all homes sold and registered in the year.

Figure 10. Average (median) house sale price of homes in Torbay



N.B. The 'median' is a type of average. The median property price/income is determined by ranking all property prices/incomes in ascending order and then selecting the middle value so that an equal number of values lie above and below that value. This means that the final figure is less susceptible to distortion by extreme values such as a small number of very high house prices or very high earners.

Source: Land Registry, House price statistics for small areas, www.ons.gov.uk

Figure 11. Average (median) house price by property type 2014 in Torbay

All dwelling types	Detached	Semi-detached	Terraced	Flats and Maisonettes
£169,250	£246,000	£179,084	£150,000	£112,000

Source: Land Registry, House price statistics for small areas, www.ons.gov.uk

Figure 12. Average (median) house price to income ratio

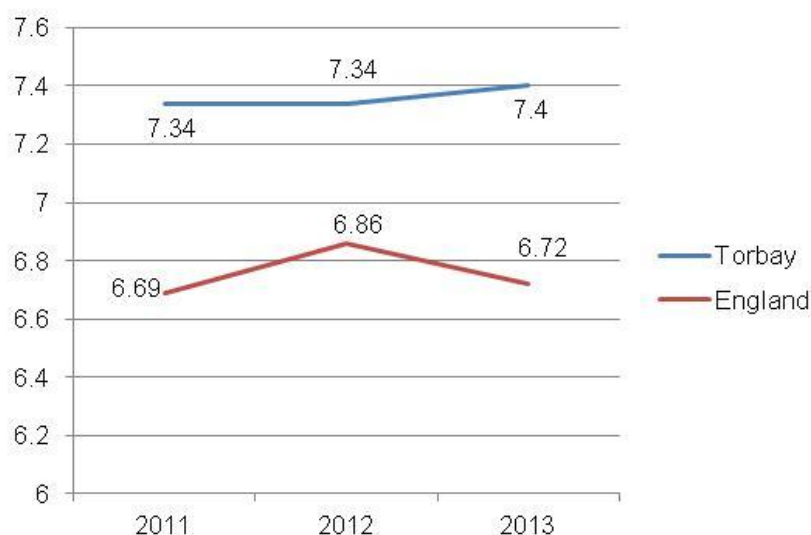


Figure 12 is a way of working out affordability of buying property- the higher the ratio, the less affordable it is for households to buy the property.

In 2013 the ratio figure for Torbay was 7.4 which means that it cost over 7 times the average Torbay salary to buy the average Torbay house. This ratio has remained consistently higher compared to England.

Source: Land Registry and the Annual Survey of Hours and Earnings (ASHE), Table 577, www.gov.uk, 2012 and 2013 figures are provisional

In 2014, the median gross annual income of Torbay residents who are full time workers was £22,200 compared to £27,500 in England as a whole, over £5000 a year less. Torbay

residents have earned at least £5000 less than the England average for the last three years. The Torbay workforce (full time workers who work in Torbay) earned less at £20,843 a year in 2014¹, showing the low earnings available within workplaces in the Bay

‘Average earnings of full time employees within the workforce across South Devon and Torbay are considerably lower than the England average. However, the average part time earnings are generally similar to the England average’²

Higher house prices and lower wages can indicate why many people in Torbay live in private rented housing.

Homes delivered

Figure 13. Net housing completions in Torbay



Source: Torbay Council, Figures are rounded to the nearest 10

Definition of Affordable Housing:

Affordable housing is social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices.

Affordable housing should:

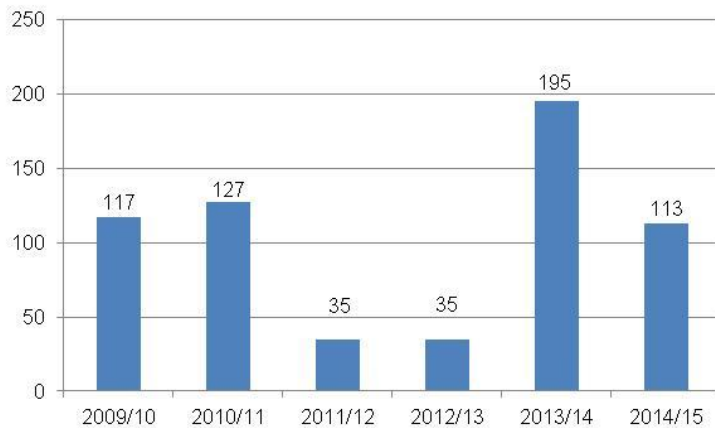
Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices; and include provisions for:

- (i) the home to be retained for future eligible households; *or*
- (ii) if these restrictions are lifted, for any subsidy to be recycled for alternative affordable housing provision.

¹ Annual Survey of Hours and Earnings (ASHE), www.nomisweb.co.uk

² Page 43, 2014/15 South Devon and Torbay Joint Strategic Needs Assessment (JSNA), Living and working well, www.southdevonandtorbay.info

Figure 14. Total affordable homes delivered in Torbay



Source: Torbay Council

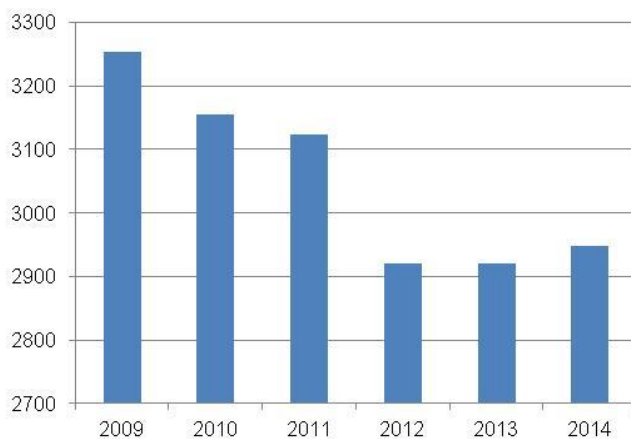
'Affordable housing is an issue in Torbay with an undersupply of social housing and relatively expensive property prices. There is a large waiting list for social housing.'³

'There is a pressing need for affordable housing in Torbay to meet the needs of local people who are unable to afford open market house prices or rents'⁴

The Local Plan 'seeks to identify land for the delivery of around 480 homes per annum, equating to about 8,900 new homes over the Plan period of 2012-2030'⁵ (draft, proposed Replacement Main Modification to the Plan)

Vacant dwellings

Figure 15. Number of vacant dwellings in Torbay (all vacants)



These figures cover all vacant dwellings of all tenures. These are residential properties/accommodation registered as vacant for Council Tax purposes.

Prior to April 2013 in Torbay there was a full Council Tax exemption on empty properties for the first 6 months and then the full charge less 10% was applicable indefinitely. From April 2013 there was a full Council Tax exemption for only 1 month and then the full charge was applicable.

Source: Department for Communities and Local Government, Table 615, www.gov.uk, Council Taxbase, Numbers as at a date in October each year

³ Page 26, 2014/15 South Devon and Torbay JSNA, Population overview, www.southdevonandtorbay.info

⁴ Page 130, Torbay Local Plan –A landscape for success. The Plan for Torbay 2012-32 and beyond (Proposed Submission Plan) February 2014, www.torbay.gov.uk/newlocalplan

⁵ Torbay Local Plan– A landscape for success. The Plan for Torbay 2012-32 and beyond, (Proposed Replacement Main Modification- RMM1), June 2015, www.torbay.gov.uk/newlocalplan

Private rented sector

'For many households, the private rented sector is the first and only option as home ownership is financially out of reach and the demand for social housing far outstrips supply'⁶

Young people

The Youth Homelessness Prevention Commissioning Strategy says that due to limited availability of social and supported housing most young people will be living in private rented housing. 'In Torbay there needs to be greater focus on the various options that could be in place for managing and working effectively with this resource to make it more accessible, more successful, and a positive experience for young people.'⁷

Dependent children

'Around 24% of all households (all ages) across Torbay ... are privately rented compared to a national average of 18%. This is significantly higher for dependent children'⁸

Houses in Multiple Occupation (HMOs)

A HMO is generally a property occupied by more than one household and more than two people, and may include bedsits, shared houses, non self contained flats and some self contained flats.

The Government introduced the Mandatory Licensing Scheme from 6 April 2006. The scheme requires that larger HMOs, with a greater risk to the occupier's health and safety are licensed.

HMOs which are required to have a mandatory license are;

- Properties with five or more occupiers (who form more than one household)
- Set out over three storeys or more (including attic conversions, basements and commercial premises)
- And have an element of sharing of an amenity (at least two households share a bathroom or kitchen) or lack an amenity (one or more dwellings lack immediate access to a bathroom or kitchen)
- Some other HMOs may need to be licensed in accordance with the Housing Act 2004

Figure 16. Licensed HMOs in Torbay, registered under the Housing Act 2004

Town	Number	%
Torquay	54	67%
Paignton	25	31%
Brixham	2	2%
Total	81	

Source: Torbay Council,
<http://www.torbay.gov.uk/registers> Public
register of HMOs as downloaded on 25
February 2015

The highest proportion of licensed HMOs are situated in Torquay

The ward with the highest number of licensed HMOs is Tormohun which is one of the areas in the Bay with the highest concentration of private rented accommodation, along with Roundham with Hyde ward in Paignton, which has the second highest number of HMOs

⁶ Page 2, 201415 South Devon and Torbay JSNA, Population overview, www.southdevonandtorbay.info

⁷ Page 9, Youth homelessness prevention commissioning strategy, Torbay

⁸ Page 20, 2014/15 South Devon and Torbay JSNA, Starting Well, www.southdevonandtorbay.info

This table only includes those HMOs that are licensed, so does not show a true spread of HMOs in Torbay. There are many more HMOs that do not require a license under the Housing Act

There are about 1,450 HMOs in the Bay, forming 2.3% of Torbay's housing stock compared to a national rate of 1.6%.⁹

Private rents

Figure 17. Monthly cost of private rent, 2013/14

	Monthly average/ median private rent
Torbay	£575
England	£595

Source: Valuation Office Agency, Private Rental Market Statistics Table 2.7, taken from a sample

This figure is across all sizes of accommodation. It does not include Housing Benefit funded tenancies. The samples used are not statistical and may not be consistent over time, as such the data should not be compared across time periods or between areas. This means that the statistics presented should be considered as indicative.

Torbay social housing register- applicant households

Council and housing association homes available to rent are advertised through Devon Home Choice. Applicants can look for and apply for social housing within all the Local Authority areas within Devon.

The Housing Act 1996 requires that 'Reasonable Preference' for housing must be given to people in certain categories. Applicants are assessed and given a band A-D, depending on housing need and placed on the housing register. Once on the housing register applicants can bid for properties they are interested in. In 2011 the Localism Act allowed Councils to restrict access to their housing registers. In May 2014 Torbay and other areas removed a fifth band- E (no housing need) from the register.

Torbay has introduced a five year residency requirement where applicants or a member of the household need to have lived in Torbay for five years to be eligible to go on the Torbay housing register. There are a number of exceptions to this.

The information in this section relates to households on the Torbay housing register, so applicants who have stated a wish to live in Torbay. It analyses the register as on one date- 9 January 2015.

Figure 18. Number of applicant households on the Torbay housing register within Bands A-D of housing need

Jan 13	Apr 13	Jul 13	Oct 13	Jan 14	Apr 14	Jul 14	Oct 14	Jan 15	Apr 15
1,690	1,642	1,631	1,588	1,448	1,372	1,428	1,489	1,638	1,857

Source: Devon Home Choice, Quarterly monitoring report, April 2015, page 2, www.devonhomechoice.com, as on 1st of each month or closest date available

⁹ Page 134, Torbay Local Plan– A landscape For success. The Plan for Torbay 2012-32 and beyond (Proposed Submission Plan) February 2014, www.torbay.gov.uk/newlocalplan

Figure 18 above shows that:

- The number on the Torbay housing register (within bands A-D) is increasing, a similar trend to other Local Authorities within Devon

Across Devon as a whole there has been an increase in numbers in housing need for the fourth quarter in a row but the total figure remains 22% lower than the peak in October 2011¹⁰

Following a change of computer system in June 2014 the number of applications increased whilst a process to remove out of date applications is developed. Once in place it is anticipated that numbers on the register will start to fall as old applications are removed

'The greatest need across all Local Authority areas [within Devon] remains for one bedroom properties'¹¹

Figure 19. Number of applicant households on the Torbay housing register, 9 January 2015- number of bedrooms needed and band of need

Number of bedrooms needed	Band of housing need of applicant households					Total
	Band A (Emergency need)	Band B (High need)	Band C (Medium need)	Band D (Low need)	Band E (No need)	
1 bedroom		204	147	576		936
2 bedrooms		78	153	211		445
3 bedrooms		26	98	66		190
4 bedrooms or more		31	60	24		116
Total	Under 5	339	458	877	Under 15	1687

Source: Devon Home Choice, Under 5 and under 15 - low numbers suppressed due to data confidentiality

The largest number of applicants have been placed in band D (low housing need) with a requirement for one bedroom

Please note that since May 2014 Torbay has no longer been allowing applicants who would be in band E (No housing need) on the housing register. The small number in band E in the table above will be cases which are awaiting review and will be either re-banded or closed.

Social housing tenants applying for a new property because they wish to downsize are given a band B need on the Torbay housing register

¹⁰ Page 2, Devon Home Choice quarterly monitoring report April 2015, www.devonhomechoice.com

¹¹ Page 1, Devon Home Choice quarterly monitoring report April 2015, www.devonhomechoice.com

Figure 20. Number of bedrooms needed by applicant households on the Torbay housing register, 9 January 2015- current area of residence

Area of current residence	Number of bedrooms needed				
	1 bedroom	2 bedrooms	3 bedrooms	4 bedrooms or more	Total
Torquay	440	195	90	45	770
Paignton	249	138	55	33	475
Brixham	84	44	14	8	150
No fixed abode/ Out of area	163	68	31	30	292
Total	936	445	190	116	1687
% of all applicants on the Torbay register	55%	26%	11%	7%	

Source: Devon Home Choice

Figure 20 above shows that:

- Most applicants live in Torquay. Torquay contains 50% of Torbay households and the 770 Torquay applicants make up 55% of those on the housing register who live in Torbay
- Just over half of applicants living in each town required accommodation with one bedroom

Band of housing need:

- Out of the three towns, Torquay has the highest proportion on the housing register in band B at 25% (191 households)
- Out of the three towns, Brixham has the highest proportion on the housing register in band C at 34% (51 households)

Torbay social housing register- lettings made

General needs homes are those that are not sheltered or supported accommodation.

Figure 21. General needs homes let in Torbay to applicants on the register- offers accepted

Year	Band of housing need of applicants					Total
	Band A (Emergency need)	Band B (High need)	Band C (Medium need)	Band D (Low need)	Band E (No need)	
2010/11	28	160	65	13	7	273
2011/12	6	199	97	26	9	337
2012/13	6	168	38	13	6	231
2013/14	10	215	111	36	21	393
2014/15	7	135	97	48	6	293

Source: Devon Home Choice monitoring reports, www.devonhomechoice.com

The number of lets in the financial year 2013-14 were significantly higher than previous figures possibly as a result of moves prompted by welfare reforms¹²

The number and proportion of lettings to applicants within band D has increased in the last two years.

Please note that since May 2014 applicants have not been placed in band E on the housing register meaning lower numbers of allocations to this band of need

Figure 22. General needs homes let in Torbay to applicants on the register- number of bedrooms

Year	Number of bedrooms in the properties				Total
	1 bedroom	2 bedrooms	3 bedrooms	4 bedrooms or more	
2010/11	103	99	60	11	273
2011/12	111	138	-	Under 5	337
2012/13	94	94	36	7	231
2013/14	92	189	89	23	393
2014/15	82	139	66	6	293

Source: Devon Home Choice, Under 5- number suppressed due to data confidentiality, '-' number suppressed so low number cannot be calculated

The highest number and proportion of lettings made in the last two years is of properties with two bedrooms

Sheltered homes let in Torbay to applicants on the register:

- Most sheltered homes were let to applicants within band B or C of housing need
- Most properties let contained one bedroom

Spare rooms in social housing

From April 2013, working age tenants living in social housing and receiving Housing Benefit have had a reduction in benefit by 14% if they have one more bedroom than required for the household or 25% if they have more than one extra bedroom.

Figure 23. Reductions in Housing Benefit made due to extra bedrooms, as in December 2014 in Torbay

	Number of households
14% reduction in Housing Benefit (so have 1 extra bedroom)	448
25% reduction in Housing Benefit (so have more than 1 extra bedroom)	96
Total	544

Source: Torbay Council

Altogether there were 4,223 households claiming Housing Benefit in social housing. Therefore in December 2014 around 13% of Housing Benefit claimants living in social housing were affected by 'Removal of the spare room subsidy'.

¹² Page 4, Devon Home Choice quarterly monitoring report, July 2014, www.devonhomechoice.com

The size criteria rules will not apply to the following;

- Any claimant over the qualifying age for state pension credit or with a partner over that age
- Shared ownership cases
- Any claimant who is accepted as homeless under homelessness legislation of the Housing Act 1996
- Any claimant that occupies “Supported Exempt Accommodation”

Please note that the 4,223 claimants cover both working and pension age claimants.

For those that are affected (working age claimants), to mitigate the impact of the restriction Discretionary Housing Payments can be awarded. This is where the claimant applies for additional help with their rent through Discretionary Housing Payments, which is a separate scheme that’s administered by local councils and funded by Central Government (Department of Work and Pensions).

It is not possible to quantify how many households renting from social landlords occupy accommodation where additional bedrooms are required, i.e. the accommodation is smaller than requirements.

Housing Stock Condition

A House Condition Survey for Torbay was carried out in 2011, giving a profile of housing stock in Torbay and whether it met the Decent Homes Standard. This gave a very high level assessment of the type of issues and the scale of which are experienced in Torbay.

The Housing Standards team deal with enquiries from members of the public who are experiencing problems with the condition of their rented accommodation. Tenants are encouraged to approach their landlords and resolve matters informally, if not the Housing Standards team have powers to inspect properties and undertake informant action if required. The following table illustrates the number of enquires that have required intervention by the team when tenants have not managed to resolve them.

Figure 24. Enquiries to Torbay Council relating to housing disrepair that have required an intervention, April 2013 – January 2015

Town where property situated	Number of enquiries	% of enquiries
Torquay	359	61%
Paignton	174	30%
Brixham	56	10%
Total	589	

Source: Torbay Council

Overcrowding

Overcrowding in this instance is defined as where there is one or more bedrooms too few for the household. According to census 2011 figures there is less overcrowding in Torbay social rented and particularly the private rented sector compared to England.

A lower proportion of people who stated they had bad/very bad health were in overcrowded homes (3-4%), than in England (6%)

Deprivation and poverty

As shown by the Indices of Multiple Deprivation maps on page 5, areas of Torbay are within the top 10% most deprived in England. These are also the areas that contain the highest proportions of private rented and social housing in the Bay.

- ‘The local authority areas of Teignbridge and Torbay have been identified as areas on ***the edge of poverty***. That is where a downturn could force thousands into poverty. The report [The Guardian, 2012] suggests parts of the UK that are most vulnerable if the economy worsens, Torbay and Teignbridge were placed 1st and 13th respectively. ... Torbay is ranked as highest nationally, with 37% of households (22,600) identified as being at risk of falling into poverty, compared to 28% in Teignbridge (15,600)’¹³
- ‘Health indicators for Torbay show a mixed pattern strongly related to demographics and levels of deprivation. Overall, average life expectancy in Torbay is in line with national figures but at a ward level, there is a difference as large as 7 years for both males and females between the most prosperous and most disadvantaged wards’¹⁴
- ‘Around 1 in 4 of children in Torbay live in relative poverty compared to around 1 in 5 across England’¹⁵
- **Fuel poverty** is determined by income, fuel price and likely fuel consumption of the household. Levels of fuel poverty in Torbay (2011/12) are very similar to England, slightly higher in Torquay. ‘National level statistics suggest that those most at risk of being in fuel poverty are the younger private renters, as well as those on pre-paid meters’¹⁶

Homelessness

Acceptance of a Full Housing Duty by the Local Authority

Households can make an application for homeless assistance to the Local Authority. The Authority then investigates their situation to determine what duty, if any, is owed to them. To be owed the ‘Full Housing Duty’ applicants need to be eligible for assistance, in priority need for accommodation and homeless unintentionally.

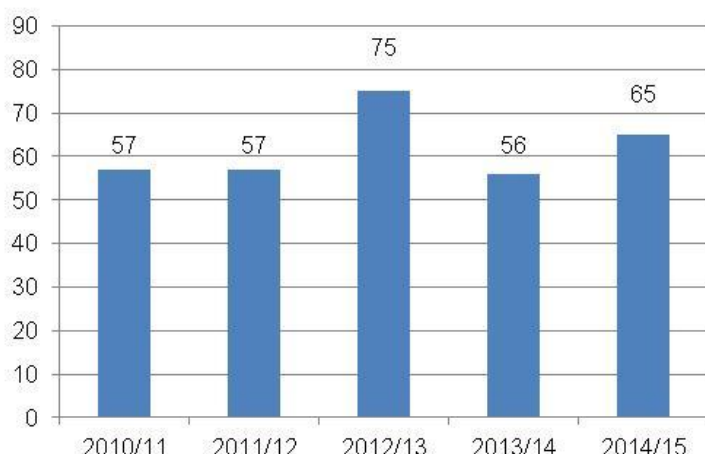
¹³ Page 42, 2014/15 South Devon and Torbay JSNA, Population overview, www.southdevonandtorbay.info

¹⁴ Page 53, Torbay Local Plan –A landscape for success. The Plan for Torbay 2012-32 and beyond (Proposed Submission Plan) February 2014, www.torbay.gov.uk/newlocalplan

¹⁵ Page 12, 2014/15 South Devon and Torbay JSNA, Executive summary, www.southdevonandtorbay.info

¹⁶ Department of Energy and Climate Change cited in page 29, 2014/15 South Devon and Torbay JSNA, Population overview, www.southdevonandtorbay.info

Figure 25. Households accepted as owed the full housing duty, Torbay



There were more households accepted as owed the full duty in 2014/15 than the previous year, but lower than 2012/13

Source: Housing Options service, Torbay Council, Government P1E returns

Figure 26. Number of households accepted as owed the full housing duty per 1000 households



Source: Office of National Statistics, Table 784, using household population projections for each year

Figure 27. One person households accepted as owed the full housing duty, Torbay

Year	Number of one person households	Percentage of all households accepted as owed the full housing duty
2010/11	25	44%
2011/12	29	51%
2012/13	33	44%
2013/14	26	46%
2014/15	32	49%

Source: Housing Options service, Torbay Council, Government P1E returns

One person households make up around 50% of those accepted as owed the full housing duty

In 2013/14 and 2014/15 there were a higher proportion of single female than single male households whereas in the previous three years there were more males than females, but numbers are small so can skew the figures

Source: Torbay Council, Housing Options Team, Government P1E returns

Figure 28. Main reasons for loss of last settled home for applicant households accepted as owed the full housing duty in Torbay

	2010/11		2011/12		2012/13		2013/14		2014/15	
	No.	%	No.	%	No.	%	No.	%	No.	%
Violent breakdown of relationship, involving partner	11	19%	12	21%	18	24%	19	34%	14	22%
Loss of rented/tied accommodation due to:										
• Termination of assured shorthold tenancy	15	26%	17	30%	12	16%	13	23%	8	12%
• Reasons other than termination of assured shorthold tenancy	8	14%	8	14%	10	13%	7	13%	12	18%
Other reasons	23		20		35		17		31	
Total number accepted as owed the full housing duty	57		57		75		56		65	

Source: Torbay Council, Housing Options P1E returns

Domestic violence incidents by a partner are the main reason for loss of the home over the last three years

The other main reasons are the loss of rented/tied accommodation due to termination of assured shorthold tenancy, or the loss of rented tied accommodation due to other reasons

Other reasons for loss of home in Torbay since 2010/11 for those households owed the full housing duty involved very small numbers:

- Parents, other relatives or friends no longer willing or able to accommodate
- Non violent breakdown of relationship with partner
- Violent breakdown of relationship involving associated persons (not partner), Other forms of violence (not linked to racial or relationships)
- Harassment (racial and other)
- Mortgage arrears (repossession or other loss of home)
- Rent arrears on private sector dwellings
- Left prison/on remand, left hospital, left other institution or Local Authority care
- Other (e.g. homeless in emergency, sleeping rough or in a hostel, returned from abroad)

Priority need

To be accepted as owed the full housing duty by the Local Authority, the household must be identified as in 'priority need for accommodation'. Households with dependent children and pregnant women are always identified with this as their priority need regardless of any other priority need they may have.

In 2014/15 the number of households accepted as owed the full housing duty where the priority need was due to 'mental illness or disability' more than doubled compared to the previous year and was the highest number for at least the last five years. In 2014/15 this is the most common priority need (outside of children/pregnancy) for households owed the full housing duty, with 15 households (that do not contain dependent children/pregnancy) identified with this as their priority need.

Fleeing domestic violence is another main reason for being accepted as owed the full housing duty.

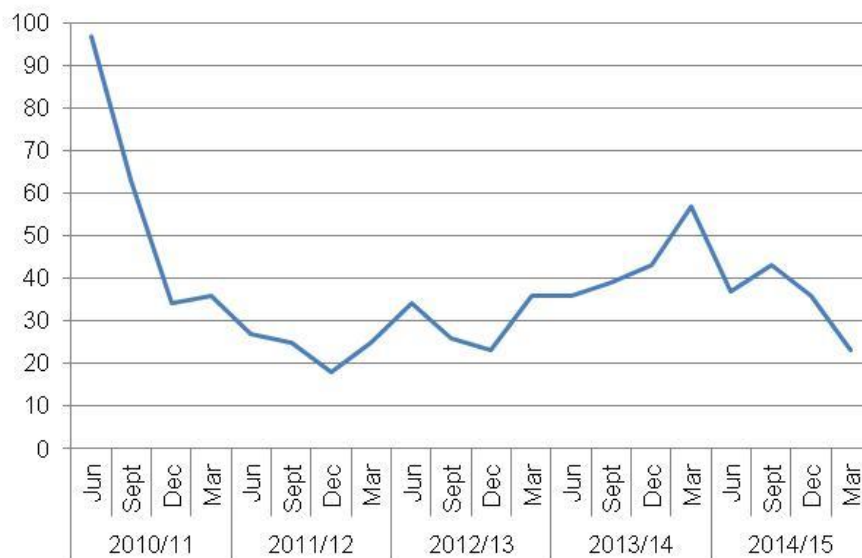
Source: Housing Options service, Torbay Council

Homelessness- temporary accommodation

The Local Authority has a duty to provide emergency accommodation when it has reason to believe that an applicant may be homeless, eligible and in priority need for accommodation.

The Local Authority also has a duty to provide emergency accommodation for households owed the full housing duty.

Figure 29. Number of households in emergency accommodation provided by Torbay Council, measured at the end of each quarter

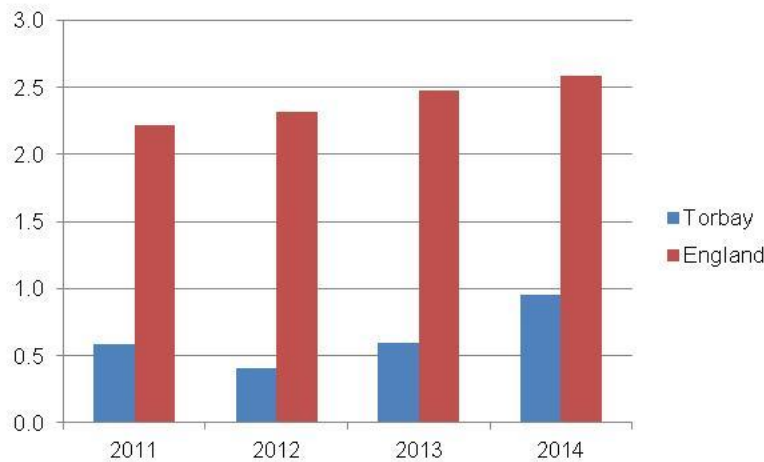


Source: Housing Options service, Torbay Council, P1E returns

The number of households in temporary accommodation measured at the end of each quarter has decreased generally since 2010/11, with a rise in 2013/14

As in June 2015 the number of households in temporary accommodation had increased to 52.

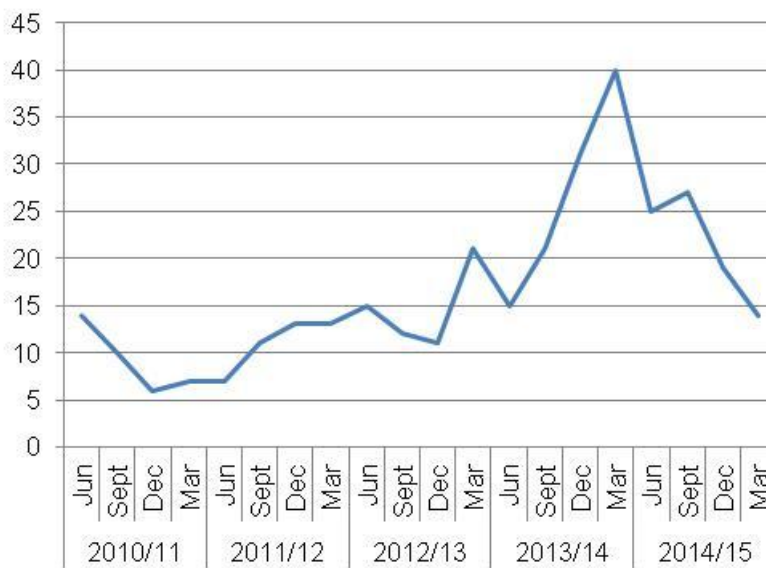
Figure 30. Number of households in temporary accommodation per 1000 households, measured on 31 March each year



Torbay has a lower rate compared to England with an increase in 2014

Source: Office of National Statistics, Table 784, www.gov.uk, using household population projections for each year.

Figure 31. Number of one person households in temporary accommodation



Source: Housing Options service, Torbay Council, Government P1E returns

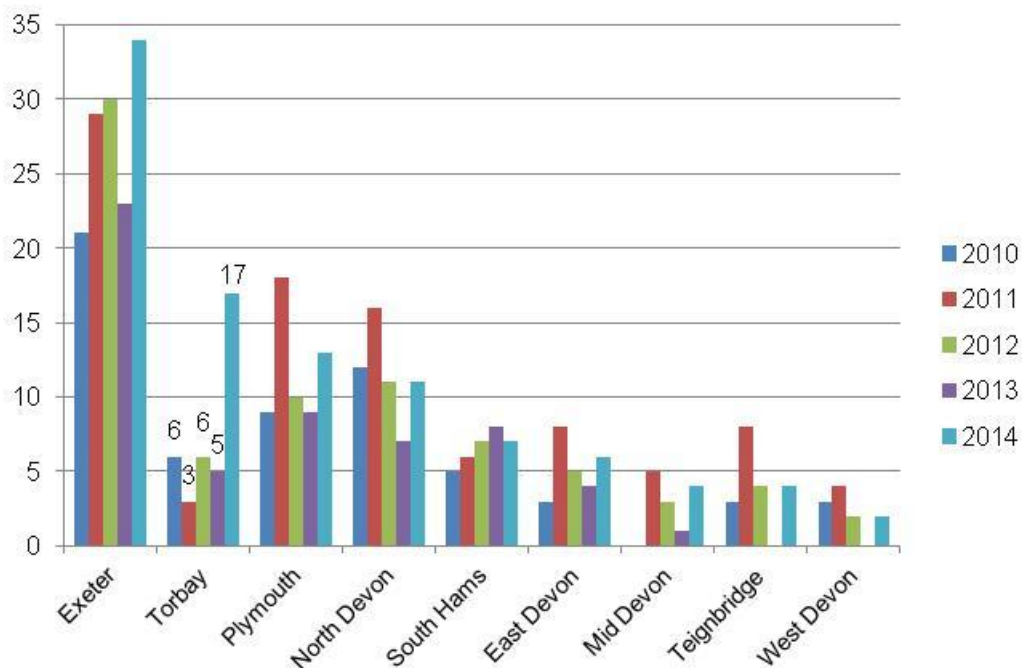
There was a high peak in use of temporary accommodation by one person households, particularly males, around the end of 2013/14.

'In the first half of 2014/15 there has been an increase in the use of emergency temporary accommodation for young people following a reduction in 2013/14'¹⁷

¹⁷ Page 15, Youth homelessness prevention commissioning strategy, Torbay

Rough sleeping

Figure 32. Counts and estimates of the number of rough sleepers in Devon, 2010-2014



Source: Department for Communities and Local Government, www.gov.uk
Lack of a column for a year means the estimate was 0.

The count/estimate takes place in Autumn each year.

- A count is a single night snapshot of the number of rough sleepers in a local authority area
- An estimate is the number of people thought to be sleeping rough in the area on any one night in a chosen week
- All of the above were estimates except: Exeter- 2010, 2011, 2013; Torbay- 2011; Mid Devon- 2013

Between 2013 and 2014, the Torbay estimate increased from 5 to 17 rough sleepers, an increase of 240%. All other Local Authority areas in the chart above (except South Hams) saw an increase in this period. England as a whole rose from 2,414 to 2,744 rough sleepers between 2013 and 2014- an increase of 14%

Accommodation for single homeless people

The Leonard Stocks Centre is a 24-bed hostel (engagement and resettlement centre) which provides accommodation and support to single homeless people with support needs and a local connection.

Figure 33. Number of people moving into Leonard Stocks Centre

Year	Number of clients
2009/10	91
2010/11	121
2011/12	91
2012/13	106
2013/14	115
2014/15	108

Source: Chapter 1 and Centre for Housing Research, <https://supportingpeople.st-andrews.ac.uk>

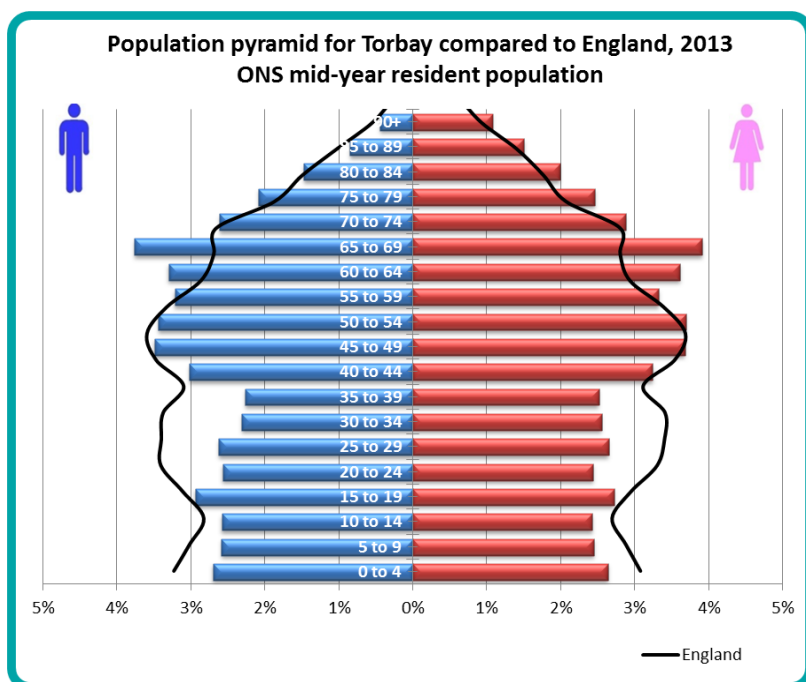
- In 2012/13 and 2013/14 there was an increase in people aged 51 years and over using Leonard Stocks Centre
- Most people using the service since 2010/11 were aged 25-50
- In 2014/15 28% of people who left the service rented privately owned accommodation. None in the last 6 years were recorded as moving into social housing or becoming owner occupiers

Source: Chapter 1 and Centre for Housing Research, <https://supportingpeople.st-andrews.ac.uk>

The population of Torbay

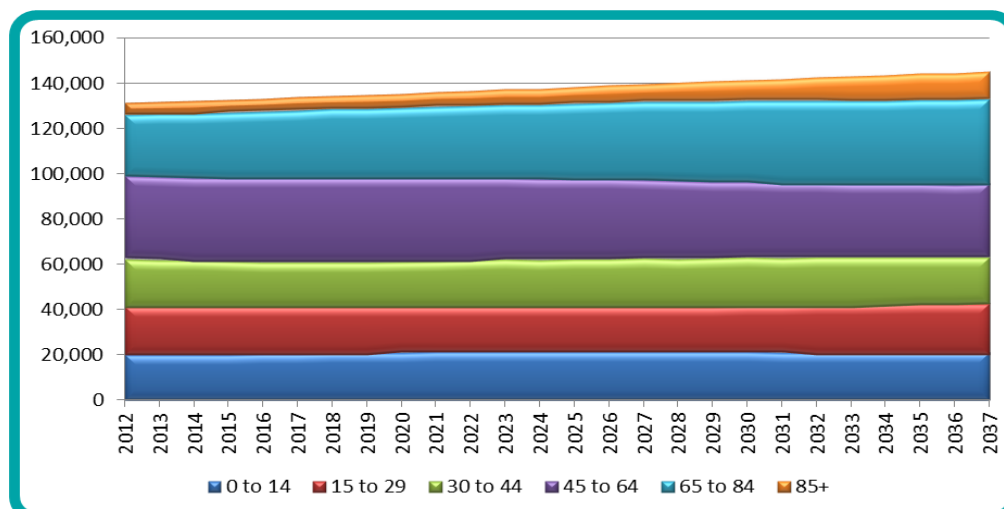
Age and gender

Figure 34



Future population estimates

Figure 35. Estimates of the age of the future population- up to 2037



Source: 2012 based subnational population projections, Office of National Statistics

An ageing population:

Overall there is expected to be an increase in Torbay’s resident population, most noticeably those aged 65 and over and those aged 85 years and over. The population is projected to rise from 132,200 in the year 2014 to 145,200 in 2037.

Figure 36. Future resident population estimates by age group (proportion)

Age Group	Torbay			England		
	2014	2018	2022	2014	2018	2022
0 to 14	15.3%	15.6%	15.7%	17.8%	18.1%	18.1%
15 to 29	16.0%	15.2%	14.6%	19.5%	18.6%	17.9%
30 to 44	15.6%	14.8%	15.0%	19.9%	19.4%	19.7%
45 to 64	27.5%	27.4%	26.6%	25.3%	25.4%	25.0%
65 to 84	21.6%	22.7%	23.4%	15.2%	15.8%	16.4%
85+	4.0%	4.3%	4.8%	2.4%	2.6%	2.9%

Source: 2012 based subnational population projections, Office of National Statistics

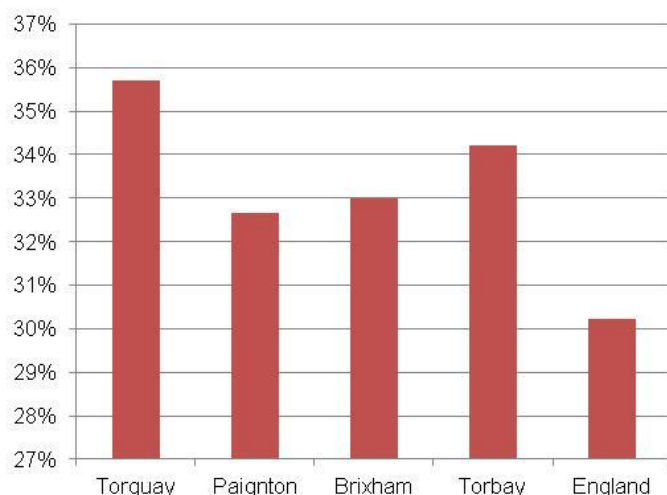
Figure 36 above shows that the proportion of people aged 45 years and over is projected to be higher in Torbay compared to England, with an increase in number and percentage aged 65 and over.

Groups within the population

Below are a selection of population groups:

One person households

Figure 37. One person households in Torbay



Source: 2011 census, www.nomisweb.co.uk

All three towns have a higher proportion of one person households- Torquay has significantly more- compared to England.

Lone parent families

'Torbay has higher proportions of lone parent families'¹⁸

Proportions of households with a dependent child aged 0 to 4 with a lone parent is highest in Torquay¹⁹

The census shows that proportionally the private rented sector contains 3% more lone parents households with dependent children compared with England.

Older people living alone

'Social isolation and loneliness have a detrimental effect on health and wellbeing. Studies show that being lonely or isolated can impact on blood pressure, and is closely linked to depression. Older people are particularly vulnerable to social isolation and loneliness owing to loss of friends and family, mobility or low income'²⁰

The census shows that compared with England:

¹⁸ Page 19, 2014/15 South Devon and Torbay JSNA, Developing Well, www.southdevonandtorbay.info

¹⁹ Page 20, 2014/15 South Devon and Torbay JSNA, Starting Well, www.southdevonandtorbay.info

²⁰ Page 2, 2014/15 South Devon and Torbay JSNA, Ageing and dying well, www.southdevonandtorbay.info

- Social rented properties contain a higher proportion of one person households aged over 65- 22% in Torbay compared to 19% in England. The proportion is higher in Paignton and Brixham.
- 18% of owned properties were owned by one person households aged over 65 compared to 13% in England. In Brixham it is higher
- Private rented properties in Torbay contain 5% more one person households aged over 65, this is higher in Brixham

Travellers

'A local assessment of traveller accommodation need in Torbay was carried out by the Council in Summer/Autumn 2013. The study confirmed that no evidence existed that indicated a need for the Council to make provision for permanent or transit site accommodation for travellers, namely 'gypsies and travellers' and 'travelling showpeople'. However, it is intended that the need for accommodation will be kept under review in conjunction with other Devon authorities.'²¹

Young people

Torbay's Youth Homelessness Prevention Commissioning Strategy says that:

- A range of options is needed to suit the complexity and diversity of need, and there is currently a lack of services for young people with complex needs and/or challenging behaviour
- Supported accommodation needs to replicate future experience of accommodation so to better manage their expectations. Young people need to be able to access brief intervention support if they have any problems relating to their tenancy/income. Young people need to be able to understand their responsibilities as a tenant.

Benefits

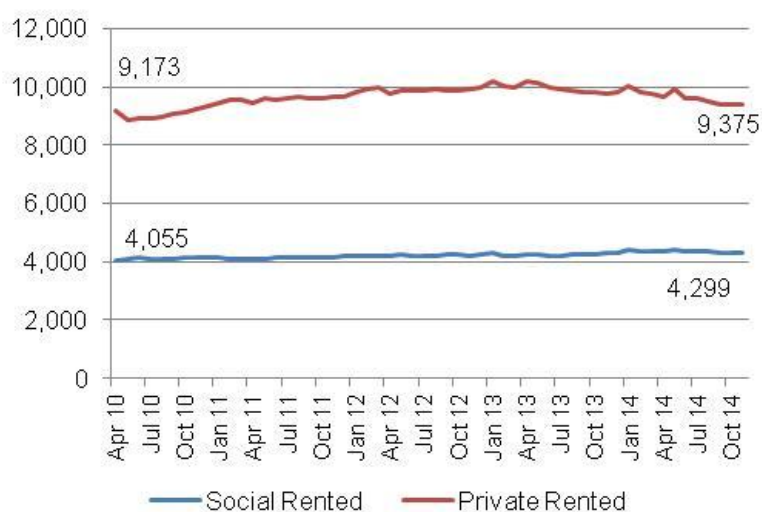
Housing Benefit claimants

Payments to Torbay residents are administered by Torbay Council. Tables below give some information about the profile of claimants in Torbay.

The figures for February 2015 are based on a database extract run on 17 February 2015 showing a snapshot of claimants as on that date.

²¹ Page 136, Torbay Local Plan– A landscape for success. The Plan for Torbay 2012-32 and beyond (Proposed Submission Plan) February 2014, www.torbay.gov.uk/newlocalplan

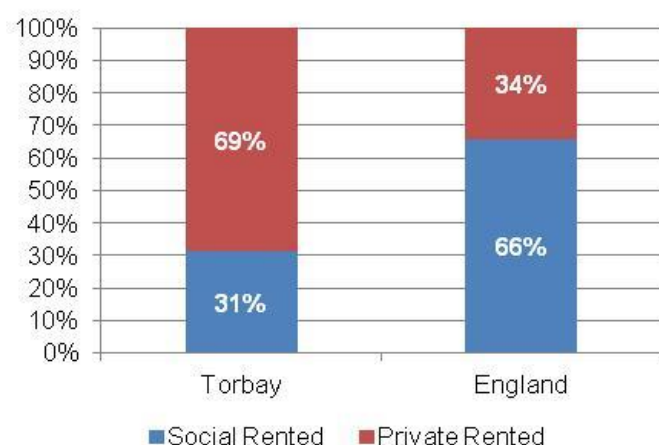
Figure 38 Number of Housing Benefit claimants, by tenure



Torbay has a higher proportion of private rented tenure compared to England. This likely accounts for the difference between Torbay and England in Figure 39 although there could also be additional reasons

Figure 38 shows that the number of claimants is much higher in private rented accommodation in Torbay. Figure 39 shows that in 2014 the proportion of claimants in private rented housing was 69% in Torbay compared to 34% in England as a whole

Figure 39. Tenure of Housing Benefit claimants, 2014



Source: Department of Work and Pensions, <https://stat-xplore.dwp.gov.uk>, Figure 38- count as on one day each month

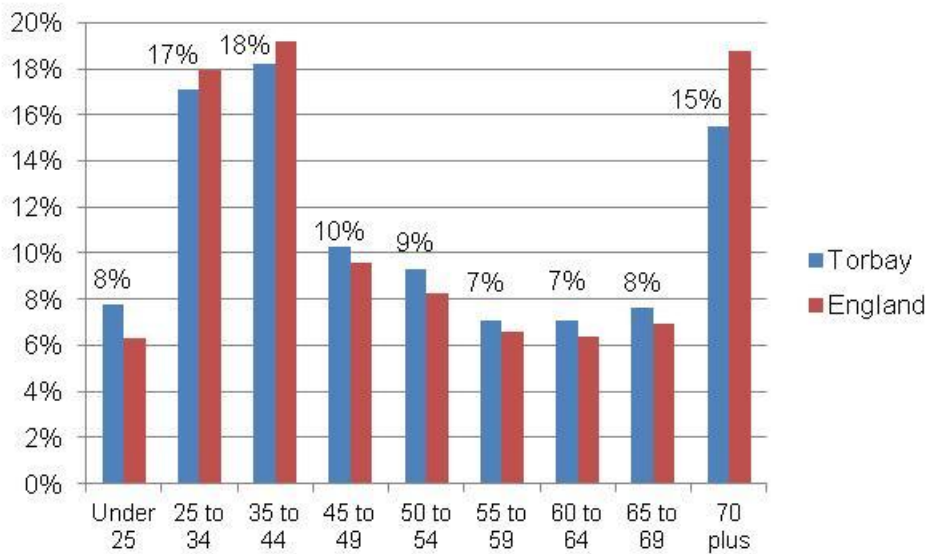
Figure 40. Tenure type of Housing Benefit claimants, February 2015

	Proportion of claimants in social rented	Proportion of claimants in private rented	Total number of claimants	% in each town out of total Torbay claimants
Torquay	30%	70%	7,852	57%
Paignton	32%	68%	4,307	32%
Brixham (includes Churston and Galmpton)	34%	66%	1,508	11%
Total in Torbay	31%	69%	13,667	

Source: Torbay Council

Figure 40 shows that the proportion of claimants living in private rented accommodation is highest in Torquay and lowest in Brixham.

Figure 41. Age of Housing Benefit claimants, 2014



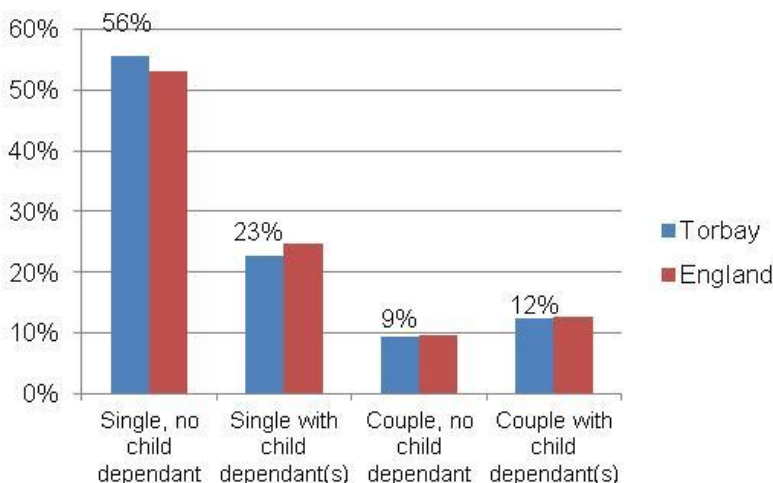
Source: Department of Work and Pensions, <https://stat-xplore.dwp.gov.uk>, refers to the age of individual claimant or, if claiming as a couple, the eldest age within that couple

Compared to England, Torbay has a lower percentage of claimants aged 70 years and over but a higher percentage aged under 25

Within Torbay (February 2015):

- Brixham (including Churston and Galampton) has a higher proportion of claimants in the older age ranges, particularly aged 70 and over
- Torquay has the highest proportion of claimants in the younger age ranges.

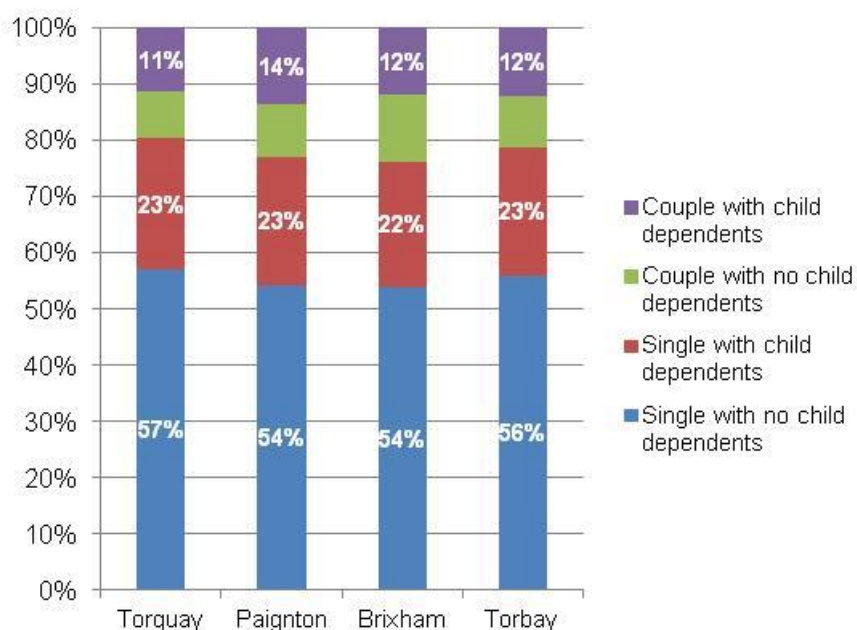
Figure 42. Family type of Housing Benefit claimants, 2014



Compared to England, Torbay has a higher proportion of claimants who are single with no child dependents and a lower proportion of claimants who are single with child dependents. These proportions and numbers have remained similar since 2010

Source: Department of Work and Pensions, <https://stat-xplore.dwp.gov.uk>

Figure 43. Family type of Housing Benefit claimants, February 2015



Source: Torbay Council, count as on one date

Figure 43 shows that within Torbay (February 2015):

- Torquay has the highest proportion of claimants who are single with no child dependents (57%) and the lowest proportion of claimants who are couples (11%)
- Paignton has the highest proportion of claimants who are couples with child dependents (14%)
- Brixham (includes Churston and Galmpton) has the highest proportion of claimants who are couples with no child dependents (12%)

Council Tax Support claimants

The figures for February 2015 are based on a database extract run on 17 February 2015 showing a snapshot of claimants as on that date.

Figure 44. Claimants of Council Tax Support, February 2015

Town	Number of claimants	Number of households with a liability to pay Council Tax*	% of claimants out of households with a liability to pay Council Tax
Torquay	8,592	30,231	28%
Paignton	5,535	20,966	26%
Brixham (includes Churston and Galmpton)	2,138	8,706	25%
Total in Torbay	16,265	59,903	

Source: Torbay Council, *Excludes properties where there are 100% exemptions, discounts and reliefs

Figure 44 shows that the town with the highest proportion of households claiming Council Tax Support is Torquay with 28% of the households with a liability claiming

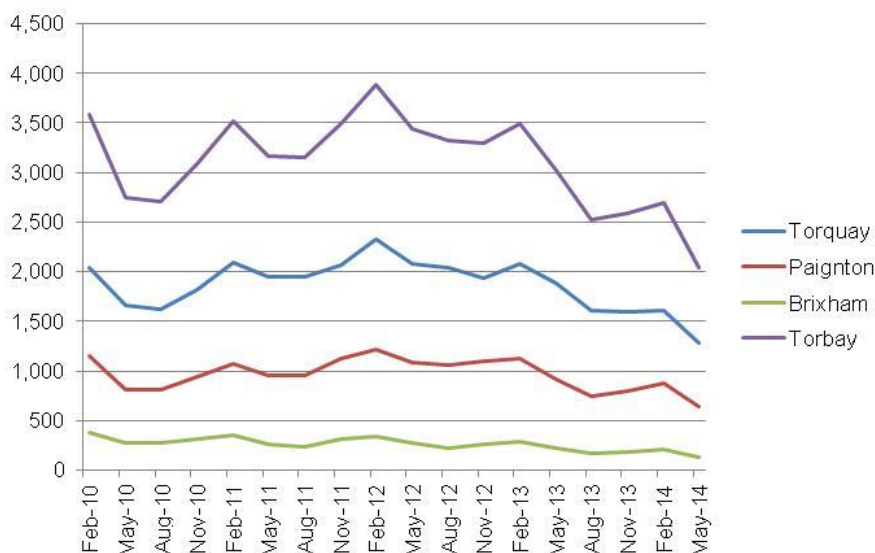
Similarly to Housing Benefit figures:

- Brixham (includes Churston and Galmpton) had the highest proportion of Council Tax Support claimants who were aged 70 and over. Torquay has the highest proportion in the younger age ranges
- The highest proportion of claimants are single people with no child dependents (particularly in Torquay), with a higher proportion of claimants in Brixham who are couples with no child dependents

Unemployment/ Job seekers allowance claimants

As in 2012/13, the unemployment rate in Torbay is dropping at 7.5% of 16-64 year olds actively seeking work, having just become slightly lower than the England rate of 7.8%.²²

Figure 45. Claimants of Job Seekers Allowance

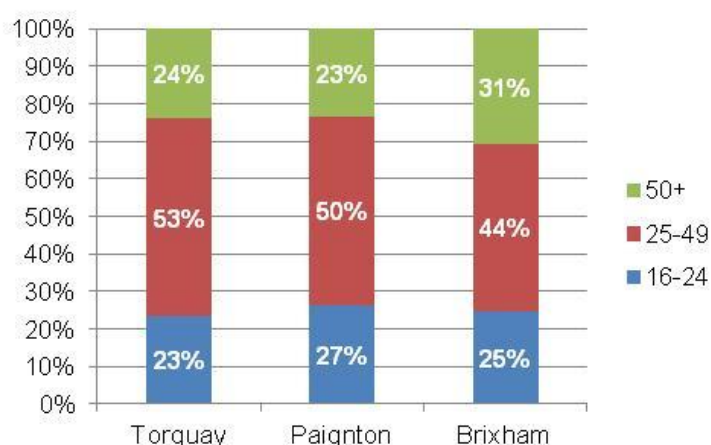


The number of claimants has decreased since 2010 in all three towns.

Source: Department of Work and Pensions, www.nomisweb.co.uk

²² Office of National Statistics: Model-based estimate of the % of people who are economically active, aged 16-64, who are unemployed but actively seeking work. Data is % of the economically active population

Figure 46. Age of Job Seekers Allowance claimants, 2014



There is a higher percentage of claimants aged 50 and over in Brixham than in Torquay or Paignton.

Source: Department of Work and Pensions, www.nomisweb.co.uk,

There is a higher percentage of 18-24 year olds claiming Job Seekers Allowance in 2013/14 compared to England: Just over 7% of 18-24 year olds in Torbay, 8% in Torquay and 6% in combined Paignton and Brixham, compared to less than 5% across England²³

Health issues and disability

Links between housing and health

'Health, well-being and the built environment are inextricably linked. Where new development occurs it is therefore important that the implications of the proposals upon the health and the well-being of the affected communities are considered. This approach reflects the Marmot Review 'Fair Society, Healthy Lives' (2010) which considered health inequalities in England. It proposed an evidence based strategy to address the social determinants of health, the conditions in which people are born, grow, live, work and age and which can lead to health inequalities.'

'Development can contribute to creating healthier communities in a number of ways, e.g. by providing decent accommodation, reducing the effect of fuel poverty, providing open space and recreation areas. Developments should consider how they can promote healthier outcomes'²⁴

'There are a range of health related conditions associated with non-decent housing, including cardiovascular diseases; respiratory diseases depression and anxiety, and physical injury from accidents.'²⁵

²³ Page 30, 2014/15 South Devon and Torbay JSNA, Developing well, www.southdevonandtorbay.info

²⁴ Page 147, Torbay Local Plan –A landscape For success. The Plan for Torbay 2012-32 and beyond (Proposed Submission Plan) February 2014, www.torbay.gov.uk/newlocalplan

²⁵ Page 2, 2014/15 South Devon and Torbay JSNA, Population overview, www.southdevonandtorbay.info

Health issues and disability within the population

Figure 47. People with a disability that limits day to day activities

Town	People with disability that limited day to day activities	
	Limited a lot	Limited in some way
Torquay	11%	23%
Paignton	12%	25%
Brixham	13%	26%
Torbay	12%	24%
England	8%	18%

Source: 2011 census, www.nomisweb.co.uk

Figure 47 shows that Torbay has a higher proportion of people self reporting in the census that their day to day activities were limited by a disability/health issue compared to England. Further analysis (age standardisation) shows that this is not due to age, even though there is a higher proportion of older people living in Torbay. A possible explanation could be the higher prevalence of long term conditions in the population.

Brixham had the highest proportion of the population with limited day to day activities at 26%

Figure 48. Proportion of people in each tenure type with bad/very bad health

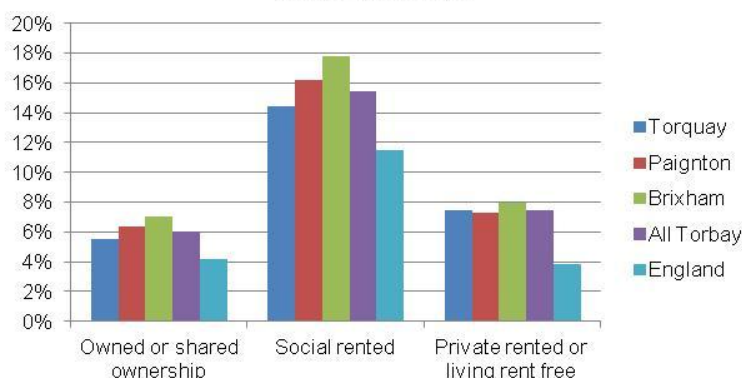
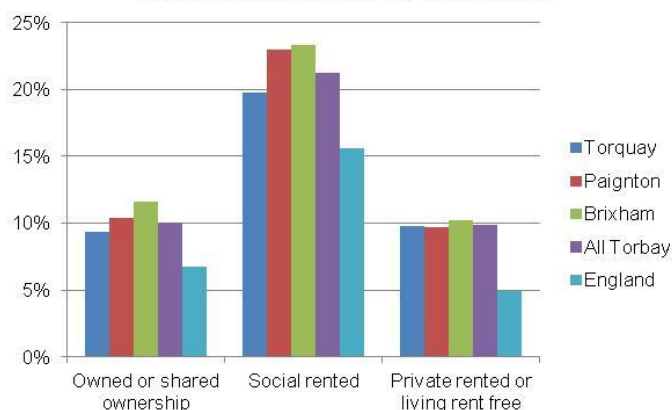


Figure 49. Proportion of people in each tenure type with disability that limits day to day activities a lot



Source: 2011 census, www.nomisweb.co.uk

Figures 48 and 49 above show that:

- The social rented sector contains a higher proportion of people in Torbay who reported bad health and/or disability issues compared to England, particularly in Brixham
- There is also a higher proportion in the private rented sector

'The health of the population is generally 'worse', that is there are higher proportions of the population identifying their health as bad or very bad, in Torbay compared to the wider South Devon and England averages. Most noticeably, 1 in 10 people in Torbay aged 50 to 64 identified their health as bad or very bad.'²⁶

²⁶ Page 57, 2014/15 South Devon and Torbay JSNA, Living and working well, www.southdevonandtorbay.info

Disabled Facilities Grants

Mandatory Disabled Facilities Grants (DFGs) are available from local authorities. They are issued subject to a means test and are available for essential adaption's to give disabled people better freedom of movement into and around their homes, and give access to essential facilities within the home.

Figure 50. Number of referrals by tenure over the last four years, Torbay

Year of referral	Registered Provider (Registered Social Landlord)	Owner Occupier	Private Tenant	Total
2012/13	73	22	48	143
2013/14	63	24	47	134
2014/15	92	27	59	178
2015/16 Quarter 1				44 <i>(Predicted 176 case)</i>

Source: Torbay Council

Since 2013/14 there has been an increase of 25% in the number of referrals made to the local authority

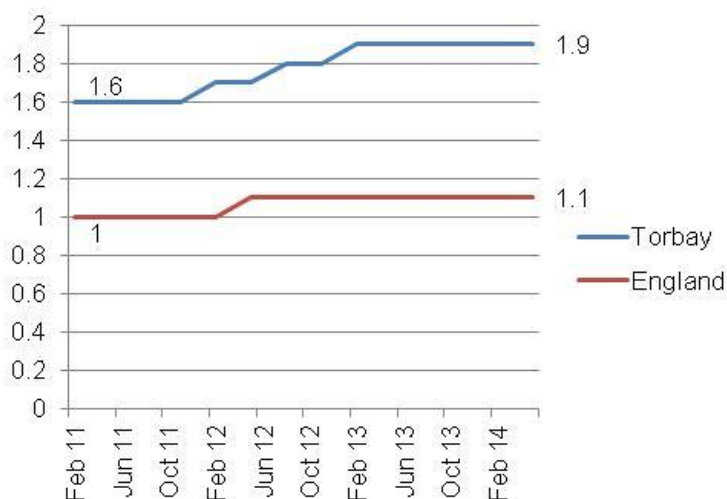
In the last 12 months:

- 20% of those that apply for a DFG live alone.
- 54% of individuals applying for a DFG are female
- There is an even split between clients living in Paignton and Torquay who apply for DFGs, each representing 41% of total referrals, and 18% of referrals are from Brixham.

Work is currently being undertaken into establishing where the need is as there has been a decrease in the average age of an individual requiring a DFG.

Disability benefits

Figure 51. Percentage of population aged 16-64 receiving state benefits who are disabled

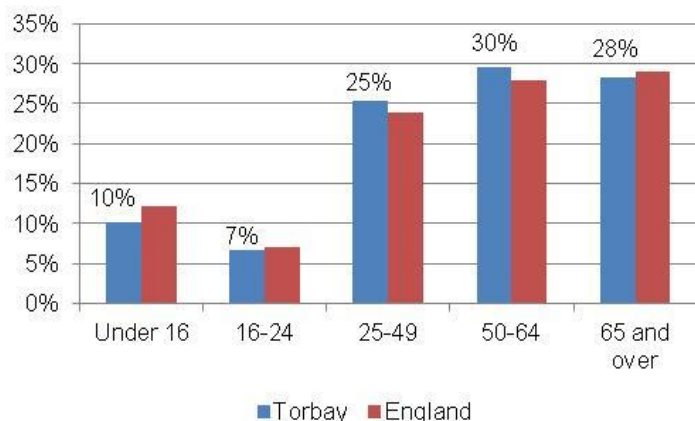


There is a higher percentage of people aged 16-64 claiming benefits who are disabled, compared to England. Torbay has seen a greater increase in the percentage of 16-64 year olds claiming a disability benefit.

Source: Office of National Statistics, www.nomisweb.co.uk, using mid-2013 resident population

Disability Living Allowance (DLA) provides a non-contributory, non means-tested and tax-free contribution towards the disability-related extra costs of severely disabled people. The number claiming DLA in Torquay, Paignton and Brixham has remained consistent at around 10,000 over the last 4 years (up to May 2014) apart from a slight increase in Torquay.²⁷

Figure 52. Age of claimants of Disability Living Allowance, 2014



In Torbay a higher proportion of DLA claimants are aged 25-64, compared to England

Source: Department of Work and Pensions, Office of National Statistics, www.nomisweb.co.uk

Mental health

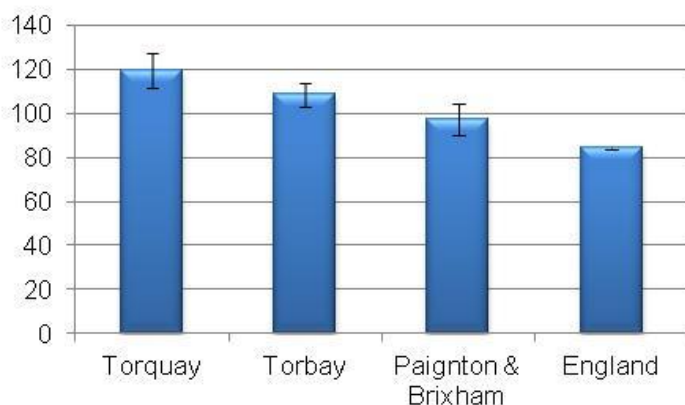
Figures 53 and 54 below show where people are registered with a GP and are known to have a mental health issue.

Figure 53. Number of patients on the mental health register- all ages

2008/09	2009/10	2010/11	2011/12	2012/13
1,358	1,429	1,468	1,503	1,572

Source: GP Disease registers, JSNA, Ageing and dying well, page 41

Figure 54. Rate per 10,000 of the GP registered population on the mental health register, 2012/13



The rate per 10,000 registered population in Figure 54 opposite shows significant variation, with Torquay higher than Paignton and Brixham.

Source: GP disease registers, JSNA, Ageing and dying well, page 41

It has been identified that stable accommodation and housing support is a priority in order to promote the mental health and wellbeing of the population. One of the foundations of good

²⁷ Department of Work and Pensions, Office of National Statistics, www.nomisweb.co.uk

mental health and wellbeing include a 'good home'. Many people recovering from mental ill health require extra support, especially around finding and maintaining a place in the community, housing and employment. These solutions need to be part of integrated approach with treatment functions and social support²⁸

Learning disability

Figures 55 and 56 below show where people aged 18 and over are registered with a GP and are known to have a learning disability.

Figure 55. Number of patients on the learning disability register- aged 18 and over

2008/09	2009/10	2010/11	2011/12	2012/13
598	678	690	721	755

Source: GP disease registers, JSNA, Ageing and dying well, page 39

Figure 56. Rate per 10,000 of the GP registered population who are on the learning disability register, 2012/13- aged 18 and over

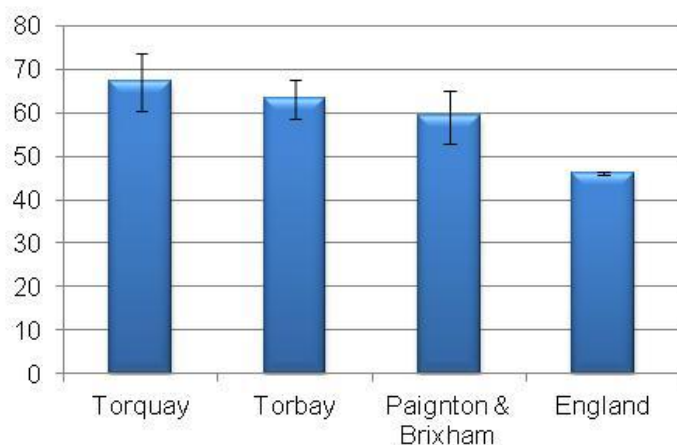


Figure 56 shows that there is a higher number of people aged 18 and over known to have a learning disability in Torbay areas than in England. 'This could suggest higher levels of recognition within primary care. However there are still estimated to be a noticeable number of persons with a learning disability not known to primary care.'²⁹

Source: GP disease registers, JSNA, Ageing and dying well, page 39

The Operational Commissioning Strategy for People with Learning Disabilities, Torbay and Southern Devon Health and Care Trust, 2014, focuses on what people want and plans for the future:

People with learning disability said that they want to live in their own home, in their local community. They want good quality housing and don't want to have to move as they grow older. They want good quality care to help them at home.

The Strategy says what is considered to be needed in the future. Some points are below:

'We would like as many people as possible to live in Torbay, in their own home with the right level of support. We would like to support as many people to use telecare to help them live independently and balance risk and choice. In order to achieve this we need to make sure there is a good choice of high quality support for people; excellent housing options and specialist provision for those people with the highest needs.'

²⁸ Pages 7-9, 15, A mental health commissioning strategy for Devon, Plymouth and Torbay 2014-17

²⁹ Page 39, 2014/15 South Devon and Torbay JSNA, Ageing and dying well, www.southdevonandtorbay.info

‘People with learning disabilities are going to need a wide range of support options in the future. Particularly we are concerned about limited provision for people with profound and multiple learning disabilities; challenging behaviour and autism. We also acknowledge that some people need 24 hour support and specialist provision and the safest and most cost effective way of providing this may be residential or nursing care. We would like to make sure that young people and people with profound and multiple learning disabilities have access to a good range of support.’

‘We would like more people with learning disabilities to use extra care and sheltered housing facilities. We particularly need services for the general older population to be able to support older people with learning disabilities, making reasonable adjustments to their provision under the Disability Discrimination Act 2005’

Applicants on the Torbay social housing register- Mobility needs, health/ disability issues

Council and housing association homes available to rent are advertised through Devon Home Choice. Applicants can look for and apply for social housing within all the Local Authority areas in Devon.

The information in this section relates to households on the Torbay housing register, so applicants who have stated a wish to live in Torbay. It analyses the register as on one date- 9 January 2015.

Mobility needs of applicants include where the following needs for a property have been identified:

- Maximum of 3 steps
- Step free
- Part wheelchair
- Wheelchair accessible

Figure 57. Applicants on the Torbay housing register- per 1000 households in the population, 9 January 2015

Number of households in Torbay	Number of applicants on the Torbay register living in Torbay, per 1,000 households	Number of these, who have mobility needs, per 1,000 households
60,000	23.3	6.5

Source: Office of National Statistics and Devon Home Choice. Number of households derived from 2011 based population projections for 2013

Figure 58. Mobility needs of applicants on the Torbay housing register, 9 January 2015

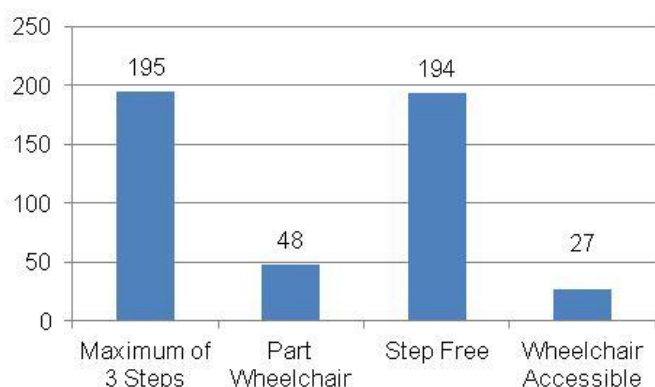


Figure 58 shows that:

The total number of applicants with mobility needs is 464, out of the 1687 applicant households on the Torbay register

The majority of mobility needs relate to steps

Source: Devon Home Choice

Number of bedrooms needed by applicants with a mobility need:

- 311 (67%) require a property with one bedroom
- 102 (22%) require a property with two bedrooms
- Low numbers of applicants require 3 - 6 bedrooms

Figure 59. Mobility needs of applicant households on the Torbay housing register- by area of residence, 9 January 2015

Area of current residence	Number of applicants with mobility needs	% of applicants on the register who live in each area who have mobility needs
Torquay	209	27%
Paignton	127	27%
Brixham	53	35%
Out of area/ No fixed abode	75	27%
Total	464	28%

Source: Devon Home Choice

Out of the three towns, Brixham has the highest proportion of applicants on the housing register with mobility needs at 35%

Figure 60. Health issue/disability of applicants on the Torbay housing register, by number of bedrooms needed, 9 January 2015

Number of bedrooms required	Disability/health issue of applicants		
	Learning disability	Mental illness	Physical disability
1	55	241	348
2	18	62	108
3	-	24	32
4 or more	Under 5	17	22
Total	84	344	510
% of the Torbay register	5%	20%	30%

Source: Devon Home Choice, Under 5- number suppressed due to data confidentiality, '-' number suppressed so that low number cannot be calculated

N.B. These will be self reported figures (taken from the application form) and not all will have been verified. There are duplicates between columns where applicants are identified with more than one health issue/ disability

Figure 60 shows that:

- Nearly a third of the Torbay register is identified with a physical disability need- 510 applicants out of 1687 on the register
- Most applicants require one bedroom
- The highest number of applicants have a physical disability requiring one bedroom

Disability/ health issue by town:

Out of the three towns, Brixham has the highest proportion on the housing register with a physical disability need (58 applicants), followed by Paignton (152 applicants) and Torquay (220 applicants)

Out of the three towns, Torquay has the highest proportion on the housing register with a mental illness (165 applicants), followed by Paignton (90 applicants) and Brixham (26 applicants)

A small number of applicants on the register have Autism as a health issue/disability need

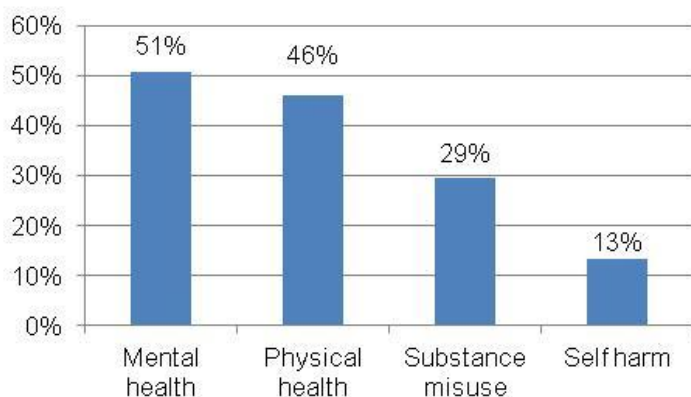
Other health/ disability needs on the register include: hearing, visual or speech impairment

Health issues of support service clients

Support services (previously known as Supporting People services) are funded by Torbay Council and include outreach and supported housing services, and include the Leonard Stocks Centre on page 20 of this report. People use these services for the short term and they provide support to help people live independently in the community.

The identified health needs of people using support services in 2013/14 are shown below. People were identified in their support plan as needing support to better manage these health issues:

Figure 61 Health needs of users of support services, 2013/14



Source: Centre for Housing Research, St Andrews
<https://supportingpeople.st-andrews.ac.uk>

There will be duplications between columns as some clients will have more than one of these health needs.

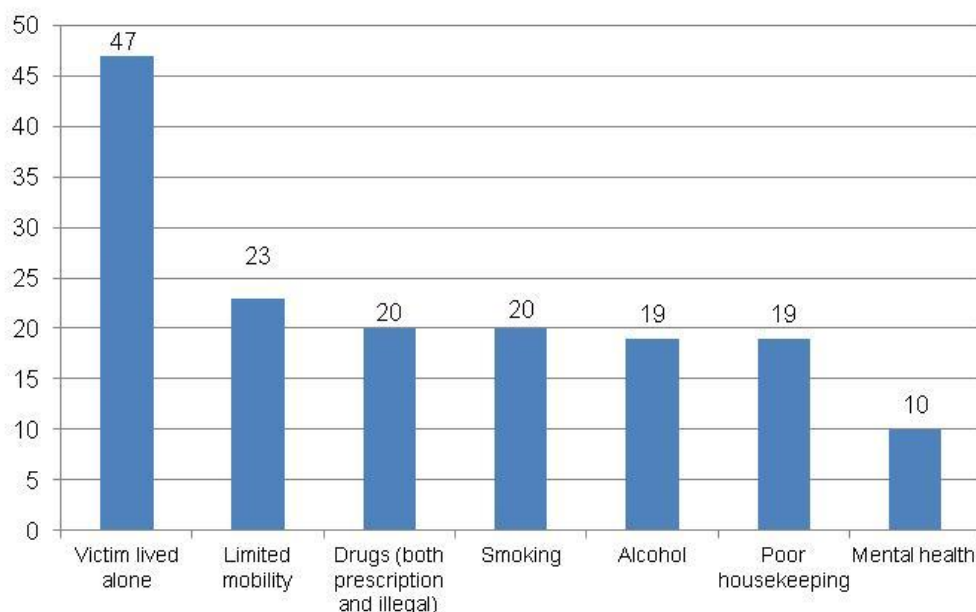
This chart shows the percentage of the 913 people who left services in the year who were identified with these needs. About half had a mental and/or physical health issue.

Please note that many of these services have now ended due to Central Government budget reductions.

Accidental fire deaths

Research was carried out into 88 accidental fire deaths within the South West area of England between 1 April 2008 and 31 March 2013. The study identifies seven lifestyle or behavioural factors as key influencers:

Figure 62. Number of victims where each of the seven lifestyle or behavioural factors identified as key influencers in accidental fire deaths, South West England



Source: Fire deaths in the South West between 2008-13, a collaborative review, www.dsfire.gov.uk

The most common factor was that the victim lived alone- 53% of cases. 'The strong link between living alone and risk of fire death is reinforced when comparing the fatal fire study with Census statistics for the region. The government survey data shows 30% of households are occupied by a lone adult in South West England, yet this 'group' accounts for over half of accidental fire deaths. A large number of these victims were aged over 65.'

Health and disability issues are included within the seven factors- limited mobility, drugs, smoking, alcohol, and mental health.

The study also shows that in 44 (50%) of cases more than one of the seven factors was present. 'It is apparent from the data that no single characteristic of these fatal incidents would allow us to identify a 'silver bullet' solution. ... the research confirms what is generally believed throughout fire and rescue services; that in such unfortunate incidents there are a combination of factors that result in a tragic death.'

It says that 'of the 88 cases examined in the study, at least 29 were known to other agencies who had the opportunity to influence the victim's lifestyle and behaviour.'

End of report



Housing Strategy

Report of the Overview and Scrutiny Board – November 2015

At its meeting on 23 November 2015, the Overview and Scrutiny Board considered the draft Housing Strategy.

The Board agreed that the following views and recommendations be forwarded to the Council for its consideration:

1. The Board would wish to see more detail within the Housing Strategy in order to give it confidence that the Strategy can be delivered practically over its lifetime.
2. The Housing and Health Needs Assessment clearly identifies the needs of the different communities in Torbay. The Housing Strategy should be amended to articulate how those needs will be met.
3. The targets for the delivery of units of affordable housing within the lifetime of the Housing Strategy should be explicit within the Strategy.
4. Alternative methods of bringing forward affordable housing units should be explored within the Strategy rather than just relying on the requirement within the Local Plan that 30% of new housing developments should be affordable.
5. There should be reference in the Housing Strategy to the policy in relation to Community Investment Areas in the Local Plan.
6. There should be a representative of the Overview and Scrutiny Board on the Housing Partnership Steering/Monitoring Group.
7. The criteria for the Aligned Investment Plan should include outcomes which meet the identified needs of the community rather than being wholly treasury management led (as indicated within the Supporting Information for the Housing Strategy). The timescale for the implementation of that Fund should also be included within the Strategy.
8. The timescale for the preparation of the delivery plans which sit below the Housing Strategy should be included within the document.
9. The Board notes that, within the Housing and Health Needs Assessment (summarised in My Home is My Life), there has been a significant increase in referrals for Disabled Facilities Grants and is pleased that this stream of funding has not been re-allocated at this stage.



Meeting: Council

Date: 10 December 2015

Wards Affected: All Wards

Report Title: Proposed Council Tax Support Scheme 2016/17

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately

Executive Lead Contact Details: Mayor Oliver, Mayor and Executive Lead for Employment and Regeneration, Finance and Audit, email mayor@torbay.gov.uk

Supporting Officer Contact Details: Martin Phillips, Finance, Town Hall, Castle Circus, Torquay, TQ1 3DR, telephone 01803 207285, email Martin.phillips@torbay.gov.uk

1. Proposal and Introduction

- 1.1 This report provides members with the background of the current scheme and recommendations for the 2016/17 local Council Tax Support scheme.
- 1.2 Schedule 1A of the Local Government Finance Act 2012 requires local authorities to annually review their local scheme.
- 1.3 Within the scheme Personal Allowances and Premiums for Council Tax Support are annually updated in line with the prescribed pensioner scheme and national working-age benefits, which are both set by the Government.

2. Reason for Proposal

- 2.1 The Council must approve the final scheme by the 31st January each year, even if no changes are proposed.
- 2.2 If Personal Allowances and Premiums were not updated in line with the prescribed pensioner scheme and national working-age benefits residents would effectively have a cut in their entitlement should their income increase.

3. Recommendation(s) / Proposed Decision

- 3.1 That the current Council Tax Support scheme be continued without change from 1 April 2016 to 31 March 2017.

- 3.2 That Personal Allowances and Premiums for Council Tax Support are updated from 1 April 2016 in line with the prescribed pensioner scheme and national working-age benefits, which are both set by the Government.
- 3.3 That the Exceptional Hardship Fund of £80,000, which is used to top up Council Tax Support awards in appropriate cases, be continued.
- 3.4 That the Chief Accountant be given delegated authority, in consultation with the Mayor and Executive Lead for Finance and Regeneration, to make any further adjustments required to the Exceptional Hardship Policy and Fund and the Vulnerable policy.
- 3.5 That a full review of the current scheme will take place during 2016/17 to consider whether any revisions are necessary from 1 April 2017 to 31 March 2018 that will also take into account the welfare changes announced in the 2015 Summer Budget.

Appendices

Appendix 1 – Supporting information and Impact Assessment

Appendix 2 - 2015/16 Council Tax Support schemes in Devon

Appendix 3 - 2016/17 Council Tax Support schemes in Devon

Appendix 4 – Summary of Welfare Changes announced in 2015 Summer Budget

Background Documents

Equality Impact Assessment Council Tax Support Scheme

Supporting Information and Impact Assessment

Service / Policy:	Council Tax Support Scheme 2016/17
Executive Lead:	Mayor Oliver
Director / Assistant Director:	Fran Hughes

Version:	1	Date:	16 November 2015	Author:	Kevin Michell
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Section 1: Background Information

1.	<p>What is the proposal / issue?</p> <p>1.1 The current Council Tax Support scheme was approved by members at Full Council in December 2012.</p> <p>1.2 Any entitlement to a reduction is based on a means test, by taking into consideration a person's income and comparing this with any personal allowances, premiums and disregards to which they may be entitled.</p> <p>1.3 For each financial year, the Council must consider whether to revise its scheme or to replace it with a replacement scheme. It must make any revision to its scheme, or any replacement scheme, no later than 31 January for the subsequent financial year.</p> <p>1.4 In order to maintain the balance between the Council Tax Support scheme and the allowances to which claimants are entitled the Council has amended the original scheme for 2014/15 and 2015/16, so that it is uprated on an annual basis in line with national changes.</p>
2.	<p>What is the current situation?</p> <p>2.1 Entitlement to a reduction is based on a means test, by taking into consideration a customer's income and comparing this with any personal allowances, premiums and disregards to which they may be entitled.</p> <p>2.2 Pensioners are protected in accordance with regulations set by Central Government and are able to claim support at up to 100% of their Council Tax liability. Mandatory protection of pension credit claimants applies to existing and new claimants that reach pensionable age.</p> <p>2.3 For people of working age, the scheme has the following key elements:</p> <ul style="list-style-type: none"> • All awards are based on 75% of the Council Tax charge for the property. This means that the maximum a working age household can receive is 75% of the Council Tax due. All working age households have to pay a minimum of 25% of the Council Tax due; • Second Adult Rebate for working age claimants is not available;

	<ul style="list-style-type: none"> • No entitlement if working age claimants have savings over £6,000; • Additional support for exceptional financial hardship is available through a hardship fund, that's funded by the Council. <p>2.4 The components used to calculate Council Tax Support consist of the following:</p> <ul style="list-style-type: none"> • Personal Allowances - the basic amounts of money the government says a claimant needs to live on. The level depends on the claimant's age and whether they are part of a couple. There are additional allowances for dependant children. • Premiums - additional amounts added to the personal allowance because of claimant's personal circumstances. The government recognises that it is more expensive to live with a family or if someone has a disability or caring responsibilities. Extra amounts are added to income based benefits to account for this. • Disregards - the amount of earnings not taken into account when calculating entitlement to benefits. There are standard earnings disregards for singles, couples and lone parents. People in certain groups, such as carers and people with disabilities are eligible for a higher disregard. • Non Dependant Deductions - the amount that is deducted for other people who are 18 or over and live in the household. The deduction rates for non-dependants are set according to their income, as it is assumed that they can make a financial contribution to the household. <p>2.5 Under the current scheme pensioners are protected and the level of entitlement for them must remain. Protection will be achieved by keeping in place the existing national rules, with eligibility and rates defined in Regulations broadly similar to those that already exist. This is known as the Prescribed pensioners scheme.</p>
3.	<p>What options have been considered?</p> <p>3.1 None for the purpose of this report.</p>
4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</p> <p>4.1 This proposal supports the Corporate Plan ambitions and targeted actions, particularly protecting the vulnerable and work towards achieving a more prosperous Torbay.</p>
5.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>5.1 This proposal will affect all households receiving Council Tax Support from 1 April 2016 to 31 March 2017.</p> <p>5.2 There are no requirements to undertake public consultation as the scheme</p>

	remains unchanged.
6.	How will you propose to consult?
6.1	Not applicable for this proposal.

Section 2: Implications and Impact Assessment

<p>7.</p>	<p>What are the financial and legal implications?</p> <p>5.3 Schedule 1A of the Local Government Finance Act 2012 requires local authorities to consider whether to revise or to replace its scheme each year. Any revisions or a replacement scheme must have been considered and agreed no later than the 31st January 2016 for operation by 1st April 2016.</p> <p>5.4 For this proposal there are no requirements to undertake public consultation.</p>
<p>8.</p>	<p>What are the risks?</p> <p>8.1 The council continues to face the financial risk of receiving less Council Tax income than budgeted due to:</p> <ul style="list-style-type: none"> • Any significant increase in caseload during the year, not provided for when the Council Tax taxbase is set; • A greater than anticipated impact of the wider welfare reform changes on the level of Council Tax Support awarded; • A reduction in the level of Council Tax collection, not provided for when the Council Tax taxbase is set. <p>8.2 By maintaining existing levels of support it is not anticipated that there will be any legal challenge to the council's scheme.</p>
<p>9.</p>	<p>Public Services Value (Social Value) Act 2012</p> <p>9.1 The procurement of services or provision of services is not relevant for this report.</p>
<p>10.</p>	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>10.1 Prior to April 2013 the national Council Tax Benefit scheme was available to taxpayers on low incomes to assist them with their Council Tax.</p> <p>10.2 The Government announced the abolition of Council Tax Benefit as part of the Spending Review 2010, with the intention to replace it with a localised support scheme from 1 April 2013.</p> <p>10.3 The new arrangements had financial implications for both billing and major precepting authorities, as expenditure allocated to the localised scheme would be reduced by approximately ten per cent, at a cost of £1.6m to the Council when compared to the funding given for the previous Council Tax Benefit scheme.</p> <p>10.4 Torbay's scheme was prepared as part of a Devon wide approach, where the</p>

	<p>over arching principle was to develop a cost neutral scheme. However, it was unlikely that each authority's scheme would be identical, or produce the same end result for residents across the county, because of the different local demographics and the constraints placed on the design of local schemes by the government.</p> <p>10.5 Torbay's draft scheme was published in July 2012 to form the basis of the public consultation, which ran from 6 August to 1 October 2012 as part of a co-ordinated, Devon wide approach.</p> <p>10.6 Following the consultation process the new scheme was approved by members at Full Council in December 2012.</p> <p>10.7 The schemes adopted for 2014/15 and 2015/16 have been reviewed and remained unchanged with the additional clause to uprate personal allowances, premiums and non dependant deductions.</p> <p>10.8 Appendix 2 and 3 provides details of the current and proposed 2016/17 schemes in Devon.</p> <p>2015 Summer Budget</p> <p>10.9 A number of the welfare changes set out in the Chancellor's Summer Budget will have implications for the future costs of the Councils Council Tax Support scheme.</p> <p>10.10 The proposed change to the Tax Credit system would have reduced household income if introduced resulting in a potential increase in Council Tax Support expenditure. Conversely, the freeze to working age benefits combined with a freeze in welfare personal allowances, an increase in Personal Tax Allowances and introduction of the National Living Wage will have the opposite effect and reduce expenditure.</p> <p>10.11 Appendix 4 provides details of the welfare changes announced in the 2015 Summer Budget.</p>
<p>11.</p>	<p>What are key findings from the consultation you have carried out?</p> <p>11.1 Not applicable for this proposal.</p>
<p>12.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>12.1 Not applicable for this proposal.</p>

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups There are no equality/community issues arising from this report as the local scheme criteria for 2016/17 remains the same as the 2013/14 scheme, which was subject to extensive consultation and supported by a full Equality impact Assessment at the time.			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	If Personal Allowances and Premiums were not uprated in line with the prescribed pensioner scheme and national working-age benefits residents would effectively have a cut in their entitlement should their income increase.		
	People with caring Responsibilities			Protection for those receiving a carers allowance is in line with the old Council Tax Benefit scheme.
	People with a disability			Protection for disabled people is in line with the old Council Tax Benefit scheme. Disability benefits, such as Disability Living Allowance, will continue to be fully disregarded as well as the associated personal allowances and premiums that are currently awarded to people with disabilities.
	Women or men			Although this information is recorded, there is no adverse impact on the grounds of gender. Torbay's scheme is open to applications from persons of any gender and there are no aspects of the scheme which impact in any way on the availability of support

			to claimants based solely on gender.
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact
Religion or belief (including lack of belief)			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
People who are lesbian, gay or bisexual			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
People who are transgendered			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and

			operation and administration of the Torbay Council Tax Support Scheme.
People who are in a marriage or civil partnership			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
Women who are pregnant / on maternity leave			There is no differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact

14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	Not applicable for this proposal.
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	Not applicable for this proposal.

Appendix 2

Supporting Information

Service / Policy:	Council Tax Support Scheme 2016/17
Executive Lead:	Mayor Oliver
Director / Assistant Director:	Fran Hughes

Version:	1	Date:	16 November 2015	Author:	Kevin Michell
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Section 1: Background Information

Devon's Approved Schemes 2015/16

All schemes are based on the *old* Council Tax Benefit rules but with the changes shown below.

Name of Authority	Limit Liability	Second Adult Rebate	Band Restriction	Capital Limit	Hardship Fund
East Devon District Council	80%	Withdrawn	Band D	£8,000	Yes
Exeter City Council	80%	Withdrawn	No restriction	£6,000	Yes
Mid Devon District Council	80%	Withdrawn	Band D	£8,000	Yes
North Devon District Council	75%	Withdrawn	Band D	£6,000	Yes
South Hams District Council	80%	Withdrawn	Band D	£16,000	Yes
Teignbridge District Council	100%	Withdrawn	Band D	£6,000	No
Torrige District Council	75%	Withdrawn	Band D	£6,000	Yes
West Devon District Council	80%	Withdrawn	Band D	£16,000	Yes
Torbay Council	75%	Withdrawn	No restriction	£6,000	Yes
Plymouth City Council	80%	Withdrawn	Band E	£6,000	Yes

Appendix 3

Supporting Information

Service / Policy:	Council Tax Support Scheme 2016/17
Executive Lead:	Mayor Oliver
Director / Assistant Director:	Fran Hughes

Version:	1	Date:	16 November 2015	Author:	Kevin Michell
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Section 1: Background Information

Devon's Proposed Schemes 2016/17

All are based on their current 2015/16 local schemes with the uprate of Personal Allowances, Premiums and Non Dependant deductions in line with national welfare benefits .

East Devon District Council

There are no other changes.

Exeter City Council

There are no other changes.

Mid Devon District Council

There are no other changes.

North Devon District Council

There are no other changes.

South Hams District Council

There are no other changes.

Teignbridge District Council

There are no other changes.

Torrige District Council

There are no other changes.

West Devon District Council

There are no other changes.

Torbay Council

There are no other changes.

Plymouth City Council

There are no other changes.

Supporting Information

Service / Policy:	Council Tax Support Scheme 2016/17
Executive Lead:	Mayor Oliver
Director / Assistant Director:	Fran Hughes

Version:	1	Date:	16 November 2015	Author:	Kevin Michell
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Section 1: Background Information

Welfare Changes Announced in 2015 Summer Budget

Published 8 July 2015

Tax Credits – Announced in the Autumn Statement that these plans have been scrapped

1.144 From April 2016, the government will reduce the level of earnings at which a household's tax credits and Universal Credit award starts to be withdrawn for every extra pound earned. In tax credits, this point (known as the income threshold) will be reduced to £4,764 for those without housing costs, £2,304 for those with housing costs, and removed altogether for non-disabled claimants without children. The government will also increase the rate at which a person's or household's tax credit award is reduced as they progress in work, by increasing the taper rate in tax credits from 41% to 48%.

Working Age Benefits Freeze

1.137 - Since the financial crisis began in 2008, average earnings have risen by 11% whereas most benefits, such as Jobseeker's Allowance, have risen by 21%. To ensure that it always pays to work, and that earnings growth overtakes the growth in benefits, the government will legislate to freeze working-age benefits, including tax credits and the Local Housing Allowances, for 4 years from 2016-17 to 2019-20.

Pension Age Benefits

1.139 The government will continue to protect benefits, which are specifically for pensioners. The 'triple lock' on the State Pension will be maintained; and other benefits for pensioners including the Winter Fuel Allowance and free TV licences for over 75s will be protected in this Parliament. Pensioners have paid into the system throughout their working lives, and are the group least able to increase their income in response to welfare reform.

Personal Tax Allowances

1.131 - The government wants to continue to reward work by reducing taxes and taking more people out of income tax. The government has therefore pledged to raise the personal allowance to £12,500 by the end of this parliament. This budget takes the first step towards this commitment. In 2016-17, the personal allowance will increase by £400 to £11,000

National Living Wage

1.121 - The government will introduce a new National Living Wage (NLW) for workers aged 25 and above, by introducing a new premium on top of the NMW. From April 2016, the new NLW will be set at £7.20 – a rise of 70p relative to the current NMW rate, and 50p above the NMW increase

coming into effect in October 2015.

Family Premium

1.146 The Budget will therefore limit support provided to families through tax credits to 2 children, so that any subsequent children born after April 2017 will not be eligible for further support. An equivalent change will be made in **Housing Benefit** to ensure consistency between both benefits. This will also apply in Universal Credit to families who make a new claim from April 2017.

Backdating

2.110 Limiting backdating in **Housing Benefit** – From April 2016, Housing Benefit claims will be backdated for a maximum of 4 weeks.



Meeting: Council

Date: 10 December 2015

Wards Affected: All wards in Torbay

Report Title: Torbay Council Annual Pay Policy Statement and Review of Pensions Discretions

Is the decision a key decision? Yes

When does the decision need to be implemented?

Executive Lead Contact Details: Executive Lead for Business Planning and Governance, Andy Lang, (01803) 612543, Andy.lang@torbay.gov.uk

Supporting Officer Contact Details: Anne-Marie Bond, Assistant Director Corporate and Business Services, (01803) 207160, Anne-marie.bond@torbay.gov.uk

1. Proposal and Introduction

- 1.1 Section 38 (1) of the Localism Act 2011 requires English and Welsh Authorities to produce a pay policy statement for each financial year. This is a statutory requirement. The pay policy statement must be approved formally by Council. The pay policy statement draws together the Council's overarching policies on pay and conditions and will publish them on the Council's Website and update them as necessary through the year.
- 1.2 Under the current Pensions Regulations, Torbay Council is able to exercise a range of discretions in regard to how the Local Government Pension Scheme (LGPS) is applied to its employees who are members of the Scheme.

2. Reason for Proposal

- 2.1 The Annual Pay Policy Statement 2016/17 must be approved by the Council in order for the Council to be compliant with Section 38 (1) of the Localism Act 2011.
- 2.2 The Employers Pensions Discretions must be reviewed and approved by Council annually in line with the LGPS regulations.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Torbay Council Annual Pay Policy Statement 2016/17 as set out at Appendix 2 to the submitted report be approved.

- 3.2 That, subject to 3.1 above, the terms of reference for the Employment Committee be amended to include the following:
8. To determine any salary package for Directors/Assistant Directors to include any salary package equating to £100,000 or more.
 9. To determine any settlement agreement for Directors/Assistant Directors to include any severance package including associated pension costs equating to £100,000 or more.
- 3.3 That the Employers Pensions Discretions, as set out in Appendix 3 to the submitted report be approved.

Appendices

Appendix 1: Supporting Information and Impact Assessment

Appendix 2: Torbay Council Pay Policy Statement 2016/17

Appendix 3: Torbay Council Pension Discretions

Background Documents

Copies of Torbay Councils associated Pay Policies are available on the Council's website at <http://www.torbay.gov.uk/index/yourcouncil/financialservices/expenditure/paypolicy.htm>.

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

Localism Act Pay Policy Guidance from the Local Government Association

<http://www.local.gov.uk/localism-act>

Supporting Information and Impact Assessment

Service / Policy:	Human Resources
Executive Lead:	Cllr Andy Lang
Assistant Director:	Anne-Marie Bond

Version:	1	Date:	27.11.15	Author:	Jo Sandbrook, HR Advisor
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Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>The publication of the Annual Salary Statement is a Statutory requirement under Section 38 (1) of the Localism Act 2011. If Council does not approve the Salary Statement then there is a significant risk that the Council will be in breach of the legislation.</p> <p>See Pay Policy Statement, Appendix 2, for full details.</p> <p>Under the current Pensions Regulations, Torbay Council is able to exercise a range of discretions in regard to how the Local Government Pension Scheme (LGPS) is applied to its employees who are members of the Scheme.</p> <p>The Employers Pensions Discretions must be reviewed and approved by Council annually in line with the LGPS regulations.</p>
2.	<p>What is the current situation?</p> <p>The position with the Pay Policy Statement has not significantly changed from last year. There are changes to the Multiplier information that assesses the median between the highest and lowest earners due to an increase in the National Minimum Wage on 1st October 2015 and the removal of the lowest spinal column point of the pay-scale as a result of the 2014-16 NJC pay agreement.</p> <p>A further positive change to the difference between the highest and lowest earners is expected in regard to the introduction of the National Living Wage in April 2016.</p> <p>Changes have also been added to reflect changes in the Council structure. Also, in taking full account of further guidance supplied by the Department for Communities and Local Government (Openness and Accountability in Local Pay: Supplementary Guidance) sections have been amended and a new section added (Salary Packages upon Appointment) to take account of this guidance.</p>

	<p>Employee Pension contribution rates have also been updated in line with Local Government Pension Scheme Regulations 2014.</p>
3.	<p>What options have been considered?</p> <p>There are no options to be considered in regard to the publication of the Pay Policy Statement as it is a Statutory requirement of the requirement under Section 38 (1) of the Localism Act 2011.</p> <p>The Employers Pensions Discretions were changed and approved by Council in December 2014. Although they have to be agreed by Council on an annual basis, there is no requirement for these to be changed currently therefore no options have been explored.</p>
4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</p> <p>Ambitions: Prosperous and Healthy Torbay</p> <p>Principles:</p> <ul style="list-style-type: none"> • Use reducing resources to best effect • Reduce demand through prevention and innovation • Integrated and joined up approach <p>Targeted actions:</p> <ul style="list-style-type: none"> • Protecting all children and giving them the best start in life • Working towards a more prosperous Torbay • Promoting healthy lifestyles across Torbay • Ensuring Torbay remains an attractive and safe place to live and visit • Protecting and supporting vulnerable adults
5.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>Torbay Council employees and those within the Council's Maintained Schools, including all employees who are members of the Local Government Pension Scheme. The impact of the changes to the Pay Policy Statement are mainly neutral here is a positive change in regard to the increase in the lowest spinal column point of pay-scale.</p>
6.	<p>How will you propose to consult?</p> <p>Trade Unions representing staff within Torbay Council and its' Schools will be consulted and also the internal departments within the Council referred to at the end of this report.</p>

Section 2: Implications and Impact Assessment

7.	<p>What are the financial and legal implications?</p> <p>There would be legal implications for Torbay Council if it does not publish its Annual Pay Policy Statement in accordance with the Localism Act 2011. The Pay Policy Statement and associated pay policies set out the processes and procedures by which the Council pays its staff. These practices are in accordance with the Equality Act 2010 and associated employment law and so must be approved in order to maintain compliance.</p>
8.	<p>What are the risks?</p> <p>Non-Compliance with Section 38 (1) of Localism Act 2011 mainly and employment law, see above. It is currently not determined as to whether there would be a financial penalty for non-compliance with the Localism Act however, under employment law non-compliance could result in heavy penalties for the Council (e.g. Equal pay and discrimination claims).</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>Both decisions will not relate to the above Act as there are no associated services or goods that need to be purchased or hired.</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Reference has been made to the Localism Act 2011 and supplementary guidance supplied by the Department for Communities and Local Government (“Openness and Accountability in Local Pay: Supplementary Guidance”).</p> <p>Advice and information has also been provided by the Local Government Association.</p>
11.	<p>What are key findings from the consultation you have carried out?</p> <p>The key findings to date from consultation have revealed nothing significant as this is a policy that affects Torbay Council staff. Consultation with the Councils’ Trade Unions on behalf of its staff are ongoing, the expectation is that the Council has a legally compliant pay policy in place that is fair and transparent.</p>

12.	Amendments to Proposal / Mitigating Actions Consultation is still ongoing with Trade Unions. Feedback from internal facing departments has not suggested the need for any changes or mitigating action.
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Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	Where this group are the lowest earners within the Council there has been a positive impact as a result of the 2014-16 NJC pay award. Further positive impact to the pay for lowest earners will happen as a result of the National Living Wage on 1.4.16.		Employers Pensions Discretions affecting employees who are 55 years and above. A neutral impact as the proposal is that the discretions will not change since they were last reviewed in 2014.
	People with caring Responsibilities	Where this group are the lowest earners within the Council there has been a positive impact as a result of the 2014-16 NJC pay award. Further positive impact to the pay for lowest earners will happen as a result of the National Living Wage on 1.4.16.		
	People with a disability	Where this group are the lowest earners within the Council there has been a positive impact as a result of the 2014-16 NJC pay award. Further positive impact to the pay for lowest earners will happen as a result of the National Living Wage on 1.4.16.		
	Women or men	Where this group are the lowest earners within the Council there has been a positive impact as a result of the 2014-16 NJC pay award. Further positive impact to the pay for lowest earners will happen as a result of the National Living Wage on 1.4.16.		

People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	Where this group are the lowest earners within the Council there has been a positive impact as a result of the 2014-16 NJC pay award. Further positive impact to the pay for lowest earners will happen as a result of the National Living Wage on 1.4.16.		
Religion or belief (including lack of belief)	Where this group are the lowest earners within the Council there has been a positive impact as a result of the 2014-16 NJC pay award. Further positive impact to the pay for lowest earners will happen as a result of the National Living Wage on 1.4.16.		
People who are lesbian, gay or bisexual	Where this group are the lowest earners within the Council there has been a positive impact as a result of the 2014-16 NJC pay award. Further positive impact to the pay for lowest earners will happen as a result of the National Living Wage on 1.4.16.		
People who are transgendered	Where this group are the lowest earners within the Council there has been a positive impact as a result of the 2014-16 NJC pay award. Further positive impact to the pay for lowest earners will happen as a result of the National Living Wage on 1.4.16.		
People who are in a marriage or civil partnership	Where this group are the lowest earners within the Council there has been a positive impact as a result of the 2014-16 NJC pay award. Further positive impact to		

		the pay for lowest earners will happen as a result of the National Living Wage on 1.4.16.		
	Women who are pregnant / on maternity leave	Where this group are the lowest earners within the Council there has been a positive impact as a result of the 2014-16 NJC pay award. Further positive impact to the pay for lowest earners will happen as a result of the National Living Wage on 1.4.16.		
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	Where this group are the lowest earners within the Council there has been a positive impact as a result of the 2014-16 NJC pay award. Further positive impact to the pay for lowest earners will happen as a result of the National Living Wage on 1.4.16.		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			Neutral, no public health impact identified as a result of proposals.
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	Possibility of wider budget savings elsewhere within the Council may necessitate a change to the Employers Pensions Discretions when they are reviewed in future.		
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	This decision will not have a direct impact upon Public Services.		

TORBAY COUNCIL ANNUAL PAY POLICY STATEMENT APRIL 2016/17

Human Resources

This document can be made available in other languages, on tape, in Braille, large print and in other formats. For more information please contact 01803 207366 or HRPolicy@torbay.gov.uk

1. **Purpose and Scope of the Policy Statement**

- 1.1 Section 38 (1) of the Localism Act 2011 requires the Council to prepare an Annual Pay Policy Statement.
- 1.2 Supplementary guidance was published in February 2013 – “Openness and Accountability in Local Pay: Supplementary Guidance”. Due regard has been given to that guidance in preparation of this policy.
- 1.3 This Annual Pay Policy Statement acknowledges the impact of forthcoming pay legislation, The National Living Wage, with effect from 1st April 2016, see Appendix 1.
- 1.4 In dealing with staff pay it is the Council’s strategy to ensure that our Pay Policy facilitates the recruitment and retention of staff with the skills and capabilities the Council needs.
- 1.5 Arrangements for staff pay must comply with Equal Pay legislation.
- 1.6 This Pay Policy Statement applies to the Chief Officer/Head of Paid Service, Directors, Assistant Directors, Executive Heads and Senior Officers within Torbay Council. It addresses the legal requirement to set out how pay is determined for this group. This includes the following posts within Torbay Council:
 - Chief Officer/Head of Paid Service
 - Directors
 - Assistant Directors
 - Executive Heads (and those posts with specific responsibility such as Section 151 Officer)
 - Senior Officers (non-executive heads) – These are posts where the salary is above £50,000.

1.7 This Pay Policy Statement is a supplement to Torbay Council's overarching Pay and associated policies which form part of the terms and conditions of employees. These include but are not limited to;

- Torbay Council Pay Policy
- Job Evaluation Scheme Policies (Greater London Provincial Councils Job Evaluation Scheme).
- NJC Terms and Conditions of Employment (Green Book)
- JNC Terms and Conditions for Chief Executives
- JNC Terms and Conditions for Chief Officers (Directors within Torbay Council are appointed to these Terms and Conditions).
- NHS Terms and Conditions
- Torbay Council Local Government Pension Scheme Policy Discretions
- Employment of Apprentices Policy
- Re-Evaluation Policy
- Temporary Acting Up Policy
- Expenses Policy
- Market Supplement Policy
- Market Forces Policy
- Staff Travel Plan
- Key Skills Retention policy
- Flexible retirement
- Re-organisation and Redundancy Policy
- Retirement Award

1.8 Draft guidance from the Secretary of State makes reference to the Hutton Review of Fair Pay. This indicated that the most appropriate metric for pay dispersion is the multiple of chief executive pay to median salary. Tracking this multiple will allow the Council to ensure that public services are accountable for the relationship between top pay and that paid to the wider workforce. This annual pay policy statement will pay-publish this multiple along with the following information:

- The level of salary for each of the Officers as defined in (1.4) above;
- The salary of the lowest paid employee

This information can be found in Appendix 1 of this policy.

2. Arrangements for Officer Pay

2.1 The general terms and conditions of employment are governed by the following national agreements:

- Executive Director Operations and Finance - JNC for Chief Executives of Local Authorities,

- Directors - JNC for Chief Officers of Local Authorities,
- Assistant Directors - NJC for Local Government Services
- Executive Heads - NJC for Local Government Services
- Educational Advisors and Inspectors/ Educational Psychologists – Soulbury Pay and Conditions
- All other Employee Groups – NJC for Local Government Services
- Public Health – NHS Terms and Conditions of Service (for employees who have transferred under TUPE)

2.2 The council uses two forms of Job Evaluation to identify officer pay. This is either through the Council's GLPC Job Evaluation Scheme and Torbay Council Pay rates, or via the Hay Evaluation Scheme and Torbay Council Spot Salaries. The Hay Evaluation scheme produces both a Know How Score and a total points score for each post evaluated. Torbay Council pays a spot salary on the basis of the Know How Score only (not the final points score). Know-How is the sum of every kind of knowledge, skill and experience required for standard acceptable job performance.

2.3 The Hay Job Evaluation scheme is used to evaluate the following roles within the Council.

- Chief Officer/Head of Paid Service
- Directors
- Assistant Directors
- Executive Heads
- All Grade N roles as evaluated under GLPC (this is due to the cross over point of the two schemes). Where a Hay evaluation results in a Know How Score of 304, this is equivalent to grade N and therefore the post-holder is paid at Grade N. Where a Hay evaluation results in a higher Know How Score than 304, they are paid on a spot salary allocated to the Know How Score.
- Public Health posts are evaluated on the Council's GLPC Job Evaluation Scheme. Public Health posts can also be evaluated using the "Agenda for Change" job evaluation scheme in order to provide Market Forces information.
- All other posts within the Council are evaluated under the Torbay Council GLPC evaluation scheme in accordance with the agreed policies.

2.4 The Officers evaluated as having a Know How Score above 304 under Hay within Torbay Council are paid on spot salaries based on median salary levels as set in 2008 for Local Government. Torbay Council publishes this in bands of £5,000. This is set out in appendix 1. This salary information, together with corresponding job descriptions, is also available from the Council's internet page, link as follows:-
<http://www.torbay.gov.uk/index/yourcouncil/financialservices/expenditure/salarydisclosure.htm>

- 2.5 In determining the salaries for both the Chief Officer/Head of Paid Service and other Directors and Assistant Directors within the Council, advice will be taken by the Employment Committee from Human Resources Hay Trained assessors and the Assistant Director, Corporate and Business Services. Further independent advice will be sought from South West Councils (HR and Employment Services) and other professional organisations to ensure the correct level of remuneration is awarded by the Council.
- 2.6 In determining the salary for Executive Heads and other senior officers as defined by 1.4 above, the Directors and Assistant Directors will take advice from Human Resources Hay trained assessors. The Directors and Assistant Directors, following consultation with the Chief Officer/Head of Paid Service will then agree the salary level.
- 2.7 Following significant changes in duties, posts can be re-evaluated. The evaluation will be based on a Job Evaluation Questionnaire which will be assessed by an independent panel of Hay Trained assessors within Human Resources. External advice and benchmarking can also be undertaken. These assessments will then be considered by the Mayor, Employment Committee, Chief Officer/Head of Paid Service, and/or Directors, Assistant Directors depending on the job role. Where appropriate the Employment Committee will be involved for Chief Officers/Head of Paid Service and Directors of the Council. Changes to Assistant Director, Executive Heads roles and other senior officers will be agreed by Directors following consultation and agreement of the Chief Officer/Head of Paid Service. Successful re-evaluations can result in a change to the salary.
- 2.8 Salary increases in relation to cost of living will be applied according to the awards made by the appropriate National Joint Council as described in paragraph 2.1.
- 2.9 No additional payments are made to in respect of:
- Bonus payments or Performance payments to the Senior Officers defined in 1.4, unless where given as a result of protections under TUPE e.g. Consultant in Public Health (currently Acting Director of Public Health) whose protected medical terms and conditions include access to additional NHS allowances in regard to Clinical Excellence and on-call duties), details can be found on the NHS Employers webpage as follows: - <http://www.nhsemployers.org/Aboutus/Publications/PayCirculars/Pages/PayCircular-MD1-2013.aspx>
 - Additional payments are made to NJC Employees who are employed on SCP 29 or below of the Torbay Council Salary Scale. These are paid in accordance with NJC Terms and Conditions of Employment (Green Book) part 3, pay and grading.
- 2.10 Additional payments are made to any Council Officers who act as Returning Officers and carry out duties at elections. These payments are calculated according to the approved scale or set by a government department depending on the nature of the election. This is treated as a separate employment as and when required.

2.11 In comparing the Chief Officer/Head of Paid Service pay with the wider workforce the Council will use the following definitions:

- The lowest-paid employee: the employee or group of employees with the lowest salary (full-time equivalent) employed by the Council at the date of assessment.
- The median: the mid -point salary when full-time equivalent salaries are arranged in order of size (highest to lowest). Based on salary levels of staff on the date of assessment.

This excludes those employed on casual contracts of employment, but includes part time employees where their salaries are normalised to the full-time equivalent. It also excludes Apprentices who are employed on the Torbay Council apprentice pay grade.

3. Contributions and other terms and conditions

3.1 All staff who are members of the Local Government Pension Scheme make individual contributions to the scheme in accordance with the following table. These figures represent the 2015/2016 contribution rates.

Band	Salary Range	Contribution Rate
1	£0 To £13,600.00.	5.50%
2	£13,601.00 To £21,200.00.	5.80%
3	£21,201.00 To £34,400.00.	6.50%
4	£34,401.00 To £43,500.00.	6.80%
5	£43,501.00 To £60,700.00.	8.50%
6	£60,701.00 To £86,000.00.	9.90%
7	£86,001.00 To £101,200.00	10.50%
8	£101,201.00 To £151,800	11.40%

9	More than £151,801.00	12.50%
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- 3.2 The employer pension contribution rate is: 18.6%
- 3.3 All employees are currently able to apply for a Car Parking permit, which enables the employee to park on council property for a reduced daily rate.

4. *Payments on Termination – Chief Officers*

The Council's approach to statutory and discretionary payments on termination of employment of Chief Officers, at retirement age or prior to this, is set out within its Redundancy policy and is in accordance with Regulation 5 of the Local Government (Early termination of Employment) (Discretionary Compensation) Regulations 2006 and Regulations 8 and 10 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007. Final payment details are submitted to Full Council for approval.

5. *Salary Packages upon Appointment*

- 5.1 Any salary package offered in respect of a new appointment for the Chief Officer/Head of Paid Service will be approved by Full Council. This will include **any new salary package** equating to £100,000 or more.

In the case of salary packages for Directors and Assistant Directors, this will need to be approved by the Council's Employment Committee, acting on behalf of Full Council. This will include **any salary package** equating to £100,000 or more.

6. *Settlement Agreements*

- 6.1 Torbay Council will only enter into Settlement Agreements in exceptional circumstances where it is in the Council's overall commercial and financial interests to do so. Any Settlement Agreement for the Chief Officer/Head of Paid Service will be approved by the Full Council. This will include **any severance package** including associated pension costs equating to £100,000 or more.

In the case of Settlement Agreements for Directors and Assistant Directors, this will need to be approved by the Council's Employment Committee acting on behalf of full Council. This will include **any severance package** including associated pension costs equating to £100,000 or more.

Settlement Agreements for any other member of staff will need to be authorised by the Director or Assistant Director of the service following consultation with the Chief Officer/Head of Paid Service.

7. Publication

- 7.1 Once approved by Full Council, this Policy and any subsequent amendment will be published on the Council's website. Human Resources Policy will be responsible for the annual review to ensure an accurate pay policy is published ahead of each financial year.
- 7.2 In accordance with the Code of Practice on Local Authority Accounting the annual Statement of Accounts includes pay details of Senior Officers reporting directly to the Chief Officer/Head of Paid Service and statutory posts where the salary is above £50,000 per annum.
- 7.3 Full Council decisions in relation to staff pay matters are available from the Council's internet page, link as follows:-

<http://www.torbay.gov.uk/DemocraticServices/ieDocHome.aspx>

8. Current Salary Levels for Chief Officer/Head of Paid Service, Directors, Assistant Directors and other Senior Officers

Torbay Council publishes a Salary Levels list with post details, salary spot rates or bands and full-time equivalent salaries, available from Torbay Council's web-site:-

<http://www.torbay.gov.uk/index/yourcouncil/financialservices/expenditure/salarydisclosure.htm>

Appendix 1 Multipliers

The idea of publishing the ratio of the pay of an organisation's top salary to that of its median salary has been recommended in order to support the principles of Fair Pay and transparency. These multipliers will be monitored each year within the Pay Policy Statement.

The Council's current ratio in this respect is 5.78:1, i.e. the highest salary earns 5.78 times more than the Council's median salary. When measured against the lowest salary the ratio is 9.42:1.

In comparing the highest paid salary with the wider workforce the Council will use the following definitions:

- The lowest-paid employee: the employee or group of employees with the lowest rate of pay (full-time equivalent) employed by the Council at the date of assessment. This includes all types of employment within the Council.
- The median: the mid-point salary when full-time equivalent salaries of all core council staff are arranged in order of size (highest to lowest). Based on the salary levels of staff on the date of assessment. This includes all types of employment within the Council.

The lowest full time equivalent salary is £13,614 which is Point 6 of Grade A. Date of assessment: 18/11/2015.

	Annual Salary	Ratio to Highest
Highest Salary	£128,304.00	
Median (Mid-point) value	£22,212.11	5.78:1
Lowest full time salary	£13,614.00	9.42:1

From 1st April 2016, the National Living Wage will be introduced. This will have an impact upon the above figures as the lowest rate of pay will rise to £7.29 per hour, in accordance with the National Joint Conditions of Service. It is anticipated that the median between the highest and lowest will change to 9.12:1.

	Annual Salary	Ratio to Highest
Highest Salary	£128,304.00	
Median (Mid-point) value	£22,212.11	5.78:1
Lowest full time salary	£14,075.00	9.12:1

Equality Statement

These guidelines apply equally to all Council employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

Policy Feedback

Should you have any comments regarding this policy, please address them to the HR Policy Feedback mailbox –

HRpolicy@torbay.gov.uk

History of Policy Changes

This policy was first agreed by members of the Torbay Joint Consultative Committee in March 2012

Date	Page	Details of Change	Agreed by:
November 2012	Various	Amendment from Chief Executive to Chief Operating Officer	SSG 8.11.12 Approved by Full Council
6 th December 2012	4-5	Update to pension ranges re: LGPS contribution rates Addition of Payments upon Termination Section	Approved by Full Council
6 th December 2012	7	Update to Ratio + Multiplier information (Appendix 2)	Approved by Full Council
6 th December 2012	6	Update to current salary levels + addition of newly appointed posts (Appendix 1)	Approved by Full Council
5 th December 2013	Various	Update to current salary levels and reference to Chief Executive Officer throughout. Inclusion of Public Health information.	To be approved by Full Council – 5.12.13
5 th December 2014	Various	Update to current salary levels and pension rates, reference to	To be approved by Full Council – 4.12.14

		Executive Head of Commercial Services.	
November 2015	Various	-Update to reflect structure changes, e.g. Chief Officer/Head of Paid Service and Assistant Director roles. Reference to National Living Wage from 1.4.16. New section (5) relating to approval process for Chief Officer/Head of Paid Service appointments and changes to Section 6 (Settlement Agreements) to reflect approval process, i.e. delegation to Employment Committee for decisions relating to Directors and Assistant Directors. Reference to "Openness and Accountability in Local Pay: Supplementary Guidance"	To be approved by Full Council – 10.12.15

Policy to be reviewed November 2016.

DRAFT



The Local Government Pension Scheme Regulations 2013
And
The Local Government Pension Scheme (Transitional Provisions
& Savings) Regulations 2014

Employer Name: TORBAY COUNCIL

Policy effective from: To be confirmed – following Council
decision 10th December 2015

Regulation R16(2)(e) & R16 (4)(d)	Policy Decision
<p>Shared Cost Additional Pension Scheme</p> <p>An employer can choose to pay for or contribute towards a member's Additional Pension Contract via a Shared Cost Additional Pension Contract (SCAPC)</p>	<p>Torbay Council will not normally enter into a Shared Cost Additional Pension Contract to count towards a member's Additional Pension Contract except in exceptional circumstances.</p>

Regulation R30(6) & TP11(2)	Policy Decision
<p>Flexible Retirement</p> <p>Employers may allow a member from age 55 onwards to draw all or part of the pension benefits they have already built up while still continuing in employment. This is provided the employer agrees to the member either reducing their hours or moving to a position on a lower grade.</p> <p>In such cases, pension benefits will be reduced in accordance with actuarial tables unless the employer waives reduction on compassionate grounds or a member has protected rights</p>	<p>Torbay Council will take all reasonable steps to accommodate an employee's request for Flexible Retirement.</p> <p>The Council will consider waiving reduction to pensions benefits where flexibility will enable the Council to retain key skills within critical service areas.</p> <p>The Council will also consider requests where an employee is aged between 55 to 60 and satisfies the 85 year rule criteria.</p> <p>Requests will be considered by the Head of Paid Service and/or Council, dependent upon the seniority of the role and associated costs, in line with the Local Government Transparency Code 2014.</p>

Regulation R30(8)	Policy Decision
<p>Waiving of actuarial reduction</p> <p>Employers have the power to waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to members benefits paid on the grounds of flexible retirement.</p> <p>Employers may also waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to member's benefits for deferred members and suspended tier 3 ill health pensioners who elect to draw benefits on or after age 60 and before normal pension age</p> <p>Employers also have the power to waive, in whole or in part, the actuarial reduction applied to active members benefits when a member chooses to voluntarily draw benefits on or after age 55 and before age 60.</p>	<p>The Council will not waive the actuarial reduction to scheme member's benefits in respect of flexible retirement, deferred member's benefit requests, suspended tier 3 ill health pensioners or active members who retire voluntarily and draw benefits from age 55 to normal retirement age.</p> <p>The Council will consider waiving the actuarial reduction to the scheme member's benefits in respect of flexible retirement only.</p>

Regulation TPSch 2, para 2(2) & 2(3)	Policy Decision
<p>Power of employing authority to “switch on” the 85 Year Rule</p> <p>An employer can choose whether to “switch on” 85 year rule for members who voluntarily retire on or after age 55 and before age 60</p> <p>An employer can also choose to waive, on compassionate grounds, the actuarial reduction applied to benefits for a member voluntarily drawing benefits on or after age 55 and before age 60</p>	<p>Torbay Council will not ‘switch on’ the 85 year rule for members who voluntarily retire on or after age 55 and before age 60.</p> <p>The Council will also not waive the actuarial reduction in respect of benefits drawn for a member from age 55 to 60.</p>
Regulation R31	Policy Decision
<p>Power of employing authority to grant additional pension</p> <p>An employer can choose to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (by up to £6,500* per annum)</p> <p><i>(* the figure of £6,500 will be increased each April under Pensions Increase orders)</i></p>	<p>Torbay Council will not normally exercise the discretion to grant additional pension except in exceptional circumstances.</p>

These policies may be subject to review from time to time. Any subsequent change in this Policy Statement will be notified to affected employees.

Signed on behalf of _____

Signature of authorised officer: _____

Date: _____

Print name of authorised officer: _____

Job Title: _____



Meeting: Council

Date: 10 December 2015

Wards Affected: All Wards

Report Title: Council Tax Base 2016/17

Is the decision a key decision? Yes

When does the decision need to be implemented?

Executive Lead Contact Details: Mayor, 01803 207001, mayor@torbay.gov.uk

Supporting Officer Contact Details: Martin Phillips, Chief Finance Officer, telephone 01803 207285, email martin.phillips@torbay.gov.uk

1. Purpose and Introduction

- 1.1 The Council is required to determine its Tax Base for Council Tax purposes for 2016/17 during the period 1 December 2015 to 31 January 2016 and the level of Council Tax subsequently set must use this base figure. A Tax Base calculation is provided in Appendix 1 for an appropriate decision to be made.
- 1.2 The Council, as a billing authority, is required to calculate a separate Tax Base for the Brixham Town Council area. A Tax Base calculation for the area is provided in Appendix 2 for an appropriate decision to be made.

2. Proposed Decision

- 2.1 That the calculation of the Council Tax Base for the year 2016/17 be approved as shown in Appendix 1 to the submitted report.
- 2.2 That the calculation of the Brixham Town Council Tax Base for the year 2016/17 be approved as shown in Appendix 2 to the submitted report.
- 2.3 That, subject to 2.1 above, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as its Council Tax base for the year 2016/17 should be 43,180.70.
- 2.4 That, subject to 2.2. above, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as the Council Tax base for Brixham Town Council for the year 2016/17 should be 5,811.07.

3. Reason for Decision

- 3.1 The calculation of the Council Tax Base for both Torbay and Brixham Town Council is a statutory requirement in the budget setting process.

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

Supporting Information

4. Position

A1. Taxbase

- A1.1 The Council is required by the 31st January to establish a base figure for the purpose of setting the level of Council Tax each year – the “Tax Base”. The calculation of this figure is prescribed by the Local Authorities (Calculation of Tax Base) (England) Regulations 2012.
- A1.2 The Regulations require this calculation to be made between 1st December 2015 and 31st January 2016 and for this figure to be notified to precepting authorities by the 31st January 2016. For the year commencing 1st April 2016 these will be the major precepting authorities of Police and Crime Commissioner for Devon and Cornwall, Devon and Somerset Fire and Rescue Authority and as a local precepting authority, Brixham Town Council.
- A1.3 Torbay Council, together with Police and Crime Commissioner for Devon and Cornwall, Devon and Somerset Fire and Rescue Authority and Brixham Town Council are required to use the tax base calculated by Torbay Council, as the billing authority, to determine their basic amounts of Council Tax for 2016/17.
- A1.4 The calculation of the tax base is prescribed by statute. It reflects the aggregate of the “relevant amounts” for each valuation band (including the impact from Council Tax Support Scheme) multiplied by the anticipated collection rate for the year. The calculation for the Council’s tax base is shown in Appendix 1 and the calculation for Brixham Town Council is shown in Appendix 2.
- A1.5 The calculation of the relevant amount begins with the actual number of dwellings on the “relevant date”. For 2016/17 this is the 30th November 2015 and this is the date that must be used. This number is adjusted to make allowance for estimated variations to the list in the course of the year and for the impact of allowed discounts to certain classes of dwellings.
- A1.6 The impact of the Council Tax Support Scheme including the impact of the exceptional hardship scheme, which is linked to claimants, is converted to an equivalent number of dwellings per band by dividing the estimated cost per band of the reductions divided by the estimated Council Tax for that band.

- A1.7 These are then converted into Band “D” equivalents to produce the “relevant” amounts prescribed by the Regulations.
- A1.8 The billing authority then estimates its Council Tax Collection Rate, which is the percentage of 2016/17 Council Tax demands which it predicts will be paid into the Collection Fund during 2016/17. The in year Collection rate estimated for 2016/17 is 96.0% and this is reflected in the Tax Base calculation.
- A1.9 The calculated Council's tax base for 2016/17 of 43,180.70 compares with the 2015/16 tax base of 42,370.75 a 1.9% increase. This increase reflects the growth in the number of properties, which may be either new build or older properties, adapted and brought back in to use offset by the number of dwellings subject to an exemption, discount or a reduction and the impact of the Council Tax Support Scheme.
- A1.10 To calculate the council tax due to Brixham Town Council a Tax Base must be determined by Torbay Council, as the billing authority. The tax base for Brixham Town Council is and the calculation is shown in Appendix 2.
- A1.11 The calculated Brixham Town Council's tax base for 2016/17 of 5,811.07 compares with the 2015/16 tax base of 5,719.39 a 1.6% increase.

A2 Technical Adjustments

- A2.1 Within the Taxbase calculation there are a number of exemptions and discounts for certain categories of dwellings. Some of these are set by central government and some the Council has discretion over. There are no new options available for discretionary technical adjustments and therefore no changes are proposed.

3. Possibilities and Options

- 3.1 None – calculation of taxbase is based on statute.

4. Fair Decision Making

- 4.1 Not applicable

5. Public Services (Social Value) Act 2012

- 5.1 Not applicable

6. Risks

- 6.1 If taxbase not approved by end of January 2016 then the Council is unable to set a budget and this will impact on other precepting bodies.

8.1 Appendices

Appendix 1 The calculation of Torbay Council Tax Base 2016/17

Appendix 2 The calculation of Brixham Town Council Tax Base 2016/17

CALCULATION OF COUNCIL TAXBASE - 2016/17

Appendix 1

30th November 2015 - "Relevant date"

TORBAY COUNCIL

TAX BASE CALCULATION

2016/2017

			BAND A	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL
Number of dwellings in valuation list	30/11/2015		with disabled relief 0	13,471	17,464	16,495	10,067	5,006	2,330	1,221	134	66,188
Number of exempt dwellings :			0	(311)	(245)	(245)	(132)	(73)	(28)	(11)	(1)	(1,046)
Reductions to lower band due to disabled relief :			0	(16)	(65)	(99)	(84)	(61)	(33)	(38)	(26)	(422)
Additions to band due to disabled relief :			16	65	99	84	61	33	38	26	0	422
(H) CHARGEABLE DWELLINGS FOR BAND			16.00	13,209.00	17,253.00	16,235.00	9,912.00	4,905.00	2,307.00	1,198.00	107.00	65,142.00
Total "appropriate %" discounts	Single - 25%	25%	2.25	2,092.00	1,751.50	1,315.00	681.00	266.25	112.25	52.50	3.00	6,275.75
	Disregard - 25%	25%	-	13.25	40.50	36.25	22.75	13.25	4.75	1.00	0.25	132.00
Total "appropriate %" discounts	Disregard - 50%	50%	-	24.50	3.50	6.50	3.00	8.50	18.00	21.00	4.50	89.50
Total "appropriate %" discounts	Second Homes	0%	-	-	-	-	-	-	-	-	-	-
	Class CU (Less than 1 month)	100%	-	33.00	21.00	13.00	4.00	3.00	-	-	-	74.00
(Q) Total Discounts			2.25	2,162.75	1,816.50	1,370.75	710.75	291.00	135.00	74.50	7.75	6,571.25
(E) Long Term Empty Premium	Premium	50%	-	87.00	30.00	15.00	11.00	7.00	2.50	2.50	1.50	156.50
Estimated number of dwellings not listed but which will be listed in the band for the whole or any part of financial year	2016/2017		0	0	0	0	150	0	0	0	0	150
Estimated number of reductions to lower band due to successful appeals :			0	0	0	0	0	0	0	0	0	0
Estimated number of additions to lower band due to successful appeals :			0	0	0	0	0	0	0	0	0	0
(J) Total Adjustments			0.00	0.00	0.00	0.00	150.00	0.00	0.00	0.00	0.00	150.00
(Z) Local Council Tax Scheme Reductions			0.00	3,599.07	3,298.99	2,030.92	797.86	206.02	65.61	11.79	0.00	10,010.25
TOTAL DWELLINGS			13.75	7,534.18	12,167.51	12,848.33	8,564.39	4,414.98	2,108.89	1,114.21	100.75	48,867.00
(F) Ratio to Band D			<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>11</u>	<u>13</u>	<u>15</u>	<u>18</u>	
(G) Ratio to Band D			9	9	9	9	9	9	9	9	9	
(A) RELEVANT AMOUNTS' for 2016/2017		((H-Q+E+J)-Z) x (F divided by G)	7.60	5,022.80	9,463.60	11,420.70	8,564.40	5,396.10	3,046.20	1,857.00	201.50	44,979.90
(B) COLLECTION RATE		[Section 4 (1) of The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012]										96.0%
TAX BASE - (A) x (B)		[Section 3 (1) of The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012]										43,180.70

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CALCULATION OF COUNCIL TAXBASE - 2016/17

Appendix 2

30th November 2015 - "Relevant date"

Brixham Town Council

TAX BASE CALCULATION

2016/2017

			BAND A	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL
Number of dwellings in valuation list	30/11/15		with disabled relief 0	1,422	2,247	2,461	1,541	650	325	91	7	8,744
Number of exempt dwellings :			0	(30)	(32)	(34)	(18)	(6)	(4)	(1)	0	(125)
Reductions to lower band due to disabled relief :			0	(9)	(10)	(12)	(10)	(10)	(10)	(1)	(3)	(65)
Additions to band due to disabled relief :			9	10	12	10	10	10	1	3	0	65
(H) CHARGEABLE DWELLINGS FOR BAND			9.00	1,393.00	2,217.00	2,425.00	1,523.00	644.00	312.00	92.00	4.00	8,619.00
Total "appropriate %" discounts	Single - 25%	25%	1.75	207.50	211.50	186.75	95.50	31.75	15.00	4.75	-	754.50
	Disregard - 25%	25%	-	1.75	6.75	4.50	3.50	1.75	1.50	-	-	19.75
Total "appropriate %" discounts	Disregard - 50%	50%	-	-	0.50	1.50	-	1.50	0.50	1.50	0.50	6.00
Total "appropriate %" discounts	Second Homes	0%	-	-	-	-	-	-	-	-	-	-
	Class CU (Less than 1 month)	100%	-	5.00	1.00	1.00	-	-	-	-	-	7.00
(Q) Total Discounts			1.75	214.25	219.75	193.75	99.00	35.00	17.00	6.25	0.50	787.25
(E) Long Term Empty Premium	Premium	50%	-	9.50	3.00	1.00	2.00	0.50	0.50	-	-	16.50
Estimated number of dwellings not listed but which will be listed in the band for the whole or any part of financial year	2016/2017		0	0	0	0	0	0	0	0	0	0
Estimated number of reductions to lower band due to successful appeals :			0	0	0	0	0	0	0	0	0	0
Estimated number of additions to lower band due to successful appeals :			0	0	0	0	0	0	0	0	0	0
(J) Total Adjustments			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
(Z) Local Council Tax Scheme Reductions			0.00	381.16	430.44	304.41	115.95	34.57	9.01	0.00	0.00	1,275.54
TOTAL DWELLINGS			7.25	807.09	1,569.81	1,927.84	1,310.05	574.93	286.49	85.75	3.50	6,572.71
(F) Ratio to Band D			<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>11</u>	<u>13</u>	<u>15</u>	<u>18</u>	
(G) Ratio to Band D			9	9	9	9	9	9	9	9	9	
(A) RELEVANT AMOUNTS' for 2016/2017		((H-Q+E+J)-Z) x (F divided by G)	4.00	538.10	1,221.00	1,713.60	1,310.10	702.70	413.80	142.90	7.00	6,053.20
(B) COLLECTION RATE		[Section 4 (1) of The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012]										96.0%
TAX BASE - (A) x (B)		[Section 3 (1) of The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012]										5,811.07

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Meeting: Overview and Scrutiny Board **Date:** 25 November 2015
 Council 10 December 2015

Wards Affected: All

Report Title: Capital Plan Update – 2015/16 Quarter 2 and Mayor’s proposals for Capital Plan revisions for budget process 2016/2017

Is the decision a key decision? No

When does the decision need to be implemented?

Executive Lead Contact Details: Gordon Oliver, Mayor, mayor@torbay.gov.uk

Supporting Officer Contact Details: Martin Phillips, Chief Accountant, 01803 207285, martin.phillips@torbay.gov.uk

1. Proposal and Introduction

- 1.1 The Capital Plan budget totals £74.2 million for the 4 year programme, with £30.2 million currently scheduled to be spent in 2015/16, including £11.7m on the South Devon Highway. The Capital Plan requires £2.5 million from capital receipts and capital contributions over the life of the Plan.
- 1.2 The Council’s Capital Plan is updated on a quarterly basis which includes any new funding announcements and allocations. It provides high-level information on capital expenditure and funding for the year compared with the last Plan update as reported to Council in September 2015.

2. Reason for Proposal

- 2.1 Quarterly reporting to both the Overview and Scrutiny Board and to Council is part of the Council’s financial management.
- 2.2 To enable consultation to commence on the Capital Plan as this budget is due to be considered by the Council in February 2016 as part of the 2016/17 budget process.

3. Recommendation(s) / Proposed Decision

Overview & Scrutiny Board

- 3.1 That the Board note the latest position for the Council’s Capital expenditure and funding for 2015/16 and make recommendations if required to Council in respect of Quarter Two monitoring.

- 3.2 That, as part of the budget setting process for 2016/17, the Board at a future meeting review the Capital Plan and Capital Strategy and make recommendations to the Mayor if required prior to Council approval of the Capital Plan for 2016/17 in February 2016.

Council

- 3.2 That Council note the latest position for the Council's Capital expenditure and funding for 2015/16.

4 Supporting Information and Impact Assessment

- 4.1 Members of the Overview and Scrutiny Board and Council receive regular budget monitoring reports on the Council's Capital Plan throughout the year. The Council's four year Capital Plan is updated each quarter through the year. This report is the monitoring report for the second quarter 2015/16 and includes variations arising in this quarter to the end September 2015. For the purposes of Standing Order F3 in relation to Budget and Policy Framework, this report also sets out the Mayor's proposals for revisions to the Capital Plan for the budget setting process 2016/17.
- 4.2 Council are due to approve the Capital Plan for 2016/17 and future years 17/18, 18/19 and 19/20, and the Capital Strategy as part of its budget setting process in February 2016. Supporting Information on the capital issues facing the Council is included and the Board are invited to review the Capital Plan (appendix two) and Capital Strategy (appendix three) at a future meeting and make recommendations to the Mayor, if required, prior to approval in February 2016.
- 4.3 The overall funding position of the 4-year Capital Plan Budget of £74.2 million, covering the period 2015/16 – 2018/19, is primarily fully funded but still relies upon the generation of £2.5 million of Capital income from capital receipts and capital contributions over the life of the Capital Plan.
- 4.4 Of this £2.5m, £2.0 million was required from capital receipts before the end of the current Plan period. Of this sum £0.3 million has been received by the end of September 2015, leaving a balance of £1.7 million still to be realised. It is only after this target has been reached that any capital receipts should be applied to new schemes.
- 4.5 The other element of this £2.5m funding requirement, involves £0.5m required from capital contributions including community infrastructure levy which is expected to be approved during 2015. In addition £2.1m is due to be generated from S106 contributions to part fund the South Devon Highway.
- 4.6 The target income for capital receipts and capital contributions are required to meet existing Council commitments, it is important that any capital income raised is allocated to existing commitments and not used to support additional expenditure on new schemes.
- 4.7 The movements in the estimate of expenditure in 2015/16 on the Capital Plan between the last monitoring report at June 2015 of £32.0m and the current approved budget for 2015/16 of £30.2 m are shown below. Please note the format of this table shows schemes ordered by their service Directorate, as is Appendix 1.

Scheme	Variation in	Change	Reason
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	2015/16	£m	
Estimate as at Q1 2015/16		32.0	Capital Plan Update, 2015/16 Quarter 1
Adult Social Care	Funding transferred	(0.4)	Resource swap for ICO reported in Q1
		31.6	
Adult Services			
Affordable Housing	Transfer budget	(0.2)	Budget moved to new scheme (Spectrum HA)
Spectrum HA – Castle Lane Torquay	New scheme	0.2	Provide 32 affordable housing units
		0	
Childrens Services			
Capital Repairs and Maintenance 15/16	Govt grant allocation	0.1	School improvements (in addition to Furzeham Prim.)
Ellacombe expansion	Budget re profiled from 2016/17	0.1	Good progress so budget brought forward to 15/16
St Margaret Clitherow expansion	Additional budget required	0.1	Budget transferred from saving on Warberry Primary expansion
Warberry Primary expansion	Saving on scheme	(0.1)	Saving transferred to fund overspend on St Margaret Clitherow
Torquay Secondary School places	Re profile initial budgets	0.1	Initial work on scheme to provide additional places
		0.3	
Community and Customer Services			
Torre Valley North enhancements	Budget moved to 2016/17	(0.1)	Scheme delayed
		(0.1)	
Corporate and Business Services			
Enhancement of Development Sites	Part budget to 16/17	(0.1)	Rephased to next year
Flood Defence/Cliff works	Increased budget	0.1	Costs of Goodrington and Oddicombe above budget
Torbay Innovation Centre Phase 3 (EPIC)	Re profile budget	(0.4)	Delay in tender process changes budget phasing
TEDC Capital Loans	Part budget transferred to 16/17	(1.2)	Review of timing of likely draw down on loan
		(1.6)	
Estimate – Quarter Two 2015/16		30.2	

4.8 Expenditure

- 4.9 The Capital Plan Budget has been updated for any further revision to both projects and timing, resulting in the latest revision attached at Appendix 1. The Plan now totals £74.2 million over the 4 year period of which £30.2 million relates to 2015/16

and £23.9 million relates to 2016/17.

- 4.10 The purpose of this report and the Monitoring statement attached is to highlight any existing or potential issues which may affect the delivery of the major projects included in the Plan and to consider any potential effect on corporate resources.
- 4.11 Expenditure to the end of this second quarter was £5.4 million with a further £9.5 million of commitments on the Council's finance system. The expenditure of £5.4million is only 18% of the latest budget for 2015/16. This compares with £6.5 million (or 32% of outturn) for the second quarter last year. It is recognised that for a number of schemes, notably the South Devon Highway (2015/16 budget £11.7m), the Council will not incur expenditure until later in the year.

	2010/11 £m (%)	2011/12 £m (%)	2012/13 £m (%)	2013/14 £m (%)	2014/15 £m (%)	2015/16 £m (%)
Quarter One	10 (23%)	3 (14%)	2 (11%)	4 (23%)	2 (10%)	1 (3%)
Quarter Two	13 (30%)	7 (32%)	4 (21%)	4 (23%)	4 (20%)	4 (15%)
Quarter Three	9 (21%)	5 (22%)	5 (26%)	3 (18%)	4 (20%)	
Quarter Four	11 (26%)	7 (32%)	8 (42%)	6 (35%)	10 (50%)	
Total In Year	43	22	19	17	20	30

4.12 Updates to Capital Plan

4.13 Joint Commissioning Team

- 4.14 Affordable Housing – £0.2 million of this budget allocation has now been set aside to enable Spectrum Housing Association to develop 32 units of affordable accommodation, including 1 and 2 bed apartments, in Castle Lane, Torquay.
- 4.15 Integrated Care Organisation - As reported in the Quarter 1 Capital monitoring report the Council has agreed to provide revenue funds to the new ICO by swapping £0.461m capital grant for resources in Reserves. The impact is to reduce the Council's capital spend but increases its revenue spend with no overall change in resources.
- 4.16 Childrens Services:
- 4.17 There are a number of variations to budgets on various schemes as detailed below.
- 4.18 Ellacombe Primary expansion – Scheme is progressing very well so £0.1m of budget to be rephased from 2016/17 to 2015/16.
- 4.19 Secondary School places in Torquay – the phasing of work for this scheme to provide 30 additional secondary school places in Torquay by September 2017 has been reviewed with £0.1m moved to 2015/16 budget from future years.
- 4.20 St Margaret Clitherow Primary expansion – completed 28th August 2015. Delivered on time but over budget by £0.1m. The increase in costs is a direct result of changes required by Planning. The overspend will be funded through savings on other schemes (Warberry) within the Children's Services Capital Plan.
- 4.21 Warberry CoE Primary expansion – saving of £0.1m achieved on this scheme for additional primary places which can be used to cover the St Margaret Clitherow overspend, which is a similar project.

- 4.22 Whiterock Primary expansion – Phase 1 of this project was completed by 2nd September 2015, with Phase 2 now underway.
- 4.23 **Joint Operations Team**
- 4.24 Community and Customer Services
- 4.25 Princess Pier Decking – tenders for this work exceed the £0.254 m budget. The likely costs range between £0.3m and £0.36m depending on extent of work undertaken. However some works involve repairs to steel supports, the cost of which are included in Princess Pier structural repair scheme (£1.85m in 2016/17) so budget of £0.106m is being transferred to facilitate this work under the Decking scheme when it is easier to access the steel support areas .
- 4.26 Strand Regeneration – This scheme was approved by Council in September 2015, subject to funding being identified. Consequently the scheme has not yet been included in the Capital Plan, until funding sources are identified.
- 4.27 Torre Valley North enhancements – proposals to realign the playing pitches are subject to various approvals and the scheme is now not likely to commence until next financial year.
- 4.28 Transport – Edginswell Station. The Local Enterprise Partnership has confirmed its funding of £4 million towards this scheme, however latest costings indicate that further funding will have to be secured before construction can commence. Officers will continue to progress funding options.
- 4.29 Disabled Facilities Grants (DFG) – A Council decision is still required regarding the possible reallocation of £0.4 million of prior years' DFG resources. As previously reported the Overview and Scrutiny Board have requested further information and details on the DFG service pressures and will make recommendations to Council in due course. In relation to the 2015/16 allocation of £1.0m, expenditure on DFGs at the end of September was £0.2 million, with a remaining budget of £0.8m. It is expected that the service will re profile 2015/16 budget into future years.
- 4.30 Corporate & Business Services
- 4.31 Flood Defence schemes – following receipt of tenders, the cliff stabilisation works at Goodrington and Oddicombe are expected to exceed initial estimates. The total cost of works at the two sites is now expected to be £0.166 m, where original estimates were £0.1m. The increased costs can be funded from additional storm damage grant received from the Environment Agency.
- 4.32 Princess Pier Structural repair – some work to steel supports are now being done under the Princess Pier Decking scheme so £0.1 m of this 2016/17 budget will be transferred to that scheme.
- 4.33 TEDC Capital Loans – the timing of likely draw downs for this loan has been reviewed and part of the budget (£1.2 m) has been moved to 2016/17.

5 Receipts & Funding

- 5.1 The funding identified for the latest Capital Plan budget is shown in Appendix 1. This is based on the latest prediction of capital resources available to fund the

budgeted expenditure over the next 4 years. A summary of the funding of the Capital Plan is shown in the Table below:

	2015/16	2016/17	2017/18	2018/19	Total @ Q2 15/16
	A	B	C	D	E
Funding	£m	£m	£m	£m	£m
Unsupported Borrowing	13	3	4	1	21
Grants	14	18	11	4	47
Contributions	0	1	0	0	1
Reserves	0	1	0	0	1
Revenue	1	0	0	0	1
Capital Receipts	2	1	0	0	3
Total	30	24	15	5	74

5.2 Grants

5.3 Capital Grants continue to be the major funding stream (over 60% in last 3 years) for the Council to progress its investment plans. An element of these grants result from “bid” processes from other public sector bodies. The Council used £13 million of grants in 2014/15 and is currently estimating to use £14m of grants in 2015/16.

5.4 Since the last Capital update (Quarter 1 2015/16) reported to Council in September 2015, the Council has not been notified of any additional capital grant allocations.

5.5 Capital Receipts

5.6 The approved Plan relies upon the generation of a total of £2.0 million capital receipts from asset sales by the end of 2016/17 of which £0.3m has now been received by the end of September 2015, leaving a target of £1.7m still to be achieved.

This target is expected to be achieved provided that -

- approved disposals currently “in the pipeline” are completed
- the Council continues with its disposal policy for surplus and underused assets and,
- no more new (or amended) schemes are brought forward that rely on the use of capital receipts for funding.

5.7 Capital Contributions – S106 & Community Infrastructure Levy

5.8 The general target for securing capital contributions to fund the 4-year Capital Plan, following review of the Budget in February 2013 was £0.5 million (required by March 2016). In addition the South Devon Highway business case estimated external contributions including s106 payments of £2.1m to help fund the scheme (£0.108m, received since 2014).

5.9 The intention is that capital contributions are applied to support schemes already approved as part of Capital Plan and not allocated to new schemes unless the agreement with the developer is specific to a particular scheme outside the Capital Plan.

- 5.10 Income from Section 106 capital contributions so far in 2015/16 only amount to £0.02 million.
- 5.11 A recent Government announcement changed a number of rules relating to Section 106 agreements which now restricts these funds and will mean alternative funding sources may be required to fund some capital schemes, including the South Devon Highway, where £2.1 million of S106 (or CIL) funding was estimated.
- 5.12 In particular, since the South Devon Highway is likely to be completed before a CIL scheme is formally adopted, it is unlikely that the necessary funds can be generated for this scheme. This will mean that an alternative funding source will be required, presumably additional Prudential Borrowing. The increased revenue cost of this has been factored into the 2016/17 budget proposals.
- 5.13 It is expected that, linked to the adoption of the Local Plan later in 2015, a Community Infrastructure Levy scheme will also be approved.
- 5.14 Borrowing and Prudential Indicators**
- 5.15 There was no borrowing taken or repaid during the quarter.
- 5.16 The Council's capital expenditure has an overall positive impact on the Council's Balance Sheet. Expenditure in the Capital Plan on the Council's own assets will increase the value attached to the Council's fixed assets. As at 31 March 2015 the Council's "Non Current Assets" were valued at £307 million.

Appendices:

Appendix 1 - Capital Plan summary – Quarter Two 2015/16

Appendix 2 - Capital Plan 2016/17 – 2019/20

Appendix 3 - Capital Strategy, October 2015 Update

CAPITAL INVESTMENT PLAN - QUARTER 2 2015/16 - EXPENDITURE

Appendix 1

						Revised 4-year Plan July 2015				
	Latest Est Scheme Cost	Actuals & Commitments 2015/16 Qtr 2	Previous 2015/16 (@ Q1 15/16)	2015/16 Q2 Adjustments	New Schemes 2015/16	Total 2015/16 Revised	2016/17	2017/18	2018/19	Total for Plan Period
PB = Approved Prudential Borrowing schemes	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
ADULT SERVICES										
Adult Care										
Adult Social Care	0		461	(461)		0				0
Autism Innovation - IT Enhancements	19	19	19			19				19
Mental Health Care Initiatives	711		7			7				7
Housing Strategy										
Affordable Housing	1,480		248		(200)	48	1,432			1,480
Sanctuary HA - Hayes Road Pgn	500		250			250				250
Spectrum HA - Castle Lane Tqy	200				200	200				200
	2,910	19	985	(461)	0	524	1,432	0	0	1,956
CHILDRENS SERVICES										
2 Year Olds Provision	253	47	193			193	0	0		193
Asbestos Removal	80		7			7				7
Barton Primary Cap Project	4,400	4	36			36				36
Brookfield House Site	750	45	650			650	100			750
Capital Repairs & Maintenance 2012/13	465	105	138			138				138
Capital Repairs & Maintenance 2014/15	652	438	620			620				620
Capital Repairs & Maintenance 2015/16 (incl Furzeham)	506	0	150		106	256	250			506
Childrens Centres	232		2			2				2
Cockington Primary expansion	3,373	81	356			356				356
Devolved Formula Capital		14	260			260				260
Education Review Projects		57	298			298				298
Ellacombe Primary expansion	502	29	384	80		464	20			484
EOTAS Halswell House	49		1			1				1
Key Stage 1 Free School Meals	122	11	12			12				12

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New Paignton Primary school	5,000		0			0	750	2,250	2,000	5,000
Roselands Primary expansion	700	1	47			47	0	0		47
Secondary School places	2,866	2	150	150		300	2,000	566		2,866
St Margaret Clitherow Primary expansion	623	293	179	115		294				294
Torbay School Hillside	120	1	21			21				21
Torre CoE Primary expansion	1,299	43	54			54				54
Warberry CoE Primary expansion	1,235	16	189	(115)		74				74
Whiterock Primary expansion	3,500	1,927	2,040			2,040	300			2,340
Youth Modular Projects	409		51			51				51
	11,281	3,114	5,838	230	106	6,174	3,420	2,816	2,000	14,410
COMMUNITY AND CUSTOMER SERVICES										
Babbacombe Beach Road	70		70	(70)		0	70			70
Barton Infrastructure	137		9			9				9
DfT Better Bus Areas	462	(46)	161			161	0	0		161
DfT Local Sustainable Transport Fund (Ferry/Cycle)	1,642	(6)	26			26	0	0		26
Disabled Facilities Grants		240	1,020			1,020	0		0	1,020
Disabled Facilities Grants Reserve - Potential reallocation (e.g. to Infrastructure)			398			398				398
Empty Homes Scheme	500		250			250	250			500
NGP - Strategic Cycleway	477		45			45				45
NGP - Windy Corner Junction	11	19	1			1				1
On Street Parking meters	857		1			1				1
Paignton Picture House	50		50			50				50
Princess Pier Decking	360		254			254	106			360
Private Sector Renewal			113			113	0		0	113
Public Toilets - Utilities saving measures	100	5	11			11	0	0		11
South Devon Link Road - Council contribution	20,224	8,735	11,739			11,739	1,500	1,500	1,407	16,146
St Michael's Chapel, Torre	95	81	71			71				71
Street Lighting - Energy reduction	515	11	46			46				46

CAPITAL INVESTMENT PLAN - QUARTER 2 2015/16 - EXPENDITURE

Appendix 1

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TCCT - Grant re Green Heart Project	100	100	100			100				100
Torbay Enterprise Project	750	22	52			52				52
Torbay Leisure Centre - structural repairs	545	26	26			26	0	0		26
PE Torre Abbey Pathway	49	2	2			2				2
Torre Abbey Renovation - Phase 2	5,069	8	74			74				74
Torre Valley North Enhancements	127		124	(124)		0	124			124
Transport - Edginswell Station	4,374	200	209			209	2,500	1,500		4,209
Transport Integrated Transport Schemes		405	670			670	1,257	931	667	3,525
Transport Structural Maintenance		467	1,582			1,582	1,337	1,297	1,174	5,390
Transport - Torquay Gateway Road Improvements	3,875	16	325			325	1,200	2,325		3,850
Transport - Torquay Town Centre Access	625	6	385			385	176			561
Transport - Western Corridor	7,405	653	2,300			2,300	3,100	1,600		7,000
	3,500	10,944	20,114	(194)	0	19,920	11,620	9,153	3,248	43,941
CORPORATE AND BUSINESS SERVICES (INCL. CONTINGENCY)										
Corporate Services										
Enhancement of Development sites	261	13	103	(73)		30	173			203
PE Office Rationalisation Project Ph 3 - Project Remainder	8,735	219	195	25		220				220
Oldway Estate works	400		400			400				400
Payroll Project	370	50	87			87				87
Riviera Centre renewal	1,140	36	41			41				41
General Capital Contingency	631		0			0	631	0	0	631
Business Services										
PE Beach Hut Acquisition/Renewal (Broadsands, Meadfoot)	2,591	392	384			384				384
Brixham Harbour - Victoria Breakwater	44		10	(6)		4	0	0		4
PE Council Fleet Vehicles	462	11	162			162				162
Flood Defence schemes (with Env Agency)	789	37	100	66		166	155			321
Haldon Pier - Structural repair Phase I&2	3,073	44	535			535				535

CAPITAL INVESTMENT PLAN - QUARTER 2 2015/16 - EXPENDITURE

Appendix 1

						Revised 4-year Plan July 2015				
	Latest Est Scheme Cost	Actuals & Commitments 2015/16 Qtr 2	Previous 2015/16 (@ Q1 15/16)	2015/16 Q2 Adjustments	New Schemes 2015/16	Total 2015/16 Revised	2016/17	2017/18	2018/19	Total for Plan Period
Meadfoot Sea Wall structural repair	266	5	4			4				4
PP NGP - Torbay Innovation Centre Ph 3 (EPIC)	6,590		500	(400)		100	3,421	3,000		6,521
Oddicombe Beach Chalets	193	34	36			36				36
Old Toll House, Torquay	150	4	75			75	71			146
Princess Pier - Structural repair (with Env Agency)	1,744		0			0	1,744			1,744
Riviera Renaissance (Coastal Communities Fund)	649	1	1			1	0	0		1
Sea Change - Cockington Court	3,285	3		3		3				3
Small Ports Recovery Fund - Winter 13/14	295		4			4				4
PP TEDC Capital Loans	2,475	250	2,475	(1,190)		1,285	1,190			2,475
	34,143	1,099	5,112	(1,575)	0	3,537	7,385	3,000	0	13,922
TOTALS	51,834	15,176	32,049	(2,000)	106	30,155	23,857	14,969	5,248	74,229
CAPITAL INVESTMENT PLAN - QUARTER 2 2015/16 - FUNDING										
Unsupported Borrowing			14,509	(1,501)		13,008	3,470	3,421	1,289	21,188
Grants			14,388	7	106	14,501	17,626	11,216	4,237	47,580
Contributions			330			330	148			478
Reserves			349	(208)		141	1,032	253	(396)	1,030
Revenue			1,043	(225)		818	229	79	118	1,244
Capital Receipts			1,430	(73)		1,357	1,352			2,709
Total			32,049	(2,000)	106	30,155	23,857	14,969	5,248	74,229



CAPITAL PLAN 2016/17 TO 2019/20

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Produced By:

**Torbay Council,
Town Hall,
TORQUAY**

Contact Officer – Martin Phillips (Tel: 01803 207285)

1. Introduction

The Council's Constitution requires the Capital Plan to be approved by full Council each year as part of the budget setting process.

In reality capital funding and approval of schemes is now an ongoing process and not linked to individual financial years as with the revenue budget. The Council currently receives a four year capital plan update and approves schemes on an ongoing quarterly basis. All capital update reports are subject to review by the Overview and Scrutiny board prior to being presented to Council.

The capital plan that will be presented for approval will be the capital plan position as reported as at Quarter Three 2015/16 – to the end of December. That will be the Quarter Two plan as presented to OSB and Council in November and December updated for new funding/schemes and any changes in profiles of schemes.

To enable review of the current plan this note will outline the funding options for 2016/17 and future years and will outline the potential projects (from the capital reserve list) that Council may wish to consider for future years if funding is available.

The Board are invited to review the Capital Plan at a future meeting and make recommendations on capital expenditure and capital funding to the Mayor, if required, prior to approval in February 2016.

The Capital Plan is closely linked to the Capital Strategy, Treasury Management Strategy, Highways Asset Management Plan and the Corporate Asset Management Plan.

2 Capital Funding 2016/17

2.1 Capital Grants: - Reoccurring Grants

The Council receives a number of central government grants on an annual basis:

2.1.1 Devolved Formula Capital. This is a ring fenced grant to support school capital expenditure. As ring fenced to schools there is no Council discretion.

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2.1.5 Adult Social Care - This is part of the Better Care Fund therefore it will be allocated to social care and health initiatives.

2.2 Capital Grants: - Project Specific Grants

The Council continues to bid for additional external grant funding but, in line with the capital strategy, restricts schemes to those which support corporate priorities or statutory service objectives and where it can be proved that the project is sustainable, and requirements for match-funding and future revenue consequences have been considered and approved. All

bids are to be agreed with the Mayor and Executive Director prior to submission.

Funding Bids are made to a number of agencies including:

- Environment Agency
- Local Enterprise Partnership
- European Union
- Big Lottery
- Sport England
- Historic England
- Arts Council
- Central Government Departments (DCLG, DoT, DoE, DoH etc)

2.3 Capital Receipts and Capital Contributions

The current policy is to pool all capital receipts from the sale of all assets sold to support the Capital Plan in line with funding the Council's priorities. The current Capital Plan has a capital receipts target to support the approved Plan that has not yet been met. All capital receipts received should be allocated to support this target and not allocated to new schemes. Therefore there isn't any decision required on the allocation of capital receipts.

The current policy is to pool all capital contributions such as s106 contributions to support the Capital Plan in line with funding the Council's priorities. The current Capital Plan has a capital contributions target to support the approved Plan that has not yet been met. All capital contributions received should, where possible, be allocated to support this target and not allocated to new schemes. Therefore there isn't any decision required on the allocation of capital contributions.

Any monies received for infrastructure from the Community Infrastructure Levy (when introduced) will not be allocated to a specific service but will be allocated under the CIL arrangements ("the 1,2,3 List") in line with Council's capital scheme priorities including any specific funding requirements such as the South Devon Highway. Therefore there isn't any decision required on the allocation of the CIL.

2.4 Borrowing

As supported borrowing from central government no longer exists the only form of borrowing open to the Council is unsupported or prudential borrowing.

In the absence of new capital receipts, contributions or additional un ring fenced grants and the pre allocation of un ring fenced grants to both schools and transport the only funding option available to the Council would be from prudential borrowing. Borrowing requires the repayment of principal borrowed and interest costs on the borrowing until repaid. This typically equates to £70,000 per annum for each £1m borrowed and repaid over 25 years.

Council is able to approve borrowing for new schemes providing it is prudent/affordable and that council identify how the borrowing will be funded.

One suggestion members may wish to consider is the creation of an investment fund to generate investment returns that can be used to support the Council's revenue budget. On a 25 year repayment the rate of return would need to be in excess of 8% per annum on the value of the investment. Council could consider a fund of up to £10 million and establish a set of investment criteria for officers to comply with in terms of suitable investments.

2.5 Alternative Funding and Delivery Opportunities

Linked closely to the capital plan is the use of alternative methods of supporting capital expenditure within the Bay, using alternative funding, such as social investment, private sector finance and third sector funding or by other bodies delivering capital schemes instead of the Council. The Council can use its assets to support schemes or aim to maximise funding from any source possible, such as European or Local Enterprise Partnership funding.

2.6 Prioritisation and Capital Reserve List

The current four year Capital Plan is attached at Appendix 1 to the latest Capital Plan quarterly update report. The Plan contains previously approved allocations of funding and schemes.

It is always difficult to make choices between competing priorities within a top tier Council that delivers so many varied services. To support allocation of funding a Capital Reserve list is maintained with a list of potential schemes.

A summary of potential capital projects that are currently unfunded are as follows:

	Scheme	Cost to Council £m	Notes
Mayoral Pledges			
	Torquay Harbourside, Option 1	0.35	Approved By Council Sept 15 pending identification of funding
	Brixham Railhead	tbc	Create rail link to Brixham – requires feasibility work
	Edginswell Station	tbc	In current Capital plan, however currently a funding shortfall
	Western Corridor – Dualling	tbc	Continued works to improve traffic flow and capacity
Childrens Services			
	Acquisition Stoodley Knowle school site and new build	tbc	Site purchase for improved provision and relocation of existing primary school
Adult Services			
	Learning Disability relocation	tbc	Potential relocation of clients from Hollacombe
	New Affordable Housing schemes	tbc	Linked to Housing Strategy – schemes in excess of £1.6m currently available
Corporate and Business Services			
	Investment Fund	10.0	Fund to purchase investment properties
	Backlog Property Assets R&M	22.0	Outstanding repairs on Council property assets – linked to Asset

			Management Plan
	Emergency Infrastructure Works	tbc	Funds to action emergency works in relation to storm damage, cliff faces etc
	Brixham Town Centre	tbc	Future options for car park site
	Car Park Fencing	0.062	
	Crown & Anchor Way	tbc	Potential purchase of land for highways and parking issues.
	Claylands – Regeneration /Employment	7.0	Potential prudential borrowing scheme subject to business case
	Cockington Court	0.7	Backlog repairs on property leased to TDA
	Council storage solution	tbc	Permanent solution to storage of records
	EA Scheme - Brixham Flood Alleviation	0.060	Council contribution to Environment Agency scheme
	EA Scheme - Broadsands Sea Wall	0.080	Council contribution to Environment Agency scheme
	EA Scheme - Broadsands Watercourse	0.300	Council contribution to Environment Agency scheme
	EA Scheme - Coastal Defences	0.105	Council contribution to Environment Agency scheme
	EA Scheme - Cockington	0.105	Council contribution to Environment Agency scheme
	EA Scheme - Collaton St Mary	0.050	Council contribution to Environment Agency scheme
	EA Scheme - Hollicombe	0.100	Council contribution to Environment Agency scheme
	EA Scheme - Monksbridge	0.050	Council contribution to Environment Agency scheme
	EA Scheme - Ocombe Valley	0.030	Council contribution to Environment Agency scheme
	EA Scheme - Paignton Flood Alleviation	0.066	Council contribution to Environment Agency scheme
	EA Scheme - River Fleet Flood Alleviation	0.050	Council contribution to Environment Agency scheme
	Edginswell Master plan	tbc	Potential regeneration scheme
	Fish Processing Plant – Regeneration	2.3	Potential regeneration scheme
	Harbour Projects to be funded from harbour reserves	0.2	Repairs at Brixham Harbour, new workboat and spend on pontoons at Torquay harbour
	Illumination Replacement - phase 2	0.072	Investment in festoon lighting
	IT infrastructure Replacement	tbc	Future funding of IT infrastructure after IT reserve has been fully spent.
	Monksbridge Road – Local Transport Board Bid	0.300	Potential Council match funding required
	Multi Storey Car Parks R&M Backlog	3.2	

	Oxen Cove - Possible development	tbc	Potential regeneration scheme
	Paignton Town Centre – Local Transport Board	1.7	Improved transport links & infrastructure
	Princess Gardens Fountain	0.050	
	Princess & Haldon Piers	4.6	Structural Issues on Piers
	Torquay Town Hall car park	tbc	Potential regeneration scheme
	Town Centres Master plans – Torquay	tbc	Potential Council match funding and assets required
	Town Centres Master plans – Paignton	tbc	Potential Council match funding and assets required
Community and Customer Services			
	A385 Totnes Road – Local Transport Board	0.4	Potential Council match funding required
	Backlog Transport Infrastructure R&M	11.0	Backlog repairs on transport infrastructure assets
	Brixham Transport Hub – Local Transport Board	0.150	Potential Council match funding required
	Clennon Valley Transport Package – Local Transport Board	1.1	Cycleway to Long Road & Dartmouth Road improvements
	Bolton Cross	tbc	Potential future development of site
	Princess Theatre Investment	1.0	Support potential investment in theatre improvements
	Street Lighting	1.1	Prudential Borrowing to be presented to Council for expansion of LED lighting
	Torre Abbey Gate House	tbc	Structural repairs required
	Willows Sport Pitches	0.5	Potential Council match funding required
	Helipad	tbc	Feasibility required to support business case
	Torquay Harbourside - Option 2 & 3	4.0	Further enhancements to Torquay Harbourside area
	TOR2 Asset Replacement	tbc	Potential costs of asset purchases (vehicle and plant) in relation to TOR2 services
	Torre Railway Station – Local Transport Board	0.1	Potential Council match funding required
	Torquay Harbourside and Sea Front – Local Transport Board	1.7	Improved transport links & infrastructure

2.7 Options

Members when reviewing the capital plan have a number of options to consider.

These include:

- Review current plan and reallocate funding from previously approved schemes or allocations to fund alternative schemes
- Recommend prudential borrowing to fund schemes
- Recommend alternative options to fund schemes
- Recommend bids for external funding to fund schemes
- Recommend individual projects within previously approved service allocations
- Recommend additional asset disposals to fund schemes
- Recommend priority schemes for approval should funding become available



CAPITAL PLAN 2016/17 TO 2019/20

OCTOBER 2015 UPDATE

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2.5 Alternative Funding and Delivery Opportunities

Linked closely to the capital plan is the use of alternative methods of supporting capital expenditure within the Bay, using alternative funding, such as social investment, private sector finance and third sector funding or by other bodies delivering capital schemes instead of the Council. The Council can use its assets to support schemes or aim to maximise funding from any source possible, such as European or Local Enterprise Partnership funding.

2.6 Prioritisation and Capital Reserve List

The current four year Capital Plan is attached at Appendix 1 to the latest Capital Plan quarterly update report. The Plan contains previously approved allocations of funding and schemes.

It is always difficult to make choices between competing priorities within a top tier Council that delivers so many varied services. To support allocation of funding a Capital Reserve list is maintained with a list of potential schemes.

A summary of potential capital projects that are currently unfunded are as follows:

	Scheme	Cost to Council £m	Notes
Mayoral Pledges			
	Torquay Harbourside, Option 1	0.35	Approved By Council Sept 15 pending identification of funding
	Brixham Railhead	tbc	Create rail link to Brixham – requires feasibility work
	Edginswell Station	tbc	In current Capital plan, however currently a funding shortfall
	Western Corridor – Dualling	tbc	Continued works to improve traffic flow and capacity
Childrens Services			
	New Primary School at Edginswell	tbc	For school places from 2020.
Adult Services			
	Learning Disability relocation	tbc	Potential relocation of clients from Hollacombe
	New Affordable Housing schemes	tbc	Linked to Housing Strategy – schemes in excess of £1.6m currently available
Corporate and Business Services			
	Investment Fund	10.0	Fund to purchase investment properties
	Backlog Property Assets R&M	22.0	Outstanding repairs on Council property assets – linked to Asset Management Plan

Emergency Infrastructure Works	tbc	Funds to action emergency works in relation to storm damage, cliff faces etc
Brixham Town Centre	tbc	Future options for car park site
Car Park Fencing	0.062	
Crown & Anchor Way	tbc	Potential purchase of land for highways and parking issues.
Claylands – Regeneration /Employment	7.0	Potential prudential borrowing scheme subject to business case
Cockington Court	0.7	Backlog repairs on property leased to TDA
Council storage solution	tbc	Permanent solution to storage of records
EA Scheme - Brixham Flood Alleviation	0.060	Council contribution to Environment Agency scheme
EA Scheme - Broadsands Sea Wall	0.080	Council contribution to Environment Agency scheme
EA Scheme - Broadsands Watercourse	0.300	Council contribution to Environment Agency scheme
EA Scheme - Coastal Defences	0.105	Council contribution to Environment Agency scheme
EA Scheme - Cockington	0.105	Council contribution to Environment Agency scheme
EA Scheme - Collaton St Mary	0.050	Council contribution to Environment Agency scheme
EA Scheme - Hollicombe	0.100	Council contribution to Environment Agency scheme
EA Scheme - Monksbridge	0.050	Council contribution to Environment Agency scheme
EA Scheme - Occombe Valley	0.030	Council contribution to Environment Agency scheme
EA Scheme - Paignton Flood Alleviation	0.066	Council contribution to Environment Agency scheme
EA Scheme - River Fleet Flood Alleviation	0.050	Council contribution to Environment Agency scheme
Edginswell Master plan	tbc	Potential regeneration scheme
Fish Processing Plant – Regeneration	2.3	Potential regeneration scheme
Harbour Projects to be funded from harbour reserves	0.2	Repairs at Brixham Harbour, new workboat and spend on pontoons at Torquay harbour
Illumination Replacement - phase 2	0.072	Investment in festoon lighting
IT infrastructure Replacement	tbc	Future funding of IT infrastructure after IT reserve has been fully spent.
Monksbridge Road – Local Transport Board Bid	0.300	Potential Council match funding required
Multi Storey Car Parks R&M Backlog	3.2	

	Oxen Cove - Possible development	tbc	Potential regeneration scheme
	Paignton Town Centre – Local Transport Board	1.7	Improved transport links & infrastructure
	Princess Gardens Fountain	0.050	
	Princess & Haldon Piers	4.6	Structural Issues on Piers
	Torquay Town Hall car park	tbc	Potential regeneration scheme
	Town Centres Master plans – Torquay	tbc	Potential Council match funding and assets required
	Town Centres Master plans – Paignton	tbc	Potential Council match funding and assets required
Community and Customer Services			
	A385 Totnes Road – Local Transport Board	0.4	Potential Council match funding required
	Backlog Transport Infrastructure R&M	11.0	Backlog repairs on transport infrastructure assets
	Brixham Transport Hub – Local Transport Board	0.150	Potential Council match funding required
	Clennon Valley Transport Package – Local Transport Board	1.1	Cycleway to Long Road & Dartmouth Road improvements
	Bolton Cross	tbc	Potential future development of site
	Princess Theatre Investment	1.0	Support potential investment in theatre improvements
	Street Lighting	1.1	Prudential Borrowing to be presented to Council for expansion of LED lighting
	Torre Abbey Gate House	tbc	Structural repairs required
	Willows Sport Pitches	0.5	Potential Council match funding required
	Helipad	tbc	Feasibility required to support business case
	Torquay Harbourside - Option 2 & 3	4.0	Further enhancements to Torquay Harbourside area
	TOR2 Asset Replacement	tbc	Potential costs of asset purchases (vehicle and plant) in relation to TOR2 services
	Torre Railway Station – Local Transport Board	0.1	Potential Council match funding required
	Torquay Harbourside and Sea Front – Local Transport Board	1.7	Improved transport links & infrastructure

2.7 Options

Members when reviewing the capital plan have a number of options to consider.

These include:

- Review current plan and reallocate funding from previously approved schemes or allocations to fund alternative schemes
- Recommend prudential borrowing to fund schemes
- Recommend alternative options to fund schemes
- Recommend bids for external funding to fund schemes
- Recommend individual projects within previously approved service allocations
- Recommend additional asset disposals to fund schemes
- Recommend priority schemes for approval should funding become available



Meeting: **Overview and Scrutiny Board** Date: **25 November 2015**
Council Date: **10 December 2015**

Wards Affected: **All Wards**

Report Title: **Revenue Budget Monitoring 2015/16 – Quarter Two (Mayoral Decision)**

Is the decision a key decision? **No**

When does the decision need to be implemented? **n/a**

Executive Lead Contact Details: **Mayor Oliver**, mayor@torbay.gov.uk

Supporting Officer Contact Details: **Martin Phillips, Chief Finance Officer (CFO)**,
Martin.phillips@torbay.gov.uk

1. **Proposal and Introduction**

- 1.1. The revenue monitoring report provides a summary of the Council's revenue income and expenditure for the financial year 2015/16.
- 1.2. As at Quarter Two the Council's revenue budget is predicting an overspend of £2.6m primarily as a result of expenditure pressures in both childrens' and adults social care.

2. **Reason for Proposal**

- 2.1 Report for review and information

3. **Recommendation(s) / Proposed Decision**

Overview & Scrutiny Board

- 3.1 That the forecast 2015/16 revenue budget position be noted.
- 3.2 That the Overview and Scrutiny Board be asked to report directly to Council on any recommendation it may have following its review of the current position.

Council

- 3.3 That the forecast 2015/16 revenue budget position be noted.

4 Supporting Information

4.1 Summary Position

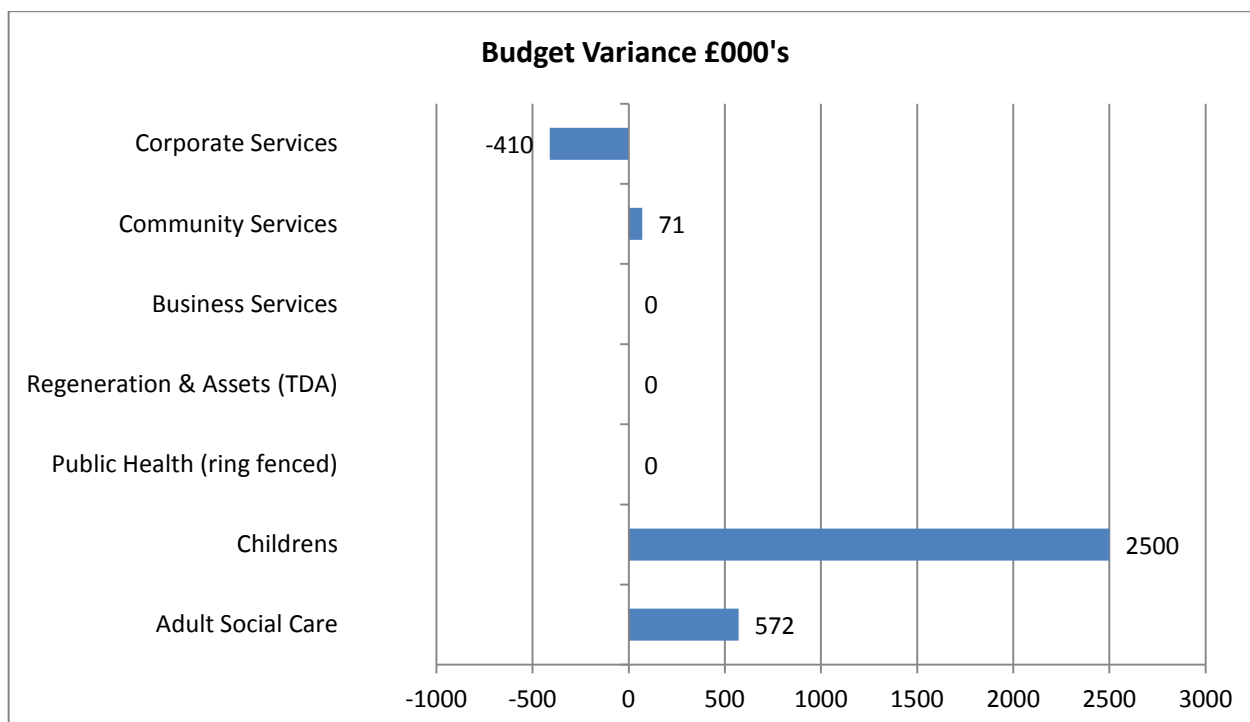
4.2 As at Quarter Two the Council's revenue budget is predicting an overspend of £2.6m primarily as a result of issues in both childrens' and adults social care.

4.3 The predicted overspend on adult social care of £0.6m is a combination of increased demand for services and the non achievement of all the planned savings during the first six month of 2015/16. From October 2015 with the start of the Integrated Care Organisation (ICO) the Council now has a 9% risk share of the total financial performance of the ICO (approx £400m). At the time of writing this report it is too soon for the Council to receive any monitoring information from the new organisation, however monthly updates will be provided by the ICO in the future.

4.4 The predicted overspend on childrens' social care of £2.5m is primarily the non achievement of planned savings linked to the childrens' services cost recovery plan and the continued high use of agency staff.

4.5 This level of overspend is a cause for concern. The Council's senior leadership team have initiated action to limit uncommitted expenditure and to look to identify savings in other services with the aim of achieving a balanced budget position. In the absence of any compensating savings in other services Council will need to identify earmarked service reserves to fund the overspend.

4.6 A bar chart summarising the projected budget variance by service for 2015/16 is as follows.



4.7 Detailed Position

4.8 The budget position for each service is shown in the table below:

Service	2015/16 Budget – revised as at October 2015			As at Q2 2015	Direction of Travel (q1 to q2)
	Expenditure £000s	Income £000's	Net £000's	Forecast Variance £000's	
Adult Social Care	42,598	(802)	41,796	572	G
Childrens' Services	80,499	(51,754)	28,745	2,500	R
Public Health	10,040	(9,953)	87	0	R
Joint Commissioning	133,137	(62,509)	70,628	3,072	G
Community Services	31,417	(6,360)	25,057	53	G
Customer Services – IT, Libraries & Exchequer & Benefits	73,671	(69,325)	4,346	18	
AD Customer Services	105,088	(75,685)	29,403	71	G
Commercial & Business	6,225	(1,967)	4,258	131	G
Finance & Corporate	21,055	(16,099)	4,956	(601)	G
Spatial Planning	1,879	(1,520)	359	60	R
Corporate Services – sub total	29,159	(19,586)	9,573	(410)	G
Business Services - Harbours, resorts services & car parking	5,684	(9,829)	(4,145)	0	
Regeneration and Assets (TDA)	6,959	(2,342)	4,617	0	
AD Corporate Services	41,802	(31,757)	10,045	(410)	G
Total Expenditure	280,027	(169,951)	110,076	2,733	G
Sources of Funding	-	(110,076)	(110,076)	(133)	G
Net Expenditure	280,027	(280,027)	0	2,600	G

4.9 A narrative of the position in each service area is as follows:

Service	Variance to Budget £m	Main Variances in 2015/16
Adult Social Care	0.6	<p>-The Council risk share for the first six months of the financial year is £0.5m. This reflects a combination of the non achievement of all the planned savings in 2015/16 both in total and in terms of timing and some increased demand pressures primarily in ordinary residency clients (+£0.3m).</p> <p>- continuation of the prior year pressures on the Joint Equipment Store but at a lower level following management action (+£0.2m)</p>

		<p>- lower than budgeted costs due to changes in the profile of other adult social care contracts.(-£0.1m)</p> <p>From 1st October the Integrated Care Organisation started and the Council's share of risk from that date will change to a 9% risk share of the total position of the, then combined, Torbay and South Devon Healthcare Foundation Trust (SDH) – a share of a total budget of £400m. Financial performance of SDH is reported to its board – minutes are available on the link below:</p> <p>http://www.sdhct.nhs.uk/about-us/board-meetings</p>
Childrens Services	2.5	<p>- The overspend is primarily linked to the non achievement of the reductions identified in the Childrens' cost recovery plan. The number of children in residential care is not falling at the rate laid out in the five year plan. The Plan approved by Council in October 2014 projected that the service would require the use of £2.3m of reserves in 2015/16 to achieve a balanced position. The net overspend is currently in excess of that figure by a further £2.5m.</p> <p>The number of Children Looked After (CLA) is 297 as at 30/9/15 (309 30/6/15) which is similar to the level and costs in 2014/15. Due to the number of children (261 as at 30/9/15) in longer term placements ("legacy cases") the opportunity to reduce costs has been limited. The costs have increased as some clients have moved from fostering to residential care.</p> <p>The level of agency staff remains high with spend to end October in excess of £1.6m, although this is partly offset by reduced salary costs.</p> <p>In the light of the above issues the Chief Finance Officer and the Director of Childrens Services requested that the October 2014 Cost Recovery Plan be updated both in terms of its assumptions and timing and likelihood of savings. A timetable for the update to the Recovery Plan was presented to OSB in October. This is expected to be available in November 2015. The results of the revision will be reflected in the 2016/17 budget process.</p>
Public Health	0	Ring fenced budget – in year reductions from central government in 15/16 grant now confirmed at £0.550m.
Community Services	0.1	Projected overspends on CCTV, Licensing, Housing Options Torre Abbey, Theatres, Toilets & Sport partly offset by salary savings.
Corporate Services	(0.4)	Expected saving on "corporate" pension payments and savings and increased income in treasury management activities offset by the target of increasing income within Commercial Services is proving challenging. In addition use of agency staff to support workload in legal services has increased costs.
Total	2.6	

4.10 2015/16 Savings

4.11 The 2015/16 budget relied on the achievement of £11m of approved savings. The Council's senior leadership team have been monitoring the achievement of these savings as part of the current year budget monitoring. The majority of savings are being achieved. The main areas of variance are, as identified above, within social care and the achievement of additional income targets over a number of services is proving a challenge. Services have been asked to identify other savings within their services to cover any shortfall.

4.12 The Department of Health have announced the value of the in year reduction to the (ring fenced) public health grant. This is an in year reduction of £0.550m. This will be funded by a combination of the use of the existing ring fenced public health reserve and a reduction in public health initiatives.

4.13 Risk & Sensitivity

4.14 The predictions for the full year outturn in this report are based on six months of financial information and will be subject to changes in both assumptions and demand.

4.15 There are a number of financial risks facing the Council. Key risks were identified in the Revenue Outturn report to Council in July and some of these are now having an impact on the current financial year.

Risk	Impact	Mitigation
Achievement of £11m of approved savings for 2015/16	High	15/16 Budget monitoring and "saving tracker" monitored by senior staff.
Potential cost impact of the Council's 9% risk share of total ICO performance	Low, but new risk	Monthly information will be provided by ICO to Council supported by "contract" meetings
Potential impact and costs of judicial review for care home fees	High	Balance of CSR reserve and 2015/16 social care contingency to fund if required.
Achievement of Childrens' Services cost reduction plan	High	Regular monitoring of performance and recovery plan
Identification, and achievement, of £33m of savings for 2016/17 to 2018/19	High	Issue identified in Medium Term Resource Plan. 2016/17 budget proposals issued 6 th November 2015.
Additional demand for services particularly in both adults and childrens' social care	High	15/16 Budget monitoring, use of service performance data and recovery plan.

4.16 Implications on future years & reserves

4.17 The implications of the current forecast of an overspend of £2.6m on future year budgets and reserves are as follows:

- Where the overspend is linked to increased demand, additional resources may need to be allocated to these services in future years which will have to be funded from additional savings elsewhere.
- Where the overspend is linked to delays in achieving the childrens' services recovery plan, this has two consequences: firstly any increased funding needed

for this service will have to be funded from additional savings in other Council services or by the use of earmarked reserves currently allocated to other Council services. Secondly the childrens' service recovery plan estimated a future financial position which enabled the service not only to reduce its costs, but also repay £4.6m of reserves to other services. Non repayment of these reserves will cause a financial issue for the other services.

- Any overspend in-year will have to be funded from reserves. Options could include using:
 - o Comprehensive Spending Review Reserve – current balance £2.9m. This reserve has been earmarked for the estimated costs of the Judicial Review on care home fees if the Council's appeal is refused - expected to be determined in autumn 2016.
 - o General Fund Reserve – current balance £4.4m. This reserve is the Council's core unallocated reserve and the target balance for this reserve is 4.2% of net revenue budget (currently 4%).
 - o Use of reserves earmarked for other services – current balance £24.9m (excluding schools). Potential to use these reserves is limited as £4.6m has already been allocated for childrens' services due to be repaid in future years.

In the absence of any compensating savings in other services Council will need to action the third option above and seek to identify earmarked service reserves to fund the overspend. The 2016/17 Review of Reserves is due to be updated in November 2015 which will include proposals to fund the projected overspend.

4.18 2016/17 Budget Process

- 4.19 The Mayor presented his budget proposals for 2016/17 in November 2015 for consultation.
- 4.20 The results of the HM Treasury 2015 Spending Review will be announced on 25th November 2015. This will identify spending totals for local government; therefore the local government finance settlement that sets out individual allocations to councils will be announced a few weeks after that, probably by mid December.

4.21 Balance Sheet issues

- 4.22 In the first two quarters no long term borrowing was taken or repaid so the Council's long term borrowing remained at £138m which was within the Council's approved Operational Boundary and Authorised Limit (for debt and long term liabilities as set by Council In February 2015).
- 4.23 The Council has interests in a number of companies. The financial performance for 2014/15 of these companies is included in the Council's statement of accounts (link below).

4.23 Write offs above £5,000 have been circulated to Members of the Overview and Scrutiny Board as an exempt annex to this report and are available to all other Members upon request on a confidential basis.

Appendices

None

Background Documents

2015/16 Budget Digest & supporting reports including 2015/16 Review of Reserves.

<http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=574&MId=6261&Ver=4>

Medium Term Resource Plan

<http://www.torbay.gov.uk/index/yourcouncil/financialservices/budget/budget2016-17.htm>

2014/15 Statement of Accounts

<http://www.torbay.gov.uk/statementofaccounts>.