

Wednesday, 5 May 2017

Adjourned Annual Meeting of the Council – Revised Agenda

Dear Member

I am pleased to invite you to attend the adjourned annual meeting of Torbay Council which will be held in **Rosetor Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Wednesday, 10 May 2017** commencing at **2.00 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

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www.torbay.gov.uk

Adjourned Annual Meeting of the Council

Revised Agenda

1. Opening of meeting

2. Apologies for absence

3. Declarations of interests

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

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

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

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

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

4. Communications

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

5. Exclusion of the Press and Public

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

6. Investment Committee Recommendation - Investment Opportunity

To consider any recommendations from the Investment Committee on investment opportunities.

- 7. Appointment of Overview and Scrutiny Co-ordinator and Scrutiny Leads**
To consider appointing:
- (a) the Overview and Scrutiny Co-ordinator for 2017/2018; and
 - (b) the following Scrutiny Lead members for 2017/2018:
 - Joint Commissioning – Children’s and Adults
 - Joint Commissioning – Health, Wellbeing and Public Health
 - Joint Operations – Commercial and Business Services
 - Joint Operations – Community and Customer Services
- (Note: Executive Leads shall not be appointed as the Overview and Scrutiny Co-ordinator or Scrutiny Lead Members.)
- 8. Review of Political Balance and Appointments to Committees** (Pages 5 - 22)
To appoint the Council’s committees for the new municipal year.
- 9. Calendar of Meetings for 2017/2018** (Pages 23 - 27)
To consider a report that seeks approval for the calendar of meetings for the 2017/2018 Municipal Year.
- 10. Composition and Constitution of the Executive and Delegation of Functions** (Pages 28 - 34)
To receive details on the composition and constitution of the Mayor’s Executive for 2017/18, together with the record of delegations of Executive functions.
- 11. Scheme of Delegation for Council Functions**
To agree the scheme of delegation for Council functions, as set out in Part 3 of the Constitution in so far as they relate to Council functions.
- The Constitution can be viewed on the Council’s website using the following link [Constitution](#).
- 12. Annual Report of the Overview and Scrutiny Board for 2016/2017** (Pages 35 - 39)
To consider the Annual Report of the Council’s Overview and Scrutiny Board.
- 13. Adjournment**
To consider adjourning the meeting until 5.30 pm.
- 14. Planning Application P/2017/0121 - Relocation of Torbay School to MyPlace, Parkfield - Alterations to MyPlace, Parkfield and construction of new single storey extensions to rear** (Pages 40 - 78)
To consider the submitted report on whether or not to grant planning permission for the relocation of Torbay School to MyPlace, Parkfield, Colin Road Paignton and the construction of new single storey extensions to help accommodate the school pursuant to

planning application number P/2017/0121 ('the Application').

- 15. Notice of Motion - Amendment to Council Standing Order A14.3** (Page 79)
To consider the attached motion, notice of which has been given in accordance with Standing Order A14 by the members indicated.
- 16. Transformation Project - Delivery of student accommodation on part Upton Place (Torquay Town Hall Car Park)** (Pages 80 - 92)
To consider the submitted report on the above.
- 17. Revised Council Annual Pay Policy Statement**
To consider the submitted report on proposed changes to the Council's Annual Pay Policy Statement.

Note

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



Meeting: Council

Date: 10 May 2016

Wards Affected: All Wards in Torbay

Report Title: Review of Political Balance and Appointments to Committees

Is the decision a key decision? No

When does the decision need to be implemented? Immediately

Supporting Officer Contact Details: Teresa Buckley, Governance Team Leader,
(01803) 207013, teresa.buckley@torbay.gov.uk

1. Proposal and Introduction

- 1.1 To appoint the Council's committees for the new municipal year. In addition to ensure the committees have appropriate terms of reference and appointments to those bodies are made in accordance with the relevant statutory requirements.

2. Reason for Proposal

- 2.1 The Constitution requires Members at their annual Council meeting to determine which committees to establish for the forthcoming municipal year, their size and terms of reference and the allocation of seats in accordance with the political balance rules.
- 2.2 The Council will establish the Licensing Committee for this municipal year and is also to requested to establish the Licensing Sub-Committee in order to make effective and efficient use of resources in light of the upcoming General Election and to ensure that the Council can continue to discharge its Licensing function.

3. Recommendation(s) / Proposed Decision

- 3.1 that the overall political balance of the committees, as set out in Appendix 1 to the submitted report, be approved;
- 3.2 that, subject to 3.1 above being approved, the committees be appointed with the terms of reference set out in Appendix 2 to the submitted report;
- 3.3 that, subject to 3.1 above being approved, nominations be received to fill the seats on the committees;

- 3.4 that, a sub-committee of the Licensing Committee be established to comprise three Members of the Licensing Committee;
- 3.5 that the terms of reference of the Licensing Sub-Committee be to consider and determine all matters in connection with licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles);
- 3.6 that the Licensing Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations;
- 3.7 that the Governance Support Manager be authorised to empanel Members from the Licensing Committee to serve on the Licensing Sub-Committee as and when required; and
- 3.8 that the Mayor confirms the appointments to the Health and Wellbeing Board as set out in Appendix 2 to the submitted report;

Appendices

Appendix 1 Political balance of Committees

Appendix 2 Appointments to Committees

Supporting Information

4. Position

4.1 The political composition of the Council is 25 members of the Conservative Group (including the elected Mayor), 8 members of the Liberal Democrat Group, 3 members of the Independent Group and 1 UK Independence Party (UKIP). The political balance is now:

Conservative Group	25 seats	= 67.57%
Liberal Democrat Group	8 seats	= 21.62%
Independent Group	3 seats	= 8.11%
UK Independence Party (UKIP)	1 seat	= 2.70%

4.2 The Local Government and Housing Act 1989 requires the Council to allocate seats on committees to political groups in accordance with the size of each group as a whole, unless alternative arrangements are notified to all members and agreed without any councillor voting against them. The Council is required to observe the following principles as far as it is reasonably practicable:

- (a) that not all seats on the body are allocated to the same group;
- (b) that the majority of seats on the body are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the

ordinary committees of that authority as is borne by the number of Members of that group to the membership of the authority; and

- (d) subject to paragraphs (a) to (c) above, that the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of Members of that group to the membership of the authority.

4.3 The Executive and Licensing Sub-Committees are excluded from the requirements of political balance.

4.4 The Council is required to determine the number of seats on each committee and the allocation of those seats to the political groups and the independent members. Applying the principles of the Local Government and Housing Act 1989 and the supporting Regulations, the distribution of seats (attached in the table set out in Appendix 1) would be proportional (co-opted members are not included in the calculation for proportionality purposes).

4.5 Members are asked to note that any decision to waive the requirements of political balance will require a resolution of the Council with no member voting against.

4.6 In order to ensure the Council uses its resources in an effective and efficient manner, it is proposed that Council appoints the Licensing Sub-Committee avoiding the necessity for a full Licensing Committee that would be convened solely to make this decision.

5. Possibilities and Options

5.1 The allocation of seats on committees must be proportional to the political composition of the Council unless the Council resolves otherwise with no member voting against.

6. Fair Decision Making

6.1 The appointments have regard to equal opportunities.

7. Risks

7.1 There is a statutory requirement to undertake a review of political balance following a change in the political composition of the Council. This review has been completed. Therefore there are no risks unless members fail to determine the matter.

Political Balance of Committees

Conservative Group	25 seats	= 67.57%
Liberal Democrat Group	8 seats	= 21.62%
Independent Group	3 seats	= 8.11%
UK Independence Party (UKIP)	1 seat	= 2.70%

Committee	Conservative Group	Liberal Democrat Group	Independent Group	UK Independence Party (UKIP)	Total
Overview and Scrutiny Board	6	2	1		9
Audit Committee	4	2			6
Development Management Committee	6	2	1		9
Licensing Committee	9	4	1	1	15
Harbour Committee	6	2	1		9
Employment Committee	4	1			5
Appeals Committee (School Transport, Student Awards, Licensing, Discretionary Housing Payments)	5	1		1	7
Civic Committee	5	1	1		7
Standards Committee	5	1	1		7
Investment Committee	4	2			6
	54	18	6	2	80

Schedule 4 – Terms of Reference

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

Name of Committee and Terms of Reference	Membership	Members
<p>Appeals Committee (Transport):</p> <p>Terms of Reference:</p> <p>To determine appeals in respect of school transport.</p>	<p>7 members of the Council in accordance with the political balance requirements</p> <p>Conservative (5)</p> <p>Liberal Democrat (1)</p> <p>UK Independence Party (UKIP) (1)</p>	<p>Cllrs King, Lewis (C), Manning, Sykes, Thomas (D)</p> <p>Cllr Stringer</p> <p>Cllr Parrott</p>
<p>Audit Committee:</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To consider the Head of Internal Audit’s annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council’s corporate governance arrangements. 2. To consider summaries of specific Internal Audit reports as requested. 3. To consider reports dealing with the management and performance of the providers of Internal Audit Services. 4. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale. 	<p>6 members of the Council excluding members of the Executive, in accordance with the political balance requirements</p> <p>Conservative (4)</p> <p>Liberal Democrat (2)</p>	<p>Cllrs Barnby, Bent, O’Dwyer, Tyerman</p> <p>Cllrs Stocks, Stringer</p>

Name of Committee and Terms of Reference	Membership	Members
<p>5. To consider the External Auditor’s Annual Letter, relevant reports, and the report to those charged with governance.</p> <p>6. To consider specific reports as agreed with the External Auditor.</p> <p>7. To comment on the scope and depth of external audit work and to ensure it gives value for money.</p> <p>8. To liaise with the Public Sector Audit Appointments Ltd over the appointment of the Council’s external auditor.</p> <p>9. To commission work from Internal and External Audit within approved resources.</p> <p>10. To support the Council’s compliance with the CIPFA Code of Practice for Treasury Management in Public Services including the role as nominated Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.</p> <p>Regulatory Framework</p> <p>11. To maintain a strategic overview of the Council’s Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour (the primary responsibility for considering and ensuring that the constitution is fit for purpose lies with the Monitoring Officer and the Standards Committee in relation to the codes of conduct).</p> <p>12. To maintain a strategic overview of the Council’s compliance with the prevailing Accounts and Audit Regulations.</p> <p>13. To review any issue referred to it by the Chief Executive, a Director, the Monitoring officer, Section 151 Officer (Chief Finance Officer) or any Council body.</p>		

Name of Committee and Terms of Reference	Membership	Members
<p>14. To monitor the effective development and operation of risk management and corporate governance in the Council.</p> <p>15. To monitor council policies on ‘Raising Concerns at Work’ and the ‘Anti-fraud and corruption strategy’ and the Council’s complaints process.</p> <p>16. To consider the findings of reviews of the effectiveness of the system of internal control including the Annual Governance Statement and to recommend its adoption.</p> <p>17. To oversee the Council’s arrangements for corporate governance and consider necessary actions to ensure compliance with best practice.</p> <p>18. To review the Code of Corporate Governance.</p> <p>19. To monitor the Council’s compliance with its own and other published standards and controls.</p> <p>20. To maintain a strategic overview of the Council’s compliance with the Regulation of Investigatory Powers Act 2000 (RIPA).</p>		
<p>Accounts</p> <p>21. To consider the External Auditor’s report to those charged with governance on issues arising from the audit of the accounts.</p> <p>22. On behalf of the Council, to consider and approve the annual statement of accounts.</p>		

Name of Committee and Terms of Reference	Membership	Members
<p>Civic Committee:</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To consider nominations for the title of Honorary Freeman and Honorary Alderman and make recommendations to the Council as necessary following unanimous voting on acceptance of any nominations. 2. To consider and promote nominations for national and local awards. 3. To identify events to attract Royal visits. 4. To keep updated on major national civic events. 	<p>7 members of the Council in accordance with the political balance requirements</p> <p>Conservative (5)</p> <p>Liberal Democrat (1)</p> <p>Independent Group (1)</p>	<p>Cllrs Barnby, Kingscote, Morris, Stubley, Sykes</p> <p>Cllr Darling (M)</p> <p>Cllr Stockman</p>
<p>Development Management Committee:</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. At all times to have regard to the adopted Torbay Local Plan 1995-2011 (“the Torbay Local Plan”) and, following submission to the Secretary of State, the new Torbay Local Plan 2012 - 2032. 2. To consider and (if appropriate) determine (unless such determination is reserved by law to Council) all applications and all other matters (including issuing notices, making Orders and requesting the Monitoring Officer to issue civil or criminal proceedings) relating to: <ul style="list-style-type: none"> Town and Country Planning, including <ul style="list-style-type: none"> • Conservation Areas • Listed Buildings • Scheduled Ancient Monuments • The display of advertisements • Tree Preservation Orders 	<p>9 members of the Council (in accordance with the political balance requirements) with membership comprising, if reasonably possible, members from the various areas of the Borough</p> <p>Conservative (6)</p> <p>Liberal Democrat (2)</p> <p>Independent Group (1)</p>	<p>Cllrs Barnby, Hill, Kingscote, Lewis (B), Tolchard, Winfield</p> <p>Cllrs Darling (S), Stringer</p> <p>Cllr Morey</p>

Name of Committee and Terms of Reference	Membership	Members
<ul style="list-style-type: none"> • Complaints about high hedges • Public Rights of Way • Minerals • Highways matters • Waste • Enforcement; and • Environmental Assessment <p>so far as they are set out in Schedule 2 of this Part 3 of the Constitution (Council Functions) or are identified as Council functions in Schedule 1 of this Part 3 (Local Choice Functions): i.e. so far as they are not Executive functions.</p> <p>3. The Committee shall not determine any application (or other matter) in a manner that would (in the opinion of the Executive Head of Business Services) not be in accordance with the adopted and/or new Torbay Local Plan unless both those Officers recommend such determination and the determination is consistent with the Executive Head’s recommendation.</p> <p>If, contrary to officer recommendation, the Committee consider that an application (or other matter) shall be determined not in accordance with the adopted and /or Torbay Local Plan then (unless their determination is consistent with the recommendation of the Executive Head of Business Services) the item shall be referred to Council for determination.</p> <p>4. The Committee shall not determine any application (or other matter) that relates to land owned, controlled or occupied by the Council in a manner that is not in accordance with the recommendation of the Executive Head of Business Services. If the Committee consider that an application (or other matter) that relates to land owned, controlled or occupied by the Council shall be deferred or determined not in accordance with the recommendation of the Executive Head of Business Services the Executive Head may refer that matter to Council for consideration or determination.</p>		

Name of Committee and Terms of Reference	Membership	Members
<p>Employment Committee:</p> <p>Terms of Reference:</p> <p>To make recommendations to Council on the appointment of the Head of Paid Service including the terms and conditions of his/her employment.</p> <p>2. To determine appointments to post of Director or equivalent positions of the Council, including the terms and conditions of contracts, appointment procedures and arrangements.</p> <p>3. To consider applications for the position of Coroner and to recommend to Council the person to be appointed to that post.</p> <p>4. To hear and determine appeals in relation to disciplinary matters, in relation to dismissal.</p> <p>5. To consider any matters referred by the Chief Executive on the appointment of Directors on Council owned companies.</p> <p>6. To consider any disciplinary or grievance matters in relation to the Chief Executive.</p> <p>7. To consider and determine requests for Flexible Retirement from Senior Officers.</p>	<p>5 members of the Council in accordance with the political balance requirements</p> <p>Conservative (4)</p> <p>Liberal Democrat (1)</p>	<p>Cllrs Lewis (C), Thomas (J), Tyerman, Mayor Oliver</p> <p>Cllr Darling (S)</p>

Name of Committee and Terms of Reference	Membership	Members
<p>Harbour Committee:</p> <p>Terms of Reference:</p> <p>To determine all matters relating to the strategic management of the Council’s function as a Harbour Authority, in line with the Tor Bay Harbour Port Masterplan, the Council’s Policy Framework. Specifically the Committee will:-</p> <p>1. manage all of the Harbour’s financial matters in accordance with approved financial procedures and the Council’s aspirations for the harbour to be self financing as outlined in the Tor Bay Harbour Port Masterplan and including (but not limited to):</p> <p>Page 15</p> <p>(a) the setting of harbour charges from time to time (including in-year changes to the schedule) normally following consultation with the relevant Harbour Liaison Forums;</p> <p>(b) approving the annual revenue budgets within the ring-fenced harbour accounts;</p> <p>(c) receiving quarterly budget monitoring reports and to approve variances as appropriate; and</p> <p>(d) monitoring the harbour reserve funds and to seek to ensure that the funds are kept above an appropriate minimum contingency level and ensure the harbour remains self-financing;</p> <p>providing that no decision by the Harbour Committee shall impact adversely on the Council’s general fund or capital budget.</p> <p>2. to act as Duty Holder for the purposes of the Port Marine Safety Code;</p> <p>3. approve and monitor a business plan for Tor Bay Harbour, in line with the Council’s policy framework, and address any issues relating to performance;</p>	<p>9 members of the Council in accordance with the political balance requirements, plus up to five external non-voting advisors appointed by the Committee on a four year term and one non-voting advisor who is a private sector representative of the Board of the Torbay Economic Development Company Limited.</p> <p>(Group Leaders will be asked to take account of the geographical spread of members in making appointments to the Committee)</p> <p>Conservative (6)</p> <p>Liberal Democrat (2)</p> <p>Independent Group (1)</p>	<p>Cllrs Amil, Bye, Manning, O’Dwyer, Robson, Sykes</p> <p>Cllr Carter, Stringer</p> <p>Cllr Ellery</p>

Name of Committee and Terms of Reference	Membership	Members
<p>4. review these terms of reference annually and request the Council to make any necessary amendments and/or additions;</p> <p>5. review annually the powers delegated to the Executive Head Business Services and refer any proposed changes to the Council for determination. The Committee itself shall not authorise any changes;</p> <p>6. consider any other matters referred to the Committee by the Executive Head Business Services;</p> <p>7. establish any sub-committee or working parties as the Committee sees fit, in particular a Harbour Appointments Sub-Committee for the recruitment of advisors;</p> <p>8. recommend the format, composition and governance of the Harbour Liaison Forums and keep the arrangements under review;</p> <p>9. to provide strategic direction to the Executive Head Business Services and the elected Mayor in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority.; and</p> <p>10. appoint advisors following receipt of recommendations from the Harbour Appointments Sub-Committee and the Board of Torbay Economic Development Company Limited. Appointments will be merit based and be in accordance with the Local Protocol for members of the Harbour Committee.</p>		

Name of Committee and Terms of Reference	Membership	Members
<p>Health and Wellbeing Board</p> <p>1. To encourage those who arrange for the provision of any health or social care services in the area to work in an integrated manner for the purpose of advancing the health and wellbeing of the people in its area.</p> <p>2. To provide advice, assistance and support, as it thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 (arrangements between NHS bodies and local authorities) of the National Health Service Act 2006 in connection with the provision of such services.</p> <p>3. To encourage those who arrange for the provision of health-related services in its area to work closely with the Health and Wellbeing Board.</p> <p>4. To encourage those who arrange for the provision of any health or social care services in its area and those who arrange for the provision of any health-related services in its area to work closely together.</p> <p>5. To exercise the functions of Torbay Council and South Devon and Torbay Clinical Commissioning Group under sections 116 (health and social care: joint strategic needs assessments) and 116A (health and social care: joint health and wellbeing strategy) of the Local Government and Public Involvement in Health Act 2007, namely:</p> <ul style="list-style-type: none"> • Preparation of a Joint Strategic Needs Assessment; and • Preparation of a Joint Health and Wellbeing Strategy. <p>6. To assess needs for pharmaceutical services in Torbay and publish a statement of its first assessment and of any revised assessment.</p> <p>7. To provide the Council its opinion on whether the local authority is discharging its duty under section 116B (duty to have regard to assessment and strategies) of the Local Government and Public Involvement in Health Act 2007.</p>	<p>This is a Council Committee with up to five members of the Council (to be appointed by the elected Mayor);</p> <p>Membership: Director of Adult Social Services Director of Children’s Services Director of Public Health A representative of HealthwatchTorbay A representative of South Devon and Torbay Clinical Commissioning Group</p> <p>Mayor; Executive Lead for Adults and Children; Executive Lead for Health and Wellbeing;</p> <p>Liberal Democrat (1); Independent Group (1).</p> <p>Non-voting Co-opted Members: Torbay and Southern Devon Health and Care NHS Trust South Devon Healthcare NHS Foundation Trust Police and Crime Commissioner</p>	<p>Mayor Oliver Cllr Parrott</p> <p>Cllr Mills</p> <p>Cllr Doggett</p> <p>Cllr Stockman</p>

Name of Committee and Terms of Reference	Membership	Members
<p>8. To exercise the statutory duty to promote co-operation between Torbay Council, its relevant partners and other partners or bodies as the Council considers appropriate, to improve the well-being of children in the area.</p> <p>9. To consider the annual report of the Torbay Safeguarding Children’s Board.</p> <p>10. To make any decisions that legislation or government guidance reserves to Health and Wellbeing Board’s and/or proposes that Health and Wellbeing Boards would be appropriate forum for such decisions to be made.</p>	<p>Devon Partnership NHS Trust Torbay Community Development Trust</p>	
<p>Investment Committee:</p> <p>Terms of Reference:</p> <p>1. To review the Investment Strategy and make recommendations to the Council for revision of the same, when appropriate.</p> <p>2. To determine any investment or purchase using the Investment Fund up to the value of £10 million, in accordance with the Investment Strategy. All investments or purchases to be subject to a (documented) review by the s151 Officer, Monitoring Officer and Executive Head of Business Services (any of whom may require the proposal to be referred to Council for approval).</p> <p>3. To review with officer advice current and future investment opportunities.</p> <p>4. To determine when to receive external advice on investment opportunities.</p> <p>5. To receive performance reports on the Investment Fund on a quarterly basis.</p>	<p>6 members of the Council (politically balanced and members to receive mandatory training, including any substitutes)</p> <p>Conservative (4)</p> <p>Liberal Democrat (2)</p>	<p>Cllrs O’Dwyer, Robson, Thomas (D), Tyerman</p> <p>Reserves: Cllrs Bent, Bye, Lewis</p> <p>Cllr Darling (S), Pentney</p> <p>Reserves: Cllrs Doggett, Stocks</p>

Name of Committee and Terms of Reference	Membership	Members
<p>Licensing Committee:</p> <p>Terms of Reference:</p> <p>To carry out the Licensing functions of the Council.</p> <p style="text-align: center;">Page 19</p>	<p>15 members of the Council (politically balanced)</p> <p>Conservative (9)</p> <p>Liberal Democrat (4)</p> <p>Independent Group (1)</p> <p>UK Independence Party (UKIP) (1)</p>	<p>Cllrs Barnby, Brooks, King, Lewis (B), Stubley, Sykes, Thomas (D), Thomas (J), Tolchard</p> <p>Cllrs Darling (M), Doggett, Pentney, Stocks</p> <p>Cllr Ellery</p> <p>Cllr Parrott</p>
<p>Overview and Scrutiny Board:</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To approve and co-ordinate the work programme for the overview and scrutiny function for the year. 2. To appoint sub-committees and/or working parties to perform the overview and scrutiny function (the membership of such bodies to be in accordance with Standing Order D2 in relation to Overview and Scrutiny). 3. To review or scrutinise decisions made, or other action taken, in connection 	<p>9 members of the Council in accordance with the political balance requirements (including the Overview and Scrutiny Co-ordinator and Scrutiny Lead Members) excluding the elected Mayor, other members of the Executive and the Chairman/woman of the Council plus 2 Diocesan and 2 Parent Governor Representatives</p>	

Name of Committee and Terms of Reference	Membership	Members
<p>with the discharge of functions which are the responsibility of the Executive.</p> <p>4. To make reports or recommendations to the Authority or the Executive with respect to the discharge of functions which are the responsibility of the Executive.</p> <p>5. To make reports or recommendations to the Authority or the Executive with respect to the discharge of functions which are not the responsibility of the Executive.</p> <p>6. To make reports or recommendations to the Authority or the Executive or the Council’s partner authorities (as defined by the Local Government and Public Involvement in Health Act 2007) on matters which affect the Authority’s area or the inhabitants of that area.</p> <p>7. To consider all matters and issues arising from the Council’s power of scrutinising local health services in accordance with the Health and Social Care Act 2001, the National Health Service Act 2006 and Health and Social Care Act 2012.</p> <p>8. To consider all matters and issues arising from the Council’s power to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions in accordance with the Police and Justice Act 2006.</p> <p>9. To review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority’s area in accordance with Flood and Water Management Act 2010.</p>	<p>Conservative (6)</p> <p>Liberal Democrat (2)</p> <p>Independent Group (1)</p>	<p>Cllrs Barnby, Bent, Bye, Lewis, Tolchard, Tyerman Cllrs Darling (S), Stocks</p> <p>Cllr Stockman</p>
<p>Policy Development and Decision Group (Joint Operations Team) and Policy Development and Decision Group (Joint Commission Team):</p>	<p>These are Executive Committees comprising the Mayor and</p>	<p>Mayor Oliver and Cllrs Amil, Excell, Haddock,</p>

Name of Committee and Terms of Reference	Membership	Members
<p>Terms of Reference</p> <ol style="list-style-type: none"> 1. to begin early discussions on developing policy in key areas (notably, but not exclusively to those areas that are covered by the Council’s Budget and Policy Framework, or are considered Key Decisions) and to review forthcoming issues in the Forward Plan; 2. to review and offer opinions/guidance on the policy/development options put forward by officers to assist in the development of Equality Impact Assessments and other formal papers prior to the decision making process; 3. to consider the most appropriate form of wider consultation and review the outcomes of consultation; 4. to receive and make recommendations to the Mayor on Overview and Scrutiny reports; and 5. to receive reports and make recommendations to the Mayor on Executive decisions to enable the Mayor to make decisions at Policy Development Decision Groups. 	<p>Executive Leads (to be appointed by the elected Mayor)</p>	<p>King, Manning, Mills and Parrott</p>
<p>Standards Committee:</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 6. To promote and maintain high standards of conduct by the elected Mayor, councillors, co-opted members and church and parent governor representatives. 2. To assist the elected Mayor, councillors, co-opted members and church and parent governor representatives to observe the Members’ Code of Conduct. 3. To advise the Council on the adoption or revision of the Members’ Code of Conduct. 	<p>7 members of Torbay Council in accordance with the political balance requirements</p> <p>Conservative (5)</p> <p>Liberal Democrat (1)</p>	<p>Cllrs Brooks, Haddock, O’Dwyer, Thomas (J), Thomas (D)</p> <p>Cllr Stocks</p>

Name of Committee and Terms of Reference	Membership	Members
<p>4. To monitor the operation of the Members’ Code of Conduct.</p> <p>5. To advise, train or arrange to train the elected Mayor, councillors, co-opted members and church and parent governor representatives on matters relating to the Members’ Code of Conduct.</p> <p>6. To assist the Monitoring Officer in carrying out his/her responsibilities pursuant to the Code of Conduct and its protocols.</p> <p>7. To review the Council’s local protocols as contained in the Constitution.</p> <p>8. To review the Constitution in relation to ethics and probity issues.</p> <p>9. To advise others on probity and ethics.</p> <p>10. To consider any alleged breaches of local protocols by members.</p> <p>11. To share experience with other standards committees.</p> <p>The Council may arrange for the Standards Committee to exercise such other functions as the Council considers appropriate.</p>	<p>Independent Group (1)</p>	<p>Cllr Morey</p>



Meeting: Council

Date: 10 May 2017

Wards Affected: All Wards

Report Title: Calendar of Meetings for 2017/2018

Is the decision a key decision? No

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

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

1. Proposal and Introduction

1.1 To seek approval for the calendar of meetings for the 2017/2018 Municipal Year.

2. Reason for Proposal

2.1 The calendar of meetings for 2017/2018 (attached at Appendix 1) has been prepared based on the Council's decision-making structure and in accordance with the Council's Standing Orders.

3. Recommendation(s) / Proposed Decision

3.1 That the calendar of meetings for 2017/2018, set out in Appendix 1 to the submitted report, be approved.

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

Appendices

Appendix 1: Provisional Calendar of Meetings 2017/2018

Supporting Information

4. Position

4.1 Before the end of each Municipal Year the Council considers the provisional calendar of meetings for the following Municipal Year, which is then ratified at the Annual Council Meeting.

The following meetings have been scheduled in the calendar for 2017/2018.

- Council;
- Policy Development Decision Group (Joint Operations Team);
- Policy Development Decision Group (Joint Commissioning Team);
- Overview and Scrutiny Board;
- Development Management Committee;
- Licensing Committee;
- Licensing Sub-Committee;
- Harbour Committee;
- Investment Committee;
- Health and Wellbeing Board;
- Standards Committee;
- Audit Committee;
- Appeals Committee (Transport).

4.2 The meetings of the Council have been programmed to allow sufficient reporting time between the meetings for the plans and strategies which are required to be approved through the Council's Policy Framework process and for the budget setting process.

4.3 Since the provisional calendar of meetings has been approved the Health and Wellbeing Board, at its meeting on 16 March 2017, agreed to streamline its reporting framework therefore enabling a reduction in the number of meetings.

4.4 Due to the announcement of a general election on 8 June the following changes have been made in order to ensure efficient and effective resourcing of the election and the decision making process:

- Appeals Committee (Transport) scheduled for 17 May 2017 has been cancelled;
- Licensing Sub-Committees scheduled for 25 May and 8 June 2017 have been cancelled;
- Standards Committee scheduled for 7 June 2017 has been rescheduled and will be held on 29 June 2017;
- Overview and Scrutiny Board scheduled for 7 June has been cancelled; and
- Extraordinary Council Meeting scheduled for 15 June 2017 has been rescheduled and will be held on 22 June 2017.

4.5 The Audit Committee has also reviewed its work programme and subsequently will meet five times a year rather than six.

- 4.6 The Policy Development and Decision Groups (Joint Commissioning Team and Joint Operation Team) will be held on the same day to provide efficient resourcing of these meetings.
- 4.7 To enable more timely consideration of the Budget Monitoring Report, adjourned meetings of the Overview and Scrutiny Board have been programmed on 17 October 2017 and 17 July 2017 with the Overview and Scrutiny Board scheduled for 10 January 2018 being moved to 24 January 2018.
- 4.8 Following a request from the Executive Head of Business Services and Harbour Committee Members the Harbour Committee scheduled for 12 December 2017 has been moved to the 5 December 2017.
- 4.9 Due to Council establishing the Licensing Sub-Committees, the full Licensing Committee has been moved from the 11 May 2017 to 29 June 2017.
- 4.10 The draft calendar has also been structured to allow, wherever possible, for each type of meeting to be allocated a certain day e.g. Development Management Committee to meet on Mondays, Licensing Sub-Committees and Council on Thursdays.
- 4.11 Meetings of the Employment Committee and Civic Committee are proposed to be held on an ad hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman/woman.

5. Possibilities and Options

- 5.1 Wherever possible the timings of meetings have been set in accordance with the needs of the Committee Members and the Public, for example the Licensing Sub-Committees convene at 9:30 a.m. which is suitable for those making representations. Timings are kept under constant review by the Governance Support Manager. There is a small risk that some people will still not be able to attend these meetings, however, in most cases where public participation is permitted, the Council will accept written representations to enable people to put their points of view across.

6. Preferred Solution/Option

- 6.1 Members may wish to set alternative dates for meetings. However, the meetings have been timetabled to allow sufficient time for the reporting of the plans and strategies which make up the Council's Policy Framework and the Council's budget setting process. A calendar of meetings is required under Standing Orders and facilitates the organisation of the Municipal Year.

7. Consultation

- 7.1 The Mayor, Group Leaders, Head of Finance and the Chief Executive have been consulted on the draft provisional calendar of meetings for 2017/2018.

Background Documents

Constitution of Torbay Council -

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

Calendar of Meeting for 2017-2018 Municipal Year

		MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
Appeals Committee (Transport)	9.30 am (Wed)		21	19		25 (Mon)	18	8	13	17	21	28	25	2
Audit Committee	2.00 pm (Wed)	31		26		27				24		21		
Council	5.30 pm (Thurs)	Annual Council 9 (Tue) Adj Annual Council 10 (Wed)	Extraordinary 22	20		13 (Wed)	19		7		1 8 22		Extraordinary 19	Annual Council 14 (Mon) Adj Annual Council 14 (Mon)
Development Management Committee	2.00 pm (Mon)	8	12	10	14	11	16	13	11	8	12	12	9	8 (Tue)
Harbour Committee	5.30 pm (Mon)		26						5 (Tue)			19		
Health and Wellbeing Board	1.30 pm (Thurs)			6					6 (Wed)					
Investment Committee	4.00 pm (Tues)	16 30	13 27	11 25	8 22	5 19	3 17 31	14 28	12	9 23	6 20	6 20	4 (Wed) 17	1
Licensing Committee	9.30 am (Thurs)		29					23						
Licensing Sub-Committee	9.30 am (Thurs)	11 18	1 15 22 29	6 13 20 27	3 10 17 24 31	7 14 21 28	5 12 19 26	2 9 16 23 30	7 14 21	4 11 18 25	1 8 15 22	1 8 15 22 29	5 12 19 26	3 10
Overview and Scrutiny Board	5.30 pm (Wed)			12 17 (Adj)		6	11 17 (Adj)	29	13	24	14	14	11	
Policy Development and Decision Group (Joint Commissioning Team)	1.00 pm (Mon)	18 (Thurs)	19	24		4	2	6	14 (Thurs)	15	5	5	16	
Policy Development and Decision Group (Joint Operations Team)	2.00 pm (Mon)	18 (Thurs)	19	24		4	2	6	14 (Thurs)	15	5	5	16	
Standards Committee	2.30 pm (Wed)		29					8						
Transport Working Party	4.00 pm (Thurs)		29					30						

Schedule 5 - Scheme of Delegation of Executive Functions to the Executive, Committees of the Executive and Officers

This report is presented to the adjourned annual meeting of Council on 10 May 2017 in accordance with Standing Order C4.2(a) for inclusion in the Council’s Scheme of Delegation (Schedule 5 of Part 3) of the Constitution of Torbay Council.

1. The names, addresses and wards of the people appointed to the Executive by the elected Mayor are set out below:

Name	Address	Electoral Ward
Deputy Mayor and Executive Lead for Health and Wellbeing and Corporate Services - Councillor Derek Mills	5 Bascombe Close Churston Brixham TQ5 0JR	Churston with Galmpton
Executive Lead for Tourism, Culture and Harbours - Councillor Amil	c/o Town Hall Castle Circus Torquay TQ1 3DR	Cockington with Chelson
Executive Lead for Community Services - Councillor Robert Excell	Excell Studio 203 Union Street Torre Torquay TQ1 4BY	Tormohun
Executive Lead for Planning, Transport and Housing – Councillor Mark King	5B Coburg Place Torquay TQ2 5SU	Cockington with Chelston
Executive Lead for Business – Councillor Richard Haddock	Churston Farm Shop Dartmouth Road Brixham TQ5 0LL	St Marys with Summercombe
Executive Lead for Adults and Children– Councillor Julien Parrott	51 Princes Road Torquay TQ1 1NW	Ellacombe
Executive Lead for Environment – Councillor Terry Manning	36 Summerlands Close Summercombe Brixham TQ5 0EA	St Marys with Summercombe

2. The elected Mayor is responsible for the discharge of all executive functions (except as specified in paragraph 3. below). Executive Leads will have an advisory role in relation to the areas of responsibility set out below.

Executive Lead	Portfolio:	Main Director/Assistant Director/Executive Head/Lead Officer
Elected Mayor Gordon Oliver Executive Lead for Finance and Regeneration	<p>Torbay Development Agency:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Built Environment <input type="checkbox"/> Employment and Skills <input type="checkbox"/> Business support <input type="checkbox"/> Regeneration <input type="checkbox"/> Business Relocation, Creation and Growth (inc. social enterprise/apprenticeships) <input type="checkbox"/> Inward Investment <input type="checkbox"/> Property (assets) <input type="checkbox"/> Estates <p>Finance:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Financial Services (including Capital and Revenue Budget and Budget Monitoring) <input type="checkbox"/> Events 	<ul style="list-style-type: none"> <input type="checkbox"/> Chief Executive/Chief Executive Torbay Development Agency <input type="checkbox"/> Chief Finance Officer <input type="checkbox"/> Assistant Director of Community and Customer Services

Executive Lead	Portfolio:	Main Director/Assistant Director/Executive Head/Lead Officer
Deputy Mayor and Executive Lead for Health and Wellbeing and Corporate Services Councillor Derek Mills	<ul style="list-style-type: none"> <input type="checkbox"/> Public Health: <input type="checkbox"/> Public Health Commissioning Team <input type="checkbox"/> Special Projects: <input type="checkbox"/> Special projects and innovation <input type="checkbox"/> Corporate and Business Services: <input type="checkbox"/> Business Development <input type="checkbox"/> Governance Support <input type="checkbox"/> Mayor’s Support Unit <input type="checkbox"/> Human Resources and Payroll <input type="checkbox"/> Legal and procurement <input type="checkbox"/> (<i>Twining</i>) 	<ul style="list-style-type: none"> <input type="checkbox"/> Director of Public Health <input type="checkbox"/> Director of Children’s Services <input type="checkbox"/> Assistant Director of Corporate and Business Services
Executive Lead for Planning, Transport and Housing Councillor Mark King	<ul style="list-style-type: none"> <input type="checkbox"/> Building Control <input type="checkbox"/> Planning and Strategic Transport <input type="checkbox"/> Highways <input type="checkbox"/> Strategic Housing <input type="checkbox"/> Operational Housing <input type="checkbox"/> Waste <input type="checkbox"/> TOR2 Commissioning <input type="checkbox"/> (Design Review Champion) <input type="checkbox"/> Customer Services: <input type="checkbox"/> Customer Services <input type="checkbox"/> Revenue and Benefits 	<ul style="list-style-type: none"> <input type="checkbox"/> Assistant Director of Community and Customer Services <input type="checkbox"/> Assistant Director of Corporate and Business Services <input type="checkbox"/> Director of Adults Services <input type="checkbox"/> Executive Head of Business Services <input type="checkbox"/> Executive Head of Customer Services

Executive Lead	Portfolio:	Main Director/Assistant Director/Executive Head/Lead Officer
Executive Lead for Tourism, Culture and Harbours Councillor Nicole Amil	<input type="checkbox"/> Culture <input type="checkbox"/> Heritage <input type="checkbox"/> Museums <input type="checkbox"/> Resort Services <input type="checkbox"/> Tourism <input type="checkbox"/> Harbours <input type="checkbox"/> (Armed Forces Champion) <input type="checkbox"/> (Heritage Champion)	<input type="checkbox"/> Assistant Director of Community and Customer Services <input type="checkbox"/> Executive Head of Business Services
Executive Lead for Community Services Councillor Robert Excell	<p>Community and Customer Services:</p> <input type="checkbox"/> Community Safety (Crime and Disorder) <input type="checkbox"/> Emergency Planning <input type="checkbox"/> Street Scene <input type="checkbox"/> Sport <p>Business Services:</p> <input type="checkbox"/> Car Parking <input type="checkbox"/> <p>Public Health:</p> <input type="checkbox"/> Community Development Trust	<input type="checkbox"/> Assistant Director of Community and Customer Services <input type="checkbox"/> Executive Head of Business Services <input type="checkbox"/> Director of Public Health

Executive Lead	Portfolio:	Main Director/Assistant Director/Executive Head/Lead Officer
<p>Executive Lead for Adults and Children</p> <p>Councillor Julien Parrott</p>	<p>Adult Social Care:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Children and Adults Commissioning <input type="checkbox"/> Adult Partnership <input type="checkbox"/> Adult Social Care <input type="checkbox"/> NHS Advisory Service <input type="checkbox"/> Healthwatch <p>Children:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Torbay Youth Trust <input type="checkbox"/> Torbay Public Service Trust <input type="checkbox"/> Improvement and Performance <input type="checkbox"/> Schools <input type="checkbox"/> Children’s and Young People <p>Safeguarding:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Children’s Safeguarding and Wellbeing 	<ul style="list-style-type: none"> <input type="checkbox"/> Director of Adult Services <input type="checkbox"/> Director of Children’s Services <input type="checkbox"/> Assistant Director of Safeguarding
<p>Executive Lead for Business</p> <p>Councillor Richard Haddock</p>	<p>Business Services:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Joint Ventures and Arms Length Companies <input type="checkbox"/> Town Centres <input type="checkbox"/> Business Improvement Districts <p>Customer Services:</p> <ul style="list-style-type: none"> <input type="checkbox"/> ICT <input type="checkbox"/> Corporate debt and creditor payments <input type="checkbox"/> Business Rates <input type="checkbox"/> Libraries 	<ul style="list-style-type: none"> <input type="checkbox"/> Assistant Director of Community and Customer Services <input type="checkbox"/> Assistant Director of Corporate and Business Services <input type="checkbox"/> Executive Head of Business Services <input type="checkbox"/> Executive Head of Customer Services

Executive Lead	Portfolio:	Main Director/Assistant Director/Executive Head/Lead Officer
Executive Lead for Environment Councillor Terry Manning	<input type="checkbox"/> Environmental Health and Regulatory Services <input type="checkbox"/> Natural Environment <input type="checkbox"/> Environment and Flooding	<input type="checkbox"/> Assistant Director of Community and Customer Services

3.
 - (i) The Executive Lead for Business (Councillor Richard Haddock) will be responsible for the discharge of all executive functions relating to the regeneration of the Castle Circus area of Torquay as the elected Mayor owns properties in this area and has a pecuniary interest;
 - (ii) The Executive Lead for Adults and Children (Councillor Julien Parrott), in consultation with the and Executive Lead for Planning, Transport and Housing (Councillor Mark King), will be responsible for the discharge of all executive functions relating to the contract for housing pathway for single vulnerable adults;
 - (iii) The Executive Lead for Tourism, Culture and Harbours will be responsible for the discharge of all executive functions relating to tourism due to the perceived concerns of the public in respect of the Mayor’s interests in the tourism sector.
 - (iv) The Deputy Mayor will be responsible for the discharge of executive functions if the elected Mayor:
 - (a) is absent (e.g. on holiday) for a period of time or in cases of urgency where the Chief Executive is satisfied that the elected Mayor cannot be reasonably contacted;
 - (b) is incapacitated through illness; or
 - (c) has a pecuniary interest in any matter requiring determination.
 - (v) If the elected Mayor or the Deputy Mayor (Councillor Derek Mills) are unable to act on a matter requiring a decision then the Chief Executive shall have the power to determine any matter requiring a decision.
4. The Mayor has established two Executive Committees namely the Policy Development and Decision Group (Joint Operations Team) and the Policy Development Group (Joint Commissioning Team) which meet in public on a monthly basis in accordance with the Standing Orders – Executive, Committees, Access to Information and Budget and Policy Framework. Their membership and Terms of Reference are included in Schedule 4 – Terms of Reference of the Constitution.
5. No executive functions have been delegated to area committees, any other authority or any joint arrangements at the present time.
6. The elected Mayor has also (so far as lawful) delegated to officers the discharge of those functions that are referred to in Schedule 7 and are executive functions in the manner set out in that Schedule, in accordance with (and subject to) the Council’s Standing Orders in relation to the Executive.
7. So far as the Constitution requires officers to consult with “the relevant member”, the areas of responsibility of the Executive Leads are as set out paragraph 2 above.

Annual Report 2016/2017



Foreword

It has been a busy year for the overview and scrutiny team. I would like to thank all those Members of the Board and the other Councillors who have played their part. In particular, I would like to thank the Vice Chairman and Overview and Scrutiny Lead Members who have worked so hard during the year chairing the task and finish groups, review panels and other meetings.

I would also like to thank the officers who have supported the Board over the past twelve months. A special thank you to Kate Spencer for all her hard work and dedication to the role of lead officer for overview and scrutiny.

Once again it has been a challenging time for the Council with the difficulty of finding millions of pounds worth of savings in the budget. The Board has played a valuable role in scrutinising the proposals for these savings. The Board has also been involved in the changes taking place in the health service locally. I would like to thank Councillors Bent and Barnby for the lead they took on this important issue. They had a number of vital meetings with the CCG both locally and at a regional level.

The Board took a lead role in developing the Efficiency Plan, holding meetings in August and providing advice to officers and the Executive. The delivery of the Plan continues to be a priority for the Board going forward. Therefore, the Board's Work Programme for next year will be focused around the numerous Transformation Projects detailed within the Plan.

The following twelve months will continue to be challenging both for overview and scrutiny and the Council as a whole. We will continue to play our part and work with the Executive and officers to create a prosperous and healthy Torbay, meaning that our communities are able to thrive.

Councillor Chris Lewis
Overview and Scrutiny Co-ordinator

Introduction

Overview and scrutiny...

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

The Council agreed that the overview and scrutiny should operate in accordance with following principles:

- Focusing on the issues which matter:
- Policy Development is of equal importance to "holding to account"
- The Forward Plan is the key tool for managing the decision making process
- The relationship between overview and scrutiny and the executive should seek to complement one another
- All Councillors should have the opportunity to help shape policy decisions at an early stage

This report gives details of the work which has been undertaken by the Overview and Scrutiny Board over the course of 2016/2017.

The operation of overview and scrutiny

The Council re-appointed Councillor Lewis as the Overview and Scrutiny Co-ordinator in May 2016. He is supported by Councillors Barnby, Bent, Doggett and Stocks as Overview and Scrutiny Lead Members.

The membership of the Overview and Scrutiny Board comprised Councillors Barnby, Bye, Bent, Doggett, Lewis, Stockman, Stocks, Tolchard and Tyerman.

Focusing on the issues which matter

The Overview and Scrutiny Board has continued to undertake its healthy scrutiny duty and established a review panel to consider the Clinical Commissioning Group's proposals to reconfigure community services in Torbay and South Devon. The Board has also scrutinised the development of the Sustainability and Transformation Plan and the merging review of acute services.

The Board has worked closely with the Director of Children's Services and the Executive Lead for Children's and Adults Services on the development of the Children's Services Medium Term Financial Strategy. The Board will continue to monitor the implementation of the Strategy over the coming year.

Equal importance placed on policy development

The Board provided feedback during the development of a number of policies over the course of the year, including:

- Parking Strategy
- Destination Management Strategy
- Healthy Torbay Supplementary Planning Document

In accordance with the Constitution, the Mayor also referred other policy framework documents to the Board to review (such as the Local Transport Plan Implementation Strategy). Members of the Board reviewed these documents before determining that no formal response should be submitted to the Mayor as part of the consultation process.

New policies, including the Capital Investment Fund and the creation of a Housing Company, were considered by the Board and recommendations made to the Council for consideration as decisions were made.

Complementing the work of the executive

The Overview and Scrutiny Board continue to seek to complement the work of the Mayor and his executive. The Board has held discussions with executive members on issues such as the lease of Torre Valley North playing fields, the creation of a Youth Trust for Torbay and the amendments to the Council Tax Support Scheme.

The Overview and Scrutiny Board also held a series of meetings to discuss the Mayor's proposals for the budget for 2017/2018.

Shaping policy decisions at an early stage

Early debates have been held by the Overview and Scrutiny Board on issues such as the development of the Efficiency Plan and the progress of implementing the Masterplans which will see the redevelopment of Torbay's town centres.

Call-ins

The call-in process is one of the mechanisms which can be used to hold the Mayor to account.

The purpose of call-in is to examine the decisions reached by the Mayor (or other decision maker) and the reasoning behind those decisions. The process enables further public debate to be held on the subject. The Overview and Scrutiny Board can then consider whether the decision was appropriate and make recommendations accordingly.

Over the course of the year, the Overview and Scrutiny Board have considered three call-ins.

Moving Forward

The structure that has been in place for overview and scrutiny during the course of the year has been refined based on discussions with the Overview and Scrutiny Co-ordinator. The establishment of the two Monitoring Working Parties for Children's Services and Adults and Public Health will replace the Liaison Group for the Joint Commissioning Team. The Liaison Group for the Joint Operations Team will continue.

Feedback from the Monitoring Working Parties and the Liaison Group will be provided at the Overview and Scrutiny Briefings. The Overview and Scrutiny Board will continue to meet on a monthly basis. By having earlier discussions, the annual review of the Mayor's budget proposals is expected to be more focused and, as a result, take place with fewer meetings.

Task-and-Finish Groups will continue to be established to review specific issues with formal reports and recommendations being agreed by the Overview and Scrutiny Board.

The structure of the Council's overview and scrutiny function for the coming year is shown at the end of this document.

Future Work Programme

The Board will continue to set its Work Programme with the Forward Plan being the key tool for managing the decision making process. In focusing on the issues that matter, the Board will take an active role in ensuring that the Council's Transformation Programme is delivered. The Board will continue to respond to the Mayor's consultations on his proposals for the Policy Framework.

The Council continues to be in a financially challenging position and the Board will maintain its focus on ensuring that prioritised action continues at pace to deliver the changes that are needed to be made. In accordance with the Principles of Overview and Scrutiny, the Board will seek to involve all members in forthcoming issues from an early stage and to complement the work of the executive. It hopes that the Mayor and Executive will abide by these Principles as well.

The formal Work Programme will be agreed by the Overview and Scrutiny Board at its meeting in May 2017 although it will continue to have the flexibility to react to issues as they arise, including holding the Mayor and Executive to account for their decisions and performance.

Contact Details

Overview and Scrutiny
Torbay Council
Town Hall
Torquay
TQ1 3DR

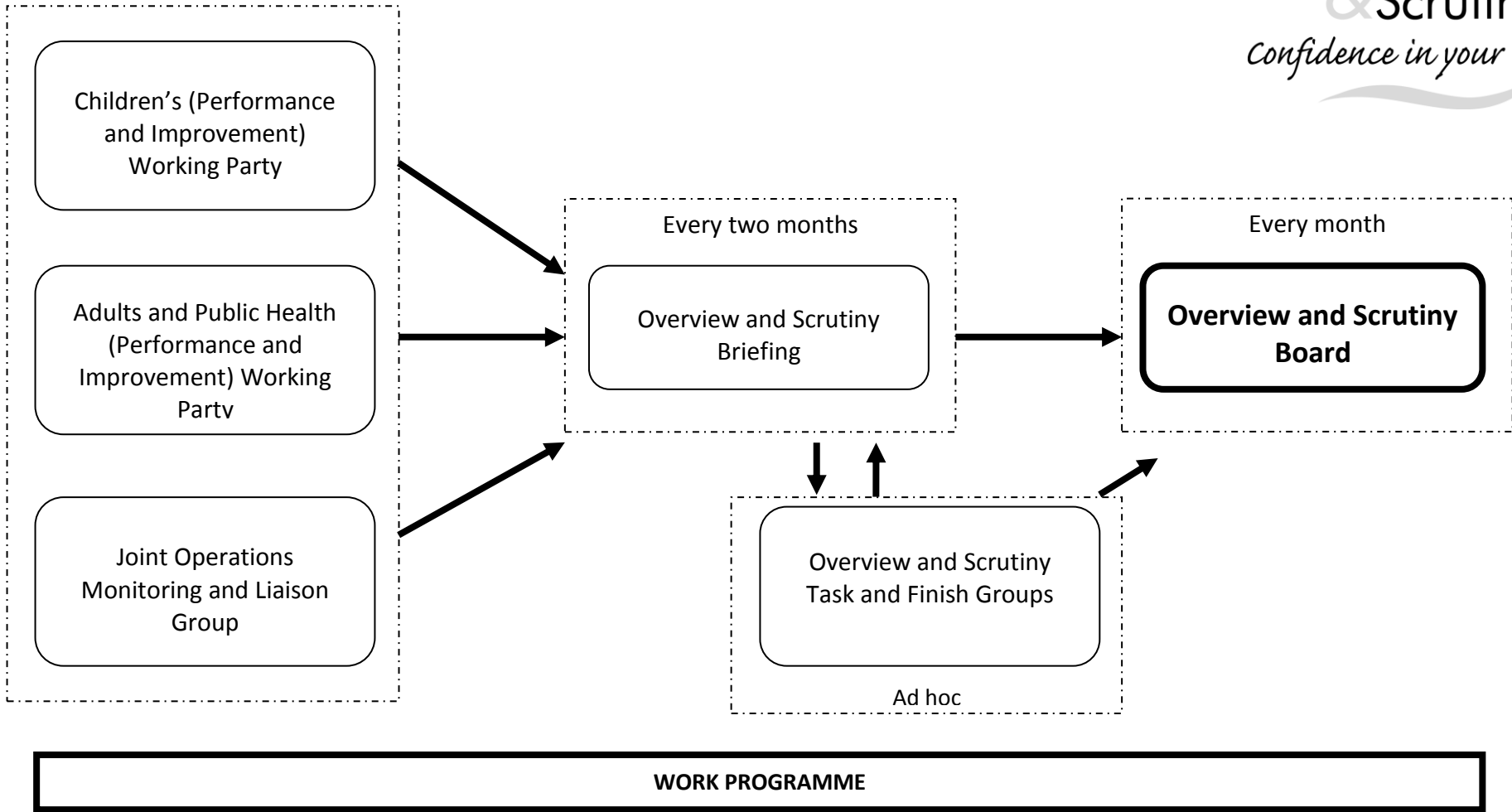
scrutiny@torbay.gov.uk
www.torbay.gov.uk/scrutiny

01803 207014

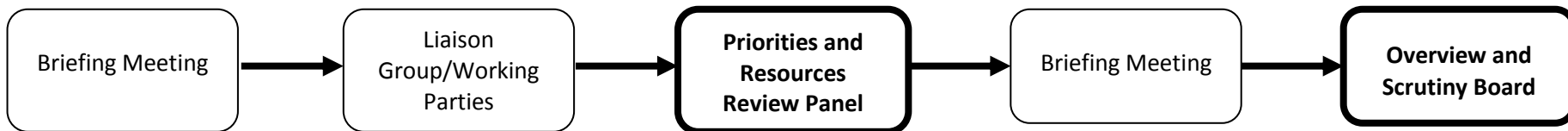
Operation of Overview and Scrutiny in Torbay



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Review of Priorities and Resources





Meeting: Council

Date: 10 May 2017

Wards Affected: Preston

Report Title: Planning Application P/2017/0121 - Relocation of Torbay School to MyPlace, Parkfield. Alterations to MyPlace, Parkfield and construction of new single storey extensions to rear

Is the decision a key decision? Yes

When does the decision need to be implemented? 10.05.2017

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

Supporting Officer Contact Details: Alexis Moran, Planning Officer, 01803 207782, alexis.moran@torbay.gov.uk

1. Proposal and Introduction

- 1.1 The Council is asked to determine whether or not to grant planning permission for the relocation of Torbay School to MyPlace, Parkfield, Colin Road Paignton and the construction of new single storey extensions to help accommodate the school pursuant to planning application number P/2017/0121 ('the Application').
- 1.2 The Application was considered by the Development Management Committee ('DMC') on Monday 13 March 2017. The officer recommendation to DMC was for conditional approval. However DMC resolved to refuse the Application on the grounds of overdevelopment of the site and the impact the proposal would have on neighbouring properties by reasons of the proximity to these properties.
- 1.3 The Executive Head – Business Services has referred the Application to Council for decision. This is in accordance with paragraph 4 of the Terms of Reference for the Development Management Committee (Schedule 4 of the Constitution) which provides that:

“The Committee shall not determine any application (or other matter) that relates to land owned, controlled or occupied by the Council in a manner that is not in accordance with the recommendation of the Executive Head of Business Services. If the Committee consider that an application (or other matter) that relates to land owned, controlled or occupied by the Council shall be deferred or determined not in accordance with the recommendation of the Executive Head of Business Services may refer that matter to Council for consideration or determination.”

2. Proposed Decision

- 2.1 It is the opinion of officers that the proposed development offers significant public benefits and has limited impacts on residential amenity. It is therefore proposed that planning application P/2017/0121 is conditionally approved in accordance with the officer recommendation set out in the Development Management Committee report at **Appendix 1**.

3. Background

- 3.1 In February 2015 it was agreed by the Council that Torbay School's existing site on Torquay Road was failing to meet the needs of its pupils. There are additional reasons to relocate Torbay School, as set out in Section 2 of the report attached as **Appendix 2**. The Council made the decision to relocate the school. Thirteen alternative sites were considered, with the Myplace centre at Parkfield identified as the preferred site. These options were considered by Members in February 2016 and informed the Council's decision on 25 February 2016. The report considered by Council in February 2016 is attached as Appendix 2.
- 3.2 The investigation of alternative sites for accommodating a relocated Torbay School very much meets the spirit of the National Planning Policy Framework and Local Plan policies, which seek to secure the high quality development, in the right location at the right time and include the assessment of options for achieving that outcome.
- 3.3 The current site of the Torbay School at Preston is programmed to be developed as a primary school. The need for that new primary school is very clearly set out in paragraphs 1.7 and 1.8 of the Council report attached as Appendix 2 and in the supporting information / impact assessment attached to that report.
- 3.4 The Application seeks planning permission to relocate Torbay School to the MyPlace building. This relocation was envisaged to take place during Summer 2018 in time for the academic year starting September 2018, however this is likely to be delayed now when factoring in the additional decision making time. The new school would provide places for 64 students with statements of need classified as emotional, behavioural disabilities and support predominantly young males between the ages of 11-16. In order to meet the required educational and accommodation standards permission is also sought for the addition of two single storey extensions to the east elevation of the MyPlace building with a courtyard between. The development area is currently in use as a service yard for the Council and includes a number of single storey buildings.
- 3.5 The financial implications of the proposed relocation of Torbay School are relevant, although they carry limited weight in the decision making process. If it does not proceed the £3.3M earmarked from schools capital would not be required to remodel Parkfield although some use of capital funds would be needed at the existing Brookfield site to improve access to Torbay School. It is estimated that improvements to Torbay School on its current site to meet the required educational and accommodation standards would cost around £1M. Any alternative Social, Emotional and Mental Health (SEMH) provision would require land, at a cost to be determined, and a build cost of circa £5 -6M based on costs for similar projects

elsewhere. A further impact would be the potential loss of the inward capital investment of circa £5 M for the new free school planned for the vacated Torbay School site. There are also likely to be costs accrued for the transport of children to other school sites should the new Torbay School not progress.

- 3.6 The Application is a revision to an earlier application for a similar scheme (P/2016/1159), which was also recommended approval by Officers but which did not gain DMC support. The proposals were subsequently amended to address, as far as practicably possible DMC concerns, and it is those amended proposals that now need to be considered by Council.
- 3.7 Seventeen objections to the Application have been received. The issues raised by objectors include; loss of facilities, noise, impact on local area, crime, impact on young people, inappropriate use as a school, loss of privacy and impact on tourism uses. In determining the application consideration has to be given to the impact of the development on the amenity of adjoining residential and business occupiers.
- 3.8 The Application has been assessed in the Officer Report to DMC (Appendix 1) which concluded that the proposals accord with the relevant provisions of the Development Plan.
- 3.9 DMC recommended that the Application is refused due to *“overdevelopment of the site and the impact the proposal would have on neighbouring properties by reason of the proximity to those properties”*
Your Officers consider that this means that DMC considered that the proposals do not accord with policy DE3 (Development amenity) of the Development Plan and that the benefit from providing a new school in this location was not sufficient to outweigh the impact that the development would have on neighbouring properties.

4. Guidance

- 4.1 Planning decisions must be made in accordance with the up-to-date development plan (the Torbay Local Plan 2012-2030), unless material planning considerations indicate otherwise.
- 4.2 The opinion of your Officers and of DMC may be taken into account when making the decision, however it is for members of Council to determine the Application on its merits as they see fit.
- 4.3 If members of Council determine on the facts that the Application accords with the provisions of the Development Plan, planning permission should be granted, subject to any planning conditions that are deemed necessary.
- 4.4 If members of Council determine on the facts that the Application does not accord with one or more provisions of the Development Plan, they must then consider whether any material planning considerations outweigh the relevant provision(s) of the Development Plan and indicate that permission should nonetheless be granted.

5. Does the Application accord with the provisions of the Development Plan?

- 5.1 The professional assessment of the proposals against the Development Plan is contained in the Officer Report to DMC at Appendix 1. That report indicates that

the proposals do accord with the provisions of the Development Plan and recommended approval.

- 5.2 DMC disagreed with the Officer Report in that the Committee considered that the proposals were an overdevelopment of the site and would have a detrimental impact on neighbours (if accepted, this is contrary to Policy DE3)
- 5.3 The revised plans reduce the impact of the proposal on adjoining occupiers. However it should be noted that the northern extension would be moved 1.2 closer to the site boundary in order to accommodate the revisions.
- 5.4 Policy DE1 (Design) of the Torbay Local Plan was not originally discussed in detail in the Officer report for this application but design concerns were raised by Members at the committee meeting of 13.03.2017. The original building was designed as part of a consultation/engagement project with the end users of the building, and this is an important aspect of its design. The key elevation of the MyPlace building is the main (west) entrance elevation. The proposed extensions to the original building are to the rear elevation and therefore will have limited visual impact on the west elevation and on the original building design. The design of the extensions fits the purpose for which they are proposed and, although not of significant architectural merit, they are sited in a location which would not be highly visible in the wider area. Overall the design of the extensions is deemed to be acceptable, any deficiencies in terms of the facing materials could be dealt with by condition if Members were minded to approve the application.
- 5.5 Objections to the proposal have raised concerns regarding the impact the development would have on business uses (tourism) in the immediate area. These concerns relate to the effect that the addition of the extensions in close proximity to businesses on the site boundary would have on their prosperity. Policy SS4 (The economy and employment) supports existing businesses and seeks to achieve a step change in economic prosperity. Local residents are of the opinion that the proposed development will result in the generation of additional noise and disturbance, which would be contrary to this policy. The impact of the proposed development on local businesses is a material consideration. It is noted in the officer report at Appendix 1 that the school is only in operation at certain times of the day and during term time.
- 5.6 Your officers remain of the opinion that the proposals would not have an overbearing or overdominant impact on the character of the original property or adjoining properties, that they accord with the provisions of the development plan and should be approved.

6. Other Material Considerations

- 6.1 If Members disagree with the Officer assessment of the Application and conclude that the proposals do not accord with one or more provisions of the development plan, they must then consider whether grant of planning permission is justified by other material considerations.
- 6.2 Relevant material considerations include:

6.2.1 Paragraph 72 of the National Planning Policy Framework (NPPF) which states:

“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.

6.2.2 The wider public benefits of the provision of new and improved facilities for the Torbay School at Parkfield which will enable the school to offer an enriched curriculum and improved outcomes to pupils.

6.2.3 The availability/suitability of alternative sites for the Torbay School.

6.2.4 The fact that that conversion of the existing Parkfield building to a school (without the extensions) could be undertaken as permitted development.

6.2.5 The retention of existing Youth Service facilities at Parkfield.

6.2.6 To a lesser extent, the public benefits of the provision of a new primary school to be built on the existing Torbay School site and which will meet an objectively assessed need.

6.2.7 To a limited extent, the financial implications of the proposals.

6.3 It is for Members to determine what weight to put on the issues raised when making the decision, however your Officers are of the opinion that the limited detrimental effect on the residential amenity of neighbouring properties and on business uses in the immediate vicinity is outweighed by the greater public benefit of providing improvements to Parkfield to accommodate Torbay School and the provision of another primary school on the former Torbay School site.

7. Fair Decision Making

7.1 The Application has been subject to the public consultation required by planning law, which has included the posting of a site notice, letters to the neighbouring occupiers and advertisement in the Herald Express. In addition the applicants have been given good opportunity to revise the proposals to help ensure the development meets policy requirements. The application was heard at and considered by the Development Management Committee on 13 March 2017.

7.2 The Council's proposed relocation of Torbay School has been the subject of significant public consultation and advertisement prior to submission of the planning application. This has included a dedicated web page, circulation of newsletters, discussions with the Community Partnership and an open event.

8. Risks

8.1 There are risks attached to the decision in this case, as with every planning application. Challenges to the way in which the decision was reached could be

raised through the Council's complaints procedure and onto the Local Government Ombudsman. Furthermore, a Judicial Review into the Council's decision could be raised. However, so long as the decision follows due process, the decision is made in accordance with policy and having had regard to all material considerations it is very unlikely that the Council will be found guilty of maladministration or be found to have made an unlawful decision. It is imperative that only matters related to planning are considered and that the decision is dealt with on its own individual merits.

Appendices

- 1. Development Management Committee Report – 13.03.2017**
- 2. Review of School Places in Torbay, report to Council 26 February 2016**
- 3. (Impact assessment)**

Additional Information

[Torbay Local Plan 2012-2030](#)
[National Planning Policy Framework](#)

Application Number

P/2017/0121

Site Address

Myplace, Parkfield
Colin Road
Paignton
TQ3 2NR

Case Officer

Mr Alexis Moran

Ward

Preston

Description

Relocation of Torbay School to MyPlace, Parkfield. Alterations to MyPlace, Parkfield and construction of new single storey extension for Torbay School

Executive Summary/Key Outcomes

The site, MyPlace, Parkfield, is a modern lottery funded flagship youth facility constructed in 2010 and operated by Torbay Council Youth Services. The MyPlace building was constructed on the site of the former Council nurseries to the north and west of Parkfield House.

The proposal seeks consent to relocate Torbay School to the MyPlace building. The new school would provide places for 64 students with statements of need classified as emotional, behavioural disabilities and support predominantly young males between the ages of 11-16.

In order to meet the required educational and accommodation standards permission is also sought for the addition of two single storey extensions to the east elevation of the MyPlace building with a courtyard between. The development area is currently in use as a service yard for the Council and includes a number of single storey buildings.

The application is a revised scheme to that which was brought to the DMC on 12.12.2016. The previous application ref: P/2016/1159 had an officer recommendation of approval however Members did not consider the application acceptable and resolved to refuse it. The decision on this application has not yet been issued. The aim of the revised scheme is to address and overcome the issues raised by DMC.

The following points summarise the main design changes, other alterations to the scheme are summarised in section 5 of this report:

- Minibus parking relocated to minimise impact on neighbours
- Additional planting and green buffer space introduced to maintain separation between school and neighbours
- Student entrance relocated to avoid disruption to neighbours
- Front elevation redesigned to provide visual separation between existing

building and proposed extension.

As with the previous scheme the key issues relate to, the principle of the MyPlace building being used as a school, the impact on the amenity of adjoining occupiers, the highways impact and flood risk.

Planning permission is not required for a change of use of a building in leisure use (Class D2) to a state funded school, subject to the LPA determining whether prior approval is required in respect of transport and highways, noise and contamination.

Torbay School is a state funded school and therefore the principle of the change of use of the MyPlace building would be considered acceptable, subject to the Council not objecting to the scheme on the above three points.

In this instance it is necessary to extend the original building in order to facilitate the school and therefore the prior approval process is not available. This proposal must be considered against the relevant planning policies in the Local Plan. It is however noted that the broad principle of the change of use of the existing building can be undertaken as a permitted development and this should be given consideration in determining the application.

This scheme provides the entrance for pupils on a new, stronger, north elevation and thus away from the properties to the east. This however requires the single storey extension to the north to protrude by a further 1.2m to the east towards the boundary of the site with no. 8 Marine Park. The majority of this extension is adjacent to the car parking area to the rear of Colin Road and the pitched roof garage of no. 8 Marine Park. The southern corner of this extension will be within 7 metres of the side elevation of no. 8 Marine Park which has secondary windows above ground floor level. In an urban environment a distance of 7 metres between side elevations is not uncommon. Due to the single storey nature of the proposed extension it is not considered that overlooking will be a significant issue, the scale of the extension would not result in the development being overbearing on the residents of 8 Marine Park.

It is considered that as the proposed extensions are of a scale which would not have an overbearing or overdominant impact on the character of the original property or adjoining properties. Given the single storey nature of the proposed extensions and the existing and proposed boundary treatment and differences in levels, it is not considered that the proposal would result in significant issues arising from overlooking.

There will be no change to the existing BMX track or the skate park or the public right of way across the site which will be maintained as existing. The existing youth facilities will continue to be available for the present users outside of school hours (09:15-15:00), at weekends and during school holidays and in accordance

with an agreed timetable. Some of the facilities in the proposed school extension will be available to the community and youth services outside of school hours as soon as the school is open. During the construction phase part of the existing building to the south will remain open for youth services.

The proposed extensions would make effective use of this site which is currently used as a service yard. Improvements have been made to the entrance elevation to create a stronger feel of legibility and overall the proposal is considered to be a good quality development. It is deemed to be appropriate for conditional approval.

Recommendation

Conditional approval subject the receipt of further information relating to drainage, final drafting of conditions to be delegated to the Executive Head of Business Services.

Statutory Determination Period

The target date for determination of this application is 10.05.2017.

Site Details

The site, MyPlace, Parkfield, is a modern lottery funded flagship youth facility constructed in 2010, and operated by Torbay Council Youth Services. The MyPlace building was constructed on the site of the former Council nurseries to the north and west of Parkfield House.

The site is situated to the north of the Grade II Listed Building of Parkfield. There is a Grade II Listed folly within the application site to the south of the proposed development. To the west are properties fronting Marine Drive and Marine Park and to the north are properties fronting Colin Road. Colin Road provides access to the northern boundary through the Council car park.

The railway line is approximately 75 metres to the west. A public right of way crosses the site from north to south. The application site covers an area of 0.49 hectares with the wider site in the ownership of Torbay Council covering 3.5-4 hectares. The wider area is in mixed use predominantly comprising residential properties and hotel uses.

The youth facility comprises a national standard BMX track, skate park and the MyPlace, Parkfield building which accommodates a multi-purpose sports hall, theatre or music venue, climbing facilities, leisure facilities, meeting rooms, recording studio and IT suite.

In the Torbay Local Plan 2012-2030 the southernmost part of the site is shown as being within the Polsham Conservation Area. The site is also shown as being within the Core Tourism Investment Area.

Detailed Proposals

It is proposed to relocate Torbay School to the MyPlace building. Torbay school is a special school for students with statements of need classified as emotional, behavioural disabilities and supports predominantly young males between the ages of 11-16. The school would provide 64 spaces with 46 full time-staff and 12 part-time staff.

In order to meet the required educational and accommodation standards permission is sought for the addition of two large single storey extensions to the east elevation of the MySpace building with a courtyard between. The courtyard between the north and south extensions will form a playground to the school. A covered walkway will be provided between the two classroom extensions.

A vehicular turning circle is to be constructed at the north end of the site to provide a taxi and mini-bus drop off point in proximity to the entrance. The turning circle will avoid the need for vehicles to reverse. The drop-off point will be managed by Torbay School to ensure that students enter the school safely and to prevent truancy.

Previously concerns had been raised with regards to the impact of the mini-bus parking and its proximity to the site boundary and adjacent properties on Colin Road and Marine Park. As a result of this the minibus parking area has been relocated away from the side boundary to a position in front of the sports hall to mitigate impact on neighbours. Improved boundary fencing and landscaping in this area is also proposed.

The entrance to the school will be to the north of the building in proximity to the vehicle drop-off point.

The north extension will accommodate the main entrance, administration and meeting room facilities. Three classrooms are to be provided on the south side of the north wing accessed from the central courtyard. These classrooms will be set to correspond with the external ground level of the courtyard. The extension would project a maximum of 29m from the rear of the original building, would be 22m wide and have a height of 6m.

This scheme provides a student entrance on the north elevation through the school and thus away from the properties to the east. This however requires the single storey extension to the north to protrude by a further 1.2m to the east towards no. 8 Marine Park in comparison with the previous application under reference P/2016/1159.

The south extension comprises of a single storey building centred on the existing access to the MySpace building. This extension is to be used to provide science and vocational classrooms the latter of which opens out into the external areas.

This extension is to protrude by a maximum of 23m from the main building and be 22m in width with a height of 6m from ground level.

The playground will be separated from the external access corridor serving the classrooms in the north extension and provides a covered link to the south extension and MyPlace. The playground is to be treated as a multi use games area for sport, complete with perimeter fencing. The previously proposed net over the playground has been deleted from the current proposal.

The eastern boundary of the playground is separated from Marine Park by an existing retaining wall and 3.0 metre high timber fence to the existing service yard.

The existing sports hall is to be converted to a multi-use space. This will maintain the function of the existing sports hall and allow part of the space to be used as a dining hall by Torbay School. A temporary removable screen with a high level curtain division is to be provided to allow the sports hall to function within a smaller area while the remainder of the hall is used as a dining hall. There is a dedicated storage area included on the layout to accommodate dining hall furniture when not in use. Dining furniture would be erected and removed daily over the lunch period.

The existing building will be shared between Torbay School and the Youth Trust in accordance with an agreed timetable.

There will be no change to the existing BMX track or the skate park and the external area to the west of the school. The public right of way across the site will be maintained as existing.

The existing pedestrian access to the MyPlace building will be repositioned to form a new entrance to the youth meeting room. The existing sliding entrance door to MyPlace, will be replaced with a double entrance door to provide controlled access to the sports hall for events outside school hours and to provide a fire exit. The existing entrance to the climbing wall is to be utilised to provide an independent access.

Vehicular access to Torbay School will be via Colin Road and through the public car park. The existing barrier gate to the site entrance will remain, and this will be managed by Torbay School to be open at the start and finish of the school day.

The proposal also includes relocating the existing electrical sub-station from the east of the site to the north of the site. This is not considered to be contentious.

Summary Of Consultation Responses

Urban Design Consultant: Comments awaited.

Strategic Transport: NPPF 72 places great weight on the provision of school places. There is a pressing need for additional school places in Paignton.

A number of points had been made in relation to application ref: P/2016/1159 dated 30 November 2016, which remain relevant. It is welcomed that several of the comments in my earlier email have been taken on board in the updated Transport Statement and Travel Plan.

It is noted that the beach huts may need to be removed from the car park, to ensure that adequate parking for staff and visitors can be provided and reduce the risk of overspill onto Colin Road. The updated Transport Statement notes that Colin Road Car Park has 87 spaces, of which weekday occupancy peaks at about 25% (table 3.5) i.e. 22 spaces taken and 65 free. The Transport Statement indicates 30 staff travel by car, plus visitors and offsite staff. In addition 6 students travel by car and it is proposed to make 8 spaces available for dropping-off and picking-up. Hypothetically this leaves a capacity of 27 spaces for other purposes (i.e. beach hut storage). On this basis it would appear unnecessary to insist on a condition requiring the removal of beach huts, so long as they take no more than 20 spaces (i.e. leaving a buffer of 7 spaces above the usage noted above). In the event of conflicts arising over parking, the Council/TDA control the use of the car park and can secure the removal of beach huts.

It is in any event desirable to achieve a higher take up of sustainable transport modes by staff (to 70% non car use) and to maintain the already high take up of non-car transport by students. The Travel Plan also identifies measures to avoid conflict over on-street parking.

It is understood that a painted line demarcation will provide separation of pedestrians and vehicles using the vehicular access.

The supporting information deals with the specific relocation of the Torbay School from the current location in Torbay Road. This generates less traffic than a different type of school e.g. a primary school or other Class D1 use. In addition it complements the other activities at Parkfield which largely operate outside school hours, thereby diffusing the traffic impact as well as providing a dual use facility with community benefits. Since a different proposal would need to be considered in terms of levels and times of traffic generation, I would ask that any permission is made specific to the scale and nature of the school set out in the submitted details (i.e. not an open D1 consent).

Police Liaison Officer: No objection.

Senior Heritage and Design Officer: No objection, the proposed extensions are not considered to impact on the setting of the listed garden room or Parkfield House, both to the south of the site.

Environment Agency: No objection.

Natural England: No objection.

National Trust: No objection.

Drainage: Requests further information from the hydraulic modelling and confirmation of the discharge rate to the watercourse.

Arboricultural Officer: Comments awaited.

Greenspace Coordinator: The Preliminary Ecological Appraisal is considered to be a fair assessment of the ecological impacts of the proposed development. Recommends the following conditions be imposed:

- Development should be undertaken in strict accordance with the Conservation Action Statement
- the avoidance and mitigation measures set out in the Conservation Action Statement to be included in any Construction Method Statement
- the compensation and enhancement measures set out in the Conservation Action Statement to be reflected on a landscape plan.

The inclusion of a MUGA is welcomed. The possibility of this being available for community use/use by the Youth Trust during evenings, weekends and holidays should be explored and, if this is possible, secured by condition.

Summary Of Representations

A total of 6 objections have been received in relation to this application, the main points raised in these are:

- Loss of facilities
- Noise
- Impact on local area
- Crime
- Impact on young people
- Inappropriate use as a school
- Loss of privacy
- Impact on tourism uses.

Relevant Planning History

P/2016/1159 - Alterations and construction of two single storey extensions with courtyard between. Relocation of school; DMC resolved to refuse this application on 12.12.2016 - decision pending

P/2010/1308 - Revised siting of BMX track and omit proposed on site parking area due to discovered badger setts; approved 14.06.2011

P/2010/0155 - Change of use of existing folly from garden storage to skatepark

kiosk and first floor office, adjustment and widening of exit pillars onto Lower Polsham Road from approved site; approved 14.06.2010

P/2009/0983 - Demolish nursery buildings. Replace with new build 'My Place' building containing indoor sports hall, associated changing and toilet facilities, cafe/internet areas, recording and sensory rooms. Outdoor facilities to include BMX and skate board tracks, on site car parking and landscaping. Renovation and change of use to Parkfield House from Council offices to 30 bed youth hostel for new 'My Place' building. Landscaping to existing grounds; approved 26.11.2009

Key Issues/Material Considerations

The key issues relate to, the principle of the MyPlace building being used as a school, the impact on the amenity of adjoining occupiers, the highways impact and flood risk.

1. The principle of the MyPlace building being used as a school

Planning permission is not required for a change of use of a building in leisure use (Class D2) to a state funded school, subject to the LPA determining whether prior approval is required in respect of transport and highways, noise and contamination.

In this case as it is necessary to extend the original building in order to facilitate the school the prior approval procedure could not be used. Therefore the proposal must be considered against the relevant planning policies in the local plan. However the broad principle that the change of use of the existing building could be undertaken as permitted development is a material consideration in the determination of the application.

The building is located in an area where there is already activity associated with the car park, proximity to the sea front and commercial properties in Colin Road, and Marine Drive. Therefore the additional activity and trips generated by the change of use to a school would have a limited effect on the character of the area. The school use would occur only during daytime hours which means there would be no impact during quieter night time periods. In comparison with the existing use of the building for leisure purposes the level of activity and noise generated by the school is unlikely to be significantly greater.

The site is within a Core Tourism Investment Area therefore Policy TO1 (Tourism, events and culture) must be considered. Within these areas the promotion and enhancement of tourism activities and facilities is encouraged. The Policy seeks improvements of existing and provision of new tourist accommodation and attractions in areas which are seen as the main focus for investment in tourism.

The area is close to the seafront and would benefit from retaining a tourism

related use. The application states that the existing facilities will remain available for the present users outside of school hours, at weekends, school holidays and bank holidays.

The sports hall will be retained at the existing size and a removable screen curtain is to be introduced to subdivide the sports hall making the transition between school activities and activities out of school simple. It is considered on balance that the building could still provide suitable tourist facilities if properly managed, particularly during the height of the tourist season when the school is closed for the summer holidays.

With regards to the impact the proposal would have on those existing commercial/holiday uses in the immediate area such as hotels and B&Bs; as the change to a school would only affect the area outside of the main tourism season, during term time, it is not considered to have a significant impact on commercial trading.

Policy SC1 (Healthy Bay) promotes healthy, safe and active living for all age groups, including healthy living options for older people; and Policy SC2 (Sport, leisure and recreation) states that there will be a presumption against loss of existing recreational and leisure facilities unless:

- i) An assessment has been undertaken which has clearly shown the open space, building or land to be surplus to requirements; or
- ii) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a sustainable location; or
- iii) The development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.

The facilities in the MyPlace building will be available to groups and members of the public outside of school hours. The sports facilities will however be unavailable during the construction phase of the development which is proposed to be one year. The current providers are seeking alternative accommodation for existing users. Some of the proposed new school buildings facilities would be available to the community and youth service outside of school hours as soon as the school is open. During construction part of the existing building to the south will remain open for youth services activities.

It is considered that the proposal would comply with Policy SC2. The facilities will remain available to user groups and members of the public outside of school hours. The facilities would therefore be made available to all users in the peak activity times which would be outside of school hours, at weekends and school holidays. It is proposed that the existing underutilised sporting facilities will be used by Torbay School during the school day.

There will be no change to the existing BMX track, the skate park or the public

right of way across the site. Outside of school hours, at week-ends and during school holidays, the existing youth facilities at MyPlace will continue to be available for the existing users.

A mission statement setting out the shared goals of Torbay School and the Youth Trust is included in the appendix to the submitted Design and Access statement. This sets out the shared aspirations for the project and the need to separate the identity and education function of the MyPlace building from the existing youth provision. The aim is to preserve the sense of ownership of the youth facilities by the Youth Trust, and to create a separation from the education function of Torbay School.

Bearing these points in mind and subject to conditioning the above arrangements, the proposal is deemed to comply with Policies SC1 & SC2 of the Torbay Local Plan 2012-2030 as the existing facilities are proposed to be retained.

Policy SC3 (Education, skills and local labour) of the Torbay Local Plan 2012-2030 states that the Local Plan will support the improvement of existing and provision of new educational facilities to meet identified needs in Torbay. This includes both the expansion of schools to meet identified short to medium-term needs, and construction of new schools.

The proposal requires Torbay School to be relocated to the MyPlace building as its current site on Torquay Road, Paignton is to be altered to provide for the addition of a new primary school. The extensions and alterations to the MyPlace building are required in order to provide appropriate facilities for Torbay School to relocate. The proposal is considered to be compliant with Policy SC3 as it aims to provide an expansion to an existing building to provide a new educational facility.

In terms of the visual impact of the proposal the extension have been sited so as to avoid intrusion onto the sensitive area of the site in proximity to the Grade II listed Parkfield House and folly to the south. The proposed extensions are located to the rear of the main building and thereby aid in retaining the original design concept of the building's principle elevation. The design of the entrance to the school to the north has been amended to provide a stronger sense of arrival with separate staff/visitor and pupil accesses. These alterations are in line with recommendations made by the Council's Urban Design advisor as part of application P/2016/1159.

The site is open to the north from the Colin Road car park allowing a clear view of the entrance to the school and the single storey wing to the east of MyPlace. The development is proposed to be single storey so as to minimise its visual appearance. The scale of the development is considered to be appropriate to that of the original building and subservient in terms of its size and siting. The

extension to the north is recessed where it adjoins the original building to provide some distinction between the old and new elements.

The south west boundary of the site adjoins the side elevation of properties at the end of Marine Park cul-de-sac which is approximately 2 metres lower than the site level. At present there is a substantial 3.0 metre high boundary fence and wall at the end of Marine Park which will aid in reducing the visual impact of the proposed extensions and aid in them blending into the backdrop of the larger main building. The reinforced boundary treatment will also aid in screening the playground and help to reduce noise levels. This will be supplemented with additional landscape planting. Landscaping details will be sought by condition.

Similarly the boundary fence limits the visual impact of the proposed extensions from the rear of the properties on Marine Drive, the main rear two storey elevations of which are in excess of 20m away.

To the north- west the site bounds the rear of the residential and commercial properties on Colin Road, improvements to landscaping here are proposed in order to limit the visibility of the proposed extensions.

The proposed extensions to the MyPlace building have been considered in terms of their impact on the setting of the Grade II listed garden area at the south of the development site and the Grade II listed Parkfield House further to the south. Due to the size and scale of the proposed extensions it is not considered that their addition would be of detriment to the setting of the listed buildings.

2. *Impact on amenity*

Policy DE3 (Development amenity) of the Torbay Local Plan 2012-2030 states that all development should not unduly impact upon the amenity of neighbouring and surrounding uses. The following criteria are amongst those which this Policy is assessed against:

- o The impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution;
- o Impacts on existing living conditions and standards of accommodation of other uses.

The single storey school buildings are not of sufficient size to cause overlooking to the adjoining properties nor do they have a residential element which would entail excessive overlooking. As previously mentioned the boundary fence and wall, which are proposed to be improved in areas by additional landscaping, prevents any significant direct overlooking issues. This also alleviates any issues with the proposed extension appearing to be overdominant.

Alterations to the entrance elevation result in the single storey extension to the north to protrude by a further 1.2m to the east towards no. 8 Marine Park. The majority of this extension is adjacent to the car parking area to the rear of Colin

Road and the pitched roof garage of no. 8 Marine Park. The southern corner of this extension will be within 7 metres of the side elevation of no. 8 Marine Park which has secondary windows above ground floor level. However in an urban environment a distance of 7 metres between side elevations is not uncommon. Due to the single storey nature of the proposed extension it is not considered that overlooking will be a significant issue, the scale of the extension would not result in the development being overbearing on the residents of 8 Marine Park.

As a result of providing the school entrance on the north elevation the previously proposed pathway along the boundary with 8 Marine Park is no longer be accessed by pupils as was the case under application P/2016/1159. The access to this side of the extension is now via an internal fire escape door or a gate. The gate provides access to the plant room.

In combination with their small scale, the boundary treatment and the urban setting of the location, this side by side relationship would not be overdominant on the residential amenity of residents or the character of the properties in Marine Park.

The minibus parking area has been relocated away from the side boundary to a position in front of the sports hall to mitigate impact on neighbours. Improved boundary fencing and landscaping in this area is also proposed.

The refuse/recycling area is located in a somewhat prominent location but is well screened by hard and soft landscaping. The potential for this to be relocated next to the electricity substation has been considered. However its current location is immediately outside of the kitchen area and on balance is considered to be acceptable.

The site is approximately 29m from the ground floor extensions at the rear of the properties in Marine Drive a distance which is considered to result in an acceptable relationship and one which would not result in a loss of light or cause a loss of residential amenity to neighbouring occupiers.

The main impact on neighbouring properties and the wider area will be as a result of vehicle and pedestrian movement at the start and end of the school day. The visual and noise issues related to this are considered to have a limited impact on the residential amenity of neighbouring occupiers as it will be infrequent and for short periods and only on weekdays. The existing fence also provides an effective visual and acoustic screen to the proposed development. As the site is accessed via a car park it is considered that there should be no issues with regards to parking or access egress to residential properties.

The playground will be in use during school terms. The prime period for the occupation of the holiday let properties in the Colin Road/Marine Park will be during the school holidays, thus minimising the risk of noise disturbance to the

adjoining properties. The playground for the proposed school is sited in the most favourable residential location, between the properties on Marine Park. This location is well screened by a 3m boundary wall and fence which will aid in reducing the noise impact associated with the playground.

When considering the points above the proposal is deemed to comply with Policy DE3 of the Torbay Local Plan 2012-2030.

The overall design of the proposed extensions is deemed to be acceptable and fit for the purpose intended. The north entrance elevation has been strengthened in order to aid in the legibility of the development and in order to provide internal alteration to improve circulation space.

Concerns have been raised about crime and the behaviour of pupils and the impact of this on local residents however the Police Liaison Officer has not raised any concerns and Catch 22 have submitted details of a student management plan and a vision for MyPlace which will promote appropriate behaviour in and around the school.

3. Highways impact

Overall the proposal is considered to have an acceptable impact on highways capacity and safety. The application is supported by a Transport Assessment and Travel Plan which state that the Colin Road/Marine Drive junction operates within capacity. The use of the MyPlace building as a school would have an acceptable impact on the highway.

The use of the Colin Road car park to access the site and parking, pupil drop off, would appear to be appropriate since the school will not be in use during peak demand periods for the car park.

A painted line demarcation will provide separation of pedestrians and vehicles using the vehicular access. This is considered to be acceptable and an improvement on the existing situation.

The submitted Travel Plan states that 90.63% of the schools staff currently travel to work by car. The Travel Plan targets a 20% reduction in single occupancy staff car trips over a five year period through encouraging staff to car share and also encouraged other modes of sustainable transport. The Travel Plan also identifies measures to avoid conflict over on-street parking.

The proposal is deemed to comply with Policy TA2 (Development access) and Policy TA3 (Parking requirements) of the Torbay Local Plan 2012-2030.

4. Flood risk

The site is within Flood Zone 1, which is considered to be at a very low risk of flooding.

Infiltration tests on the site confirm that infiltration drainage will not be viable on this development.

As infiltration drainage is not suitable for this site the applicant has identified that the surface water drainage will discharge at a controlled rate to the Occombe Valley Watercourse. The proposed discharge rate has been set at 1.5l/sec which complies with the requirements of the Torbay Critical Drainage Area.

The hydraulic design for the proposed surface water drainage system has been included within the site specific flood risk assessment however. Further information on the specification of the system is required before planning permission can be issued.

5. Ecology

The majority of the site consists of buildings and hardstanding which provides very little ecological value. The features of highest ecological value on site are the small area of dense scrub and long grass to the north of the site. Part of the area of scrub and long grass will be lost to the mini bus parking and the relocated substation.

No evidence of bats roosting in the application area have been recorded and there is considered to be low potential for foraging bats due to the lack of suitable habitat.

There is potential for birds to nest in the building and the dense areas of scrub to the north and as such all works will need to take place outside of the nesting season and a condition requiring this will be imposed.

The proposed scheme has been considered in regard to any likely significant effect on the environment in accordance with the requirements of the Town and County Planning (EIA) Regulations 2011 and it has been determined that an Environmental Statement is not required.

6. Other issues covered by the applicant in the submission

- Car repair workshop - the car repair workshop on the ground floor of the extension to the south will be for repairing parts of cars rather than requiring access to accommodate whole vehicles.
- Size of playground - the restricted playground area is offset by the opportunity for students to use the sizeable sports hall, the other specialist facilities and the additional space available throughout MyPlace. The proposed sports play area is larger than the existing MUGA at the current Torbay School site.
- Playground net - The playground netting has been omitted to alleviate the concerns of the DMC.

- Treatment of site boundary - modest boundary fencing to be considered with upgraded premier landscaping.
- Provision of staff accommodation - staff accommodation is spread across the school complex including the first floor of the existing building to provide distributed management. This was the rationale for placing the staff room on the first floor which also provides surveillance over the external areas. The admin area has been redesigned to include additional facilities.
- Space standards - the accommodation area has been carefully considered to take account of the existing facilities at MyPlace, with reference to BB102 Government Guidance.
- External access to the playground - Torbay school will manage student behaviour to prevent nuisance to neighbours under the MyPlace behavioural management strategy and student management plan.

Conclusions

The proposed development would result in the use of a building which is underutilised during school times by providing a new educational facility and the extensions to the building would comply with Policy SC3 (Education, skills and local labour) in the Torbay Local Plan 2012-30. The form, layout and design of the proposed extensions are principally of a suitable scale and siting to not dominate the character of the original MyPlace building or be of significant detriment to the privacy and amenity of neighbouring residential properties and holiday accommodation. Consequently subject to the receipt of additional information relating to drainage, it is, on balance, considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations, subject to the conditions itemised below:

- Opening hours between the school and youth services to be set to ensure the retention of the existing facility
- Implementation of staff travel plan
- Removal of permitted development rights to prevent a change of use without first gaining the consent from the Council
- Submission of finished floor levels taken from a fixed ordnance datum point
- Lighting strategy
- No ground/clearance works in bird nesting season
- Submission of boundary treatment & landscaping plan
- Landscape implementation
- Materials
- Implementation of drop off area and parking
- Implementation of drainage strategy
- Development should be undertaken in strict accordance with the Conservation Action Statement (Appendix 4) of the Preliminary Ecological Appraisal, Acorn Ecology, September 2016 in order to avoid, mitigate and

- compensate for anticipated ecological impacts
- Submission of a Construction Method Statement which includes the avoidance and mitigation measures set out in the Conservation Action Statement
 - The compensation and enhancement measures set out in the Conservation Action Statement are reflected on a landscape plan to be submitted for approval by Torbay Council prior to commencement. The landscape plan should include details of proposed species, plant sizes and plant numbers/densities, as well as on-going management. The number, type and locations of the proposed bird nesting boxes should also be shown on this plan.

Relevant Policies

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Meeting: Council

Date: 25 February 2016

Wards Affected: Preston

Report Title: Relocation of Torbay School and a New Primary School in Paignton

Is the decision a key decision? Yes

When does the decision need to be implemented?

Executive Lead Contact Details: Cllr Julien Parrott, Executive Lead for Adults and Children, Tel. 207113, julien.parrott@torbay.gov.uk,

Supporting Officer Contact Details: Richard Williams, Director of Children's Services, Tel. 208949, richard.williams@torbay.gov.uk

1. Proposal and Introduction

- 1.1 On 26th February 2015 members agreed to relocate Torbay School from its current location at Torquay Road, Paignton TQ3 2AL to a new site which would better meet the needs of the young people attending this special school.
- 1.2 When the report was submitted last February the preferred option was to relocate Torbay School to the site of the school's outreach unit at Hillside, South Parks Road, Torquay. However, further site investigations confirm that this site is not viable; with limited funding the onsite issues made the scheme unaffordable and it was evident that the amount of usable space would be too small for the needs of the school.
- 1.3 Children Services is equally committed to both school places and the wider youth services but recognising that one is a statutory function for the Council. With this in mind the Council has been looking at alternative sites for the school to relocate to and these investigations have identified the site at MyPlace, Paignton as a suitable option.
- 1.4 In 2013 the Council agreed to lease the MyPlace site to the Youth Trust for the delivery of Torbay's youth programme. This lease has not yet been finalised and Officers are now asking members to review this decision and agree that the site can be utilised to accommodate Torbay School and will need to include elements of youth provision. Our preferred Academy sponsor is keen to work with the Youth Trust to create a place that is accessible to the community, maintaining the initial aims of the site. We would issue an instruction to include access as part of the commercial transfer of the site, however this would be subject to confirmation by the secretary of state.

- 1.5 With support from Children's services the Youth Trust will need to develop a new business plan to maximise the use of available space at the MyPlace centre, utilise other potential opportunities on the full Parkfield site and throughout Torbay to the benefit of Children and Young People. There are a number of options that can be explored in partnership with Trustees and Councillors that would develop the Youth Trust in line with the original vision and provide them with a sustainable future that is not reliant on a single building. This could include exploration of other existing youth sites, Old Parkfield, Acorn Centre, Chilled out).
- 1.6 The relocation of Torbay school will leave a vacant site near the centre of Paignton with purpose built school accommodation. Historically, there has always been a high demand for places in this area of Paignton.
- 1.7 The LA's recent programme of expansions has ensured that there is sufficient capacity within all 3 planning areas with current projected surpluses of 3% in Torquay, 4% in Paignton and 8% in Brixham until 2020. However, the tight capacity in Paignton and Torquay does present problems for the LA when placing those children moving into the area during the school year. Plus there is no capacity for any unforeseen growth following completion of South Devon link road or any increases in housing targets as set by regional government. As a result the LA is proposing a new primary school between Paignton and Torquay in 2018. The new school would serve both areas, ensuring that the LA can respond to in year migration, parental preference and any new growth from developments not already factored into the LA projections. Furthermore Torbay has not opened a new school since it became a unitary authority in 1998; the current situation provides an opportunity for the LA to introduce competition to the local market.
- 1.8 The vacant site would provide Children Services with the opportunity to open a new primary school in Paignton. The new school would help ease capacity issues in both Paignton and Torquay and ensure that the LA can respond to in year migration, parental preference and any new growth for the foreseeable future. The Department for Education (DfE) is also encouraging Torbay to consider opening a new school at this time.

2 Reason for Proposal

- 2.1 The Council recognises and has agreed that Torbay School needs to be relocated. However, with limited capital funding Children Services needs to ensure that a viable solution is found which meets the school's needs with an affordable option. The Council owns the MyPlace site which is of sufficient size to accommodate a school; and the existing facilities would benefit the young people who attend Torbay School. The approximate additional budget cost of providing a new facility for Torbay School on an alternative site would be an additional £4million excluding the additional cost to acquire the land.

At present there are no alternatives and, if the school remains in situ, it will continue to face ongoing issues which will have a negative impact on outcomes for children. In getting to this position the Council has considered in excess of a dozen sites both owned by the Council and sites in the private sector. Following this review the clear recommendation is that Parkfield provides the only deliverable solution whilst also providing the best outcomes for the schools pupils.

- 2.2 If Torbay School does not relocate, the LA loses the opportunity to open a new primary school in the centre of Paignton.
- 2.3 Children's Services acknowledges that this proposal has challenged the existing Youth Trustees and is seeking to reframe its partnership with the Trustees through a new business plan.
- 2.4 Children Services would work in partnership with the school and the Youth Trust to ensure that the MyPlace site meets the needs of both services – to support young people.
- 2.5 Pending agreement by the Youth Trust, it would be advantageous if the school would have use of the site during the school hours and the Youth Trust would have use in the evenings, weekends and during holiday periods. In addition to this, other potential users of the wider Parkfield site (BMX Track) would be unaffected by these proposals.
- 2.6 Enabling both services to use the MyPlace facility would support positive outcomes for children and young people providing an exciting opportunity for partnership working.

3 Recommendation(s) / Proposed Decision

- 3.1 That, subject to the outcome of the formal consultation in 3.3 below and in the event of a decision being made to relocate Torbay School to the MyPlace facility in Paignton, the decision in Minute 172(ii) 'that the Executive Head of Commercial Services be given delegated authority to agree the terms of the lease and/or procurement arrangements for the transfer of the Parkfield site (the new build), BMX and Skateboard Park to the Torbay Youth Trust' be rescinded.
- 3.2 That the Director of Children's Services be requested to work in partnership with the Youth Trust to develop an alternative business plan, to be in place by July 2016, within existing Children's Services resources and to be approved by the Council.
- 3.3 That, following the outcome of the formal consultation, the decision to relocate Torbay School to the MyPlace facility in Paignton and the subsequent transfer of the area of land edged red on the plan attached as Appendix 2 of the submitted report on a 125 year lease be delegated to the Executive Director for Operations and Finance and Director of Children's Services in consultation with the Executive Lead for Adults and Children.
- 3.4 That in the event that a decision is made to transfer Torbay School to the MyPlace facility, the Executive Director for Operations and Finance and Director of Children's Services in consultation with the Executive Lead for Adults and Children be given delegated authority to develop the current Torbay School site at Torquay Road as a new primary school.

Appendices

Appendix 1: Supporting Information and Impact Assessment

Appendix 2: Plan showing land to be transferred to Children Services

Background Documents

Council Report & Decision Review of School Places 26/2/15

<http://www.torbay.gov.uk/DemocraticServices/ieDecisionDetails.aspx?ID=370>

Supporting Information and Impact Assessment

Service / Policy:	Children's Services
Executive Lead:	Councillor Julian Parrott
Director / Assistant Director:	Richard Williams

Version:	2	Date:	18.01.2016	Author:	SAMANTHA POSTON
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Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <ul style="list-style-type: none"> • That, subject to the outcome of the formal consultation in 3.3 below and in the event of a decision being made to relocate Torbay School to the MyPlace facility in Paignton, the decision in Minute 172(ii) 'that the Executive Head of Commercial Services be given delegated authority to agree the terms of the lease and/or procurement arrangements for the transfer of the Parkfield site (the new build), BMX and Skateboard Park to the Torbay Youth Trust' be rescinded. • That the Director of Children's Services be requested to work in partnership with the Youth Trust to develop an alternative business plan, to be in place by July 2016, within existing Children's Services resources. • That, following the outcome of the formal consultation, the decision to relocate Torbay School to the MyPlace facility in Paignton and the subsequent transfer of the area of land edged red on the plan attached as Appendix 2 of the submitted report on a 125 year lease be delegated to the Executive Director for Operations and Finance and Director of Children's Services in consultation with the Executive Lead for Adults and Children. • That in the event that a decision is made to transfer Torbay School to the MyPlace facility, the Executive Director for Operations and Finance and Director of Children's Services in consultation with the Executive Lead for Adults and Children be given delegated authority to develop the current Torbay School site at Torquay Road as a new primary school.
2.	<p>What is the current situation?</p> <p>In February 2015 the Council agreed that the main Torbay School needed to be relocated for the benefit of its pupils and staff, and also to allow its existing site to be utilised as a primary school to meet the demands of the local area.</p>

Since the decision officers have been carrying out feasibility studies on the relocation site at Hillside, South Parks Road, Torquay, which was identified in the original proposal. It soon became evident that this site was not viable or affordable due to its topography, restrictive access and poor ground conditions.

Children's Services have, therefore, been exploring alternative sites and have identified the site at MyPlace, Paignton as being the most viable option.

MyPlace is located at Colin Road, Paignton TQ3 2NR and is owned by the Council. In 2011 the site was developed as a purpose built youth facility with a sports hall, an indoor climbing wall, an international standard BMX track and a skate park.

In 2015 the Council agreed to lease the MyPlace site to the Youth Trust for the delivery of youth services. The lease would give the Youth Trust sole use of the site. However, this lease has not been signed yet and Children's Services are asking the Council to rescind that decision and allow Torbay School to relocate to that site alongside the youth provision, subject to the outcome of consultation.

The plan attached as Appendix 2 indicates the area of the land that Officers are requested to transfer to Children's Services on a 125 lease to become the main school site. The boundaries of this area may be subject to minor alterations as the plans for the school are developed, the final plan will be agreed with the Strategic Land Task Group.

The project would include the remodelling of existing accommodation plus the building of some new accommodation; the Youth Trust, the school leadership team and the governors would be involved throughout the design process to ensure that what is provided meets the needs of the young people who will be attending and ensure a satisfactory and complementary outcome for both parties.

In addition any new build will take into consideration the DfE recommendations for this type of provision and funding to deliver this project has been ring fenced in the Children's Services capital programme which was agreed by Council in September 2015.

Officers see a synergy between the two provisions and believe that they will potentially complement each other. The school would use the facilities on site during school hours, and then the Youth Trust would use them outside of school hours and during school holidays. The site would become a partnership between the Youth Trust and the school, opening up exciting new opportunities for both services for the youth groups they both target as well as making the facilities at MyPlace more sustainable with shared usage.

Children's Services will work within the Youth Trust to develop a new business plan, utilising, where possible, the resource of the MyPlace Centre but also looking to maximise the potential of the full Parkfield site and other opportunities throughout Torbay. Children's Services acknowledges that this proposal has challenged the existing Youth Trustees and is seeking to reframe its partnership with the Trustees through a new business plan.

This relocation of Torbay School will leave a vacant school site at Torquay Road, Paignton which Children Services propose to develop into a new 210 place primary school with a nursery.

A recent programme of expansions at existing primary schools has ensured that the LA has fulfilled its statutory duty to provide sufficient school places for the area, however, places are still tight and the LA struggles to place children who move into area midyear. This vacant site with existing school buildings provides a unique cost effective opportunity for the LA to open a new school in the centre of Paignton. This will be the first time the LA has opened a new school since going unitary in 1998. The site is in a good central location and the accommodation would need minimal modifications to make it suitable as a primary school. Funding has been ring fenced for this development from the Children’s Services capital programme.

It is proposed that the new school would open September 2018. Children Services would consult with members nearer the time on possible providers who would run the new school.

The new school would serve both Paignton and Torquay ensuring that the LA can respond to in year migration, parental preference and any new growth for from the South Devon Link road or increases in housing targets, for the foreseeable future.

3. What options have been considered?

Children’s Services have looked at various sites for Torbay School including:

Site	Advantages	Disadvantages
Riviera Way, Torquay	Level site Large site Build could be completed before school moves in	Close proximity to main road Restrictive access Prohibitive cost of acquisition Long term aspirations of Council for adjoining site Ground conditions
Lymington Road, Torquay	Level site Good access Build could be completed before school moves in Residential adjoining only on 1 aspect	Site too small Other commercial tenants sharing site
Remain at current location	Less disruptive to school New entrance, MUGA and Car parking would address some of the existing issues	Still issues with accommodation Limited scope for future expansion – growing demand Ongoing issues with neighbours Loss of central site for new primary school

	<p>Occombe House/ Fairwinds</p> <p>Paignton</p>	<p>Council owned Potentially Vacant (<i>Fairwinds is currently leased to Mayfield; lease expires July 2016</i>) Capital works could be completed before pupils move in – less disruption</p>	<p>Site to small Isolated location Vulnerable neighbours in very close proximity with shared access Grade 2 listed building Poor access via public transport Require the relocation of Mayfield Post 16 provision – <i>although their lease expires in July, there are discussions and potential to provide long term solution for this site which would allow Mayfield to remain</i> Site falls within South Hams Planning Authority</p>
	<p>Stoodley Knowle</p> <p>Torquay</p>	<p>Large site Vacant site Capital works could be completed before pupils move in – less disruption</p>	<p>Remote location Poor access via public transport Land in private ownership Negative impact on proposed development of rest of the site Prohibitive costs to acquire site</p>
	<p>Hillside, South Parks Road</p> <p>Torquay</p>	<p>Council owned Large site Already school presence on site Good access via public transport Benefits of co-locating provisions</p>	<p>Site topography prohibitive on design, layout and cost Restrictive access – highways and aspect prevent access from Barton Hill Road Highways solution too expensive Disruption to existing on site provision Close proximity to very residential area Shared narrow access with residents Contractors would load prelims due to restricted access</p>
	<p>Ministry of Justice Site Riviera Way</p> <p>Torquay</p>	<p>Large site Good level site – easy to design and construct on; more value for money Capital works could be completed before pupils move in – less disruption</p>	<p>Prohibitive costs to acquire site Ground conditions – landfill so only a small part of the site could be built on Close proximity to main road Restrictive access Impact on long term aspirations for adjacent site Expensive option as complete new build require</p>
	<p>Vacant B&Q site</p> <p>Torquay</p>	<p>Central location Vacant possession Good access via public transport Capital works could be completed before pupils</p>	<p>Too small No outside space Complicated site for construction Land locked</p>

		move in – less disruption	
	Grange Road Paignton	Council owned Good access via public transport	Existing lease already in place Poor ground conditions Too small Restrictive access Expensive option as complete new build required
	Tanners Road, Clennon Valley Paignton	Council owned	Too small Expensive option as complete new build required
	Chestnut School/Centre Brixham	Council owned Existing buildings designed as a school so value for money/would require minimal refurbishment Large/adequate site	Would need to relocate existing services which would impact on vulnerable children and their families Brixham location a long way for majority of children who come from Torquay
	Old Mill Road Torquay	Council owned Vacant site Good access via public transport Capital works could be completed first – less disruption	Too small Limited outside space Old buildings would require significant investment and maintenance
	Lymington Road Torquay	Good level site – easy to design and construct on Good access via public transport Residential neighbours only on one aspect Capital works could be completed before pupils move in – less disruption	Too small Other commercial tenants sharing site Would require significant and costly change to access/highways
	MyPlace/ Parkfield, Paignton	Council owned Good level site – easy to design and construct on Good access via public transport Parking nearby Residential neighbours only on one aspect Good access for contractors Capital works could be completed before pupils move in – less disruption Synergies with youth services to be run from the site – shared opportunities for more targeted youth work & more work with vulnerable young people Opportunity to maximise use of asset; recognised that the excellent facilities on this site are underused during the day Shared use of site will make MyPlace as a youth hub more sustainable; shared	Impact on current users Impact on Youth Trust who were to be granted a lease on the site Covenant – would need to seek agreement from National Trust Possible change to public access/right of way

		<p>costs Could use existing buildings as part of the school; only built in 2012 so require minimal refurbishment Cost effective ; value for money</p>		
<p>4.</p>	<p>How does this proposal support the ambitions and principles of the Corporate Plan 2015-19?</p> <p>This proposal supports the ambitions of the Corporate Plan 2015-19 by giving vulnerable young people the best possible opportunity to achieve and succeed as Torbay School is a special school which caters for secondary aged children with behavioural, emotional and social difficulties.</p> <p>The proposal supports the corporate plans principle of reducing demand on services through prevention and innovation. By supporting vulnerable young people through the activities on offer through the Youth service and through this special school, Children’s Services aim is to address their needs and improve their outcomes in their early life; preventing the need for costly and limited intervention later in life.</p>			
<p>5.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>This proposal has the potential to have an impact on the pupils, staff and governors of Torbay School. In its report to Council in February, Children’s Services flagged up the issues around the school’s existing site and how it is having a negative impact on service delivery. The proposed relocation would address those issues. Children’s Services will be consulting with this group to ensure that they are in agreement.</p> <p>The proposal also has the potential to have an impact on the current plans held by the Youth Trust. The proposal will have a negative impact on young people currently using the facility which has been open access including the BMX track and the skate park. MyPlace is a fantastic local facility which is currently underused by young people during school hours. By having the school there alongside the youth provision, Children’s Services are seeking to maximise the potential of that site and ensure that it remains sustainable. Children’s Services will be continuing to work with the Youth Trust and consulting the young people who currently use the facility.</p> <p>Other parties that have an interest and that will be consulted with include:</p> <ul style="list-style-type: none"> • Torbay Gymnastics Club • Co Ordin8 Day Club • Local Councillors • All Torbay Schools • Local ward partnership • Residents group • DfE Lottery capital department 			

6.	<p>How will you propose to consult?</p> <p>The consultation will be in the form of site visits to the proposed site with stakeholders. A questionnaire will also be made available. Consultation with young people will take place using focus groups through the Parkfield youth sessions.</p>
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<p>Section 2: Implications and Impact Assessment</p>	
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7.	<p>What are the financial and legal implications?</p> <p>Torbay Youth Trust currently has a business plan based on their lease of the whole site, and a full Council agreement in respect of this. This proposed change means that the business case would no longer provide the sustainable outcomes and growth expected. A new business plan will need to be worked up for the Youth Trust and be in place by July 2016 if this proposal is accepted.</p> <p>The shared use of the site will need careful consideration to ensure that both the Youth Trust and Torbay school can operate as effectively as possible for their future needs.</p> <p>The DfE capital department would need to give permission to change the usage of the site which was built as a youth centre.</p> <p>There will be costs attached to the re-build and some of these will relate to ensuring both the youth provider and Torbay School have adequate and appropriate space to enable their business.</p>
8.	<p>What are the risks?</p> <p>There is a potential risk to the Youth Trust of its viability within its existing business plan. If the proposed options are agreed then a new business plan would need to be developed for the Youth Trust.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>The procurement of works undertaken for this project and any related projects will be in accordance with the Public Services Value Act 2012.</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p><u>MyPlace</u></p> <p>Currently at MyPlace there are no Youth Work staff providing services during</p>

	<p>the day. An adult disabilities group uses the centre all day every day bar one and the sports hall is rented exclusively to a club, but is used very little during the day. Other rooms in the centre are rented on an ad hoc basis.</p> <p><u>Torbay School</u></p> <p>The proposed relocation gives the Local Authority an opportunity to address issues at the existing school site which are having a negative impact of the outcomes of the school. If the proposal is agreed the new site will be developed in line with DfE guidance and recommendations for this type of provision. There will be a greater focus on the specific needs of the young people who will be attending – in particular the external spaces and areas for sport which DfE recognise can have a positive impact on this group of young people.</p> <p>Those attending Torbay School tend to be those who experience poor socio economic conditions and are less likely to access mainstream facilities; this relocation offers an opportunity for them to access the best on offer.</p> <p><u>New Primary School Paignton</u></p> <p>The Local Authorities recent programme of expansions has ensured that there is sufficient capacity within all three towns, with current projected surpluses of 3% in Torquay and 4% in Paignton until 2020. However, the tight capacity in Paignton and Torquay does present problems for the Local Authority when placing those children moving into the area during the school year. Plus there is no capacity for any unforeseen growth following completion of South Devon link road or any increases in housing targets as set by regional government.</p> <p>As a result the Local Authority is proposing a new primary school between Paignton and Torquay in 2018. The new school would serve both areas, ensuring that the Local Authority can respond to in year migration, parental preference and any new growth from developments not already factored into the Local Authority projections.</p> <p>Furthermore Torbay has not opened a new school since it became a unitary authority in 1998.</p>
<p>11.</p>	<p>What are key findings from the consultation you have carried out?</p> <p>To be updated once consultation has been undertaken.</p>
<p>12.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>To be updated once consultation has been undertaken.</p>

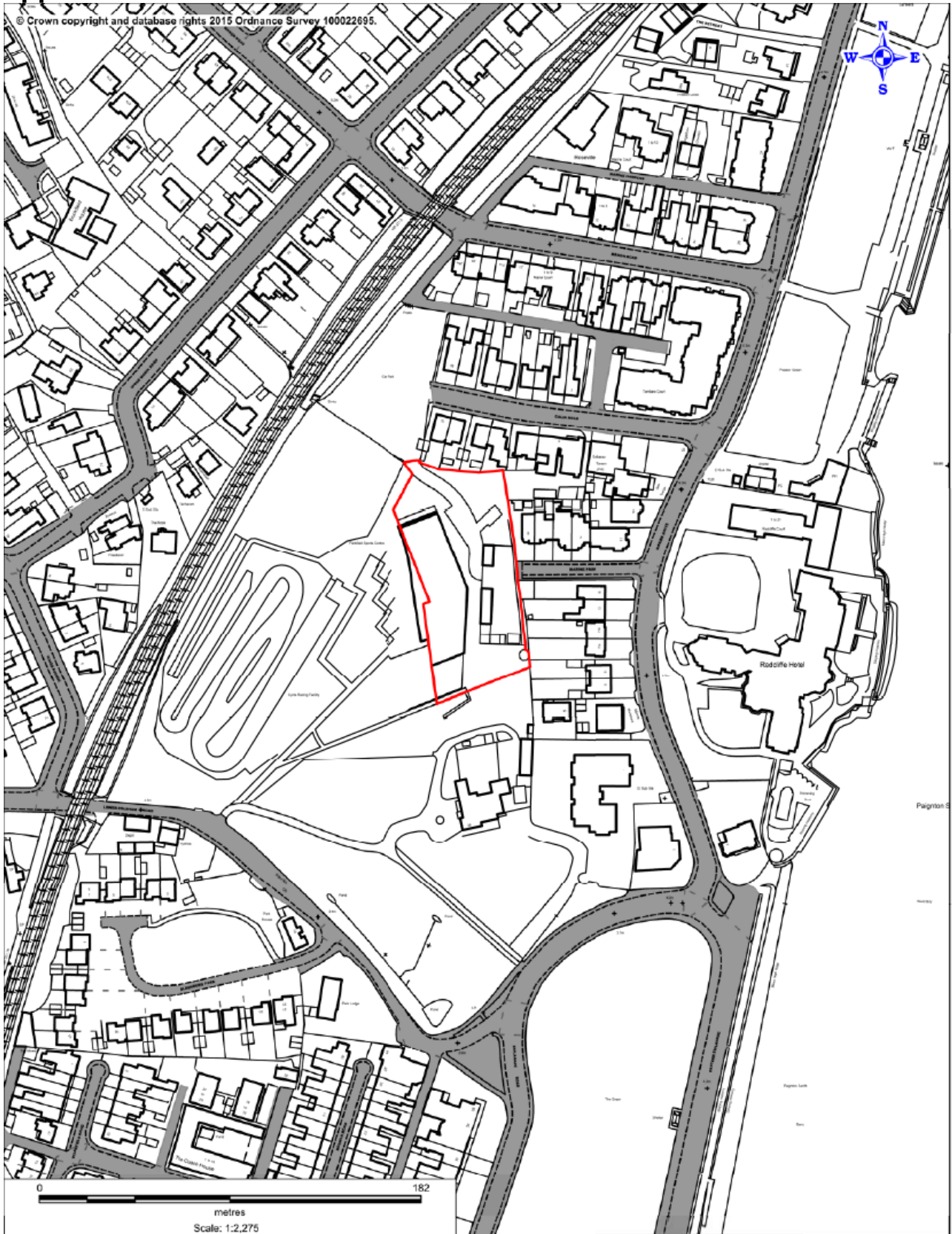
Equality Impacts

13	Identify the potential positive and negative impacts on specific groups Please Note: This section will be updated once consultation has been undertaken.			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			
	People with caring Responsibilities			
	People with a disability			
	Women or men			
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			
	Religion or belief (including lack of belief)			
	People who are lesbian, gay or bisexual			
	People who are transgendered			
	People who are in a marriage or civil partnership			
	Women who are pregnant / on maternity leave			

	Socio-economic impacts (Including impact on child poverty issues and deprivation)		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)		
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)		

Appendix 2

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EM Plan No: EM2671
Date: 19th January 2016
Title: My Place, Paignton EBD School.

Asset No: P0697
LR Title No: DN127384
Scale: 1:1250
Area: 4,907.16m²



TORBAY DEVELOPMENT AGENCY - ASSET MANAGEMENT

Parkfield Decision: Impact Assessment

This Impact Assessment has been prepared to provide interested parties with a full appreciation of the implications of not moving forward with the decision to relocate the existing Torbay School to the Parkfield site.

Youth Provision

The current plan for youth provision envisaged the Parkfield site transferring to the TDA from April 2017 in order to commence preparation for the site alterations necessary to relocate Torbay School. Premises' costs would no longer be met from the Youth Services budget from that date thereby making a significant contribution towards the efficiencies that have enabled the service to reduce its annual revenue budget from £476k to £330k. This is within the context of the £1.5M in savings for children's services set out in the Council's 2017/18 revenue budget.

Should the decision not progress, the premises' costs for Parkfield of circa £100K would continue to be met from within the reduced Youth Services budget. Given the costs (£110K) and current demand pressures within the Young Carers service there is little or no scope for this element to be reduced. This would leave around £120K to meet youth service staffing costs, support delivery activity and provide grants to voluntary sector youth providers. A further pressure would arise from the loss of revenue from the Gymnastics club, currently £31K, who are required to relocate elsewhere in order to ensure Parkfield's grant funding conditions can be met.

It is likely that the Youth Trust would not be viable as a vehicle for the future delivery of youth services on the proposed 2017/18 budget of £330K if it were required to continue to meet Parkfield's premises' costs. In essence, the Parkfield site could remain open for youth provision but would lack any appreciable capacity for delivery.

Torbay SEMH School

The Torbay School would be required to continue on its existing site which the Council had previously identified as not being fit for purpose for Social, Emotional, Mental Health (SEMH) provision for some of our most vulnerable pupils, in February 2015. At this stage, there is no credible and affordable, alternative option for the development of new SEMH provision. It should be noted that the school is currently judged inadequate by Ofsted and a new sponsored academy has been brokered on the understanding that alternative premises will be brought forward as an integral part of the improvement journey.

Pupil Place Planning

The new primary school planned for the vacated Torbay School would not progress with provision from September 2018 onwards, as originally envisaged. The projected increases in pupil numbers in this area of the borough would require to be met by dispersing pupils to existing schools with spare places. There is no guarantee, however, that this would be sufficient to meet projected needs and it is also the case that the local authority is not able

to direct academies or free schools to accept pupils. Transport costs are also likely to be incurred for any pupils where there are no available places at nearby schools.

The current plan for a new primary school at the vacated site forms part of the Wave 12 applications which are now being considered by the DfE and Education Funding Agency within the context of regional and national demand for school places. Although the decision is yet to be confirmed, conversations with the DfE indicate that our proposals are being considered favourably. The decision is likely to be confirmed during April. Should we be unable to bring forward the school in Wave 12, there is a risk that Torbay will lose the opportunity for a new school.

Any new or subsequent (delayed but treated as new) application would be considered within Wave 13 for which the criteria have yet to be published. Indications from DfE officials suggest that future bids for free schools will be directed towards the delivery of selective and special school places, in line with the recent change in policy direction. Wave 13 will also be much smaller in scope, with 110 projects nationally compared to 500 currently. Selection is already a feature of the Torbay offer which may limit our opportunities when compared with bids from other areas seeking to develop new selective provision where none currently exists. The demand pressures within Torbay are also predominantly within Primary phase at this stage.

The Wave 12 bids currently under consideration have been brought forward by two of our local multi academy trusts (MATs), with the support and engagement of the local authority. The bid process involves market testing, including engagement with local parents as part of the underpinning evidence base. As such, there is a public awareness of the proposals which will need to be addressed should the applications be approved but be unable to progress because the Torbay SEMH school cannot relocate. There are therefore considerable reputational implications for Torbay Council with parents, the MATs involved and other educational partners, and the DfE. It will also undermine confidence in our ability to develop similar proposals in future which is of significance given that the current arrangements for developing capacity require this type of collaborative approach, albeit that the DfE/EFA will take any final decision.

Notice of Motion – Council 6 April 2017 (Council Decision) Amendment to Council Standing Order A14.3

A14.3 Procedure

- (a) If the subject matter of any motion listed on the agenda comes within the province of the Executive or any Council committee, it shall stand referred to the Elected Mayor or committee, as appropriate, ~~without debate~~ **following debate by Councillors if the matter is to be determined by the Executive at Full Council**. Executive matters will be considered and determined by the Elected Mayor normally at a meeting of the Policy Development and Decision Group (Joint Operations Team) or (Joint Commissioning Team) or he/she may announce his/her decision at the Council meeting, or may refer the matter to an individual member of the Executive or an officer. Matters referred to a Council committee will be placed on the next available agenda and the Committee will determine whether to request officers to prepare a report on the matter for consideration at a future meeting.

Proposer: Councillor Sanders
Secunder: Councillor Darling (S)



Meeting: Council

Date: 10 May 2017

Wards Affected: All wards

Report Title: Delivery of student accommodation on part of Upton Place (Torquay Town Hall Car Park)

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately

Executive Lead Contact Details: Gordon Oliver, Mayor and Executive Lead for Regeneration and Finance, mayor@torbay.gov.uk / Richard Haddock, Executive Lead for Business, richard.haddock@torbay.gov.uk

Supporting Officer Contact Details: Pat Steward, Regeneration Programme Director, (01803) 208918, pat.steward@tedcltd.com / Kevin Mowat, Executive Head of Business Services, kevin.mowat@torbay.gov.uk

1. Proposal and Introduction

- 1.1 On 6 April 2017 the Council agreed a Transformation Strategy for Torbay's Town Centres, as an appendix to the 2013 – 2018 Economic Strategy, and the principles for delivery of that strategy. One element of that strategy included the delivery of student accommodation at Upton Place (part of the Torquay Town Hall Car Park), subject to approval by Council of a business case. This report presents that business case to the Council and seeks support for delivery of student accommodation on part of Upton Place.
- 1.2 Town Centre Regeneration is one of the Council's most important transformation projects. It has two key objectives:
- To deliver and enable significant and successful regeneration of Torbay's town centres, as a key part of Torbay's overall growth and place making agenda
 - To generate income to support the Council's budget in order to deliver local services.
- 1.3 The proposal is for the delivery by the Council of a turnkey 300 bed student accommodation building on part of Upton Place (Torquay Town Hall Car Park), for use by full time students based in Torbay. The proposed building would include accommodation, a dining area, social space and a gym. The education provider also needs some external space, close to the student accommodation, and has

requested use of the redundant basketball / netball courts on Upton Park, which it would bring back into use in line with the Upton Park Masterplan.

- 1.4 The headlines of that proposal are that the Council would prudentially borrow up to £14.2m to construct a student accommodation building, with the provider entering into a 25 year lease and paying an annual rent to the Council. The building is proposed to be ready for the start of the academic year in September 2019, subject to Council approval and planning permission.
- 1.5 The education provider has recently confirmed its interest to move forward with the project, to enter into a lease and has confirmed its acceptance of the principles of the proposal. They have not yet entered into any contract or formal agreement to lease.
- 1.6 Further work is needed, over the next two months, to refresh previous site investigation work (e.g. ecology, arboriculture, heritage), to produce more detailed designs and refine the costs of the proposed building. That work will ensure costs and income streams can be better defined, but design and appraisal work to date is based on a good knowledge of the site and is considered to be as robust as it can be at this stage.
- 1.7 The business case is included as Exempt Appendix 2 to this report. The figures within the Business Case in themselves provide a good case for delivery of student accommodation at Upton Place.
- 1.8 The financial returns, coupled with significant town centre regeneration benefits, opportunities for local businesses and the availability of alternative car parking near Upton Place, presents a very compelling case for delivery of this project. The development will result in a very small loss of car parking income, estimated at around £24,000 per annum under the current parking regime, with the majority of car parking being displaced to other nearby car parks. But this loss is a very small figure in comparison to the income that could be generated by student accommodation and, in any event, could be covered by displacement and/or changes to the existing parking regime.
- 1.9 This site has been the subject of, and gained planning permission for, redevelopment proposals including significant office / commercial space. The proposed student accommodation uses the same footprint and is of a very similar scale to the previously approved office / commercial space (see concept sketch drawings attached as Appendix 1). Based on these concept drawings it is anticipated that 104 of the current 190 car parking spaces would be retained following development.
- 1.10 The use of this site by a large format food retail store has also been explored previously. Subsequently the site has been identified for various forms of development in the Local Plan, in the Torbay Town Centre Masterplan and in the emerging Torquay Neighbourhood Plan.

2. Reasons for Proposal

- 2.1 The proposal is in accordance with the Council's Policy Framework including the Corporate Plan, Economic Strategy and the Transformation Strategy for Torbay's Town Centres. The proposal will help transform Torquay's town centre, as part of a wider place making agenda, which includes change and growth in Torbay.
- 2.2 The proposal will generate additional footfall and spend in Torquay Town Centre, with the knock on benefit of attracting further investment in the town centre.
- 2.3 The proposal will help meet the needs of a key business, in a key sector, in Torbay and will promote Torbay.
- 2.4 The proposal will generate significant revenue income to the Council, to help support town centre regeneration.
- 2.5 The proposal will not result in a significant loss of income from car parking and other car parks, in close proximity to Upton Place, have the capacity to absorb diverted demand.

3. Recommendation(s) / Proposed Decision

- 3.1 That prudential borrowing of up to £14.2 million to support the design and build of the student accommodation at Upton Place be approved.
- 3.2 That the Council enter into a 25 year full repairing and insuring lease, as detailed in the Business Case, subject to further negotiation, and with an option for the Council to sell the building within the lease period to the education provider.
- 3.3 That power be delegated to the Chief Executive, in consultation with the Chief Financial Officer and the Executive Head of Business Services, to agree the final details of the lease, following more detailed design work and further discussion with education provider.
- 3.4 That it be agreed, in principle, for the exclusive use by education provider of the redundant basketball/netball courts on Upton Park and that a final decision be made in accordance with the Constitution following further discussions with the provider.
- 3.5 That it be agreed, in principle, that some of the income from this project be used to finance the refurbishment of the Lower Union Lane Multi Storey Car Park and/or targeted public realm improvements (as set out in the Council's Transformation Strategy for Torbay's Town Centres), subject to Council's subsequent approval of separate business cases for the refurbishment and public realm works.

Appendices

Appendix 1: Concept sketch drawings of student accommodation at Upton Place

Appendix 2: Business Case for Upton Place

Section 1: Background Information

1.	What is the proposal / issue? 1.1 There is a need to secure purpose build accommodation for 300 students for the start of the academic year in September 2019. 1.2 A proposal has been made for the delivery by the Council of a turnkey 300 bed student accommodation building on part of Upton Place (Torquay Town Hall Car Park). The headlines of that proposal are that the Council would prudentially borrow up to £14.2m to construct a student accommodation building, with the provider entering into a 25 year lease and paying an annual rent to the Council. The building is proposed to be ready for use in September 2019, subject to Council approval and planning permission. 1.3 Further work is needed to refresh previous site investigation work, undertaken for past planning applications and development proposals, to produce detailed building designs and to refine the costs of delivering a student accommodation building. This will then allow further discussion and agreement with the provider, refinement of costs and the submission of a planning application. 1.4 Pace is critically important in the delivery of town centre regeneration. The Council has agreed (in April 2017) a Transformation Strategy for Torbay's Town Centres, including a package of proposals for each town centre, to help deliver growth and change in accordance with the Economic Strategy, Culture Strategy, draft Destination Management Plan and Local Plan. This proposal is in accordance with those strategies. It is important, especially with the provider's support for the proposal, to move forward with pace on the delivery of this project. 1.5 This report includes financial information and an impact assessment which shows the proposal is: <ul style="list-style-type: none">• A commercially attractive proposition for the Council, in terms of income generation• An important project to support town centre regeneration, with no overall adverse impact on parking capacity
2.	What is the current situation? 2.1 The Council has approved (April 2017) a Transformation Strategy for Torbay's Town Centres. The development of Upton Place, for student accommodation, forms part of that strategy. 2.2 The site has been the subject of soft market testing, since October 2016, with some investor / developer interest but also some concerns

	<p>about viability of development given perceptions of residential sales values.</p> <p>2.3 The site has previously been promoted for commercial / office use (with the benefit of planning permission) and for food retail purposes. There was insufficient market interest in food retail to support delivery.</p> <p>2.4 The site is currently used for car parking, generating income of just over £165,000 per annum at present. The car park is heavily used by commuters, many paying only £1 a day (via the Annual Commuter Permit) to park during office hours.</p> <p>2.5 The Homes and Communities Agency (HCA) is due to take possession of the Magistrate's Court site, from the Ministry of Justice, during the course of Summer 2017. The HCA will be seeking to deliver residential development within two years.</p> <p>2.6 A Masterplan has been produced for Upton Park. It has been supported by the community. The Masterplan seeks greater use of and safety within Upton Park, including new uses and lighting.</p>
<p>3.</p>	<p>What options have been considered?</p> <p>3.1 A range of options have previously been considered for Upton Place, including office / commercial space and for a large format food store. None of these options have been delivered, due to insufficient market interest.</p> <p>3.2 A number of new options have been considered for this site, as part of the work of the Town Centre Regeneration Programme Board. These include:</p> <ul style="list-style-type: none"> • Do nothing – continued use of the land as a car park. The Board is keen to ensure there is sufficient parking capacity to serve town centres, to support growth and regeneration. The Board recognises the importance of perception, by visitors and businesses, of a sufficient number of parking spaces. However, the Board is also aware of significant capacity in a number of Council owned car parks serving town centres. Consequently the Council's strategy for town centre transformation includes development on some Council owned car parks, including Upton Place. • Mixed use – soft market testing has included the option of residential (85 apartments) and commercial space (500 sq mts). Sketch schemes showed a similar form and footprint of buildings has gained planning permission for office / commercial space. This form of development gained some investor / developer interest, but there were also concerns about viability and sales values.

	<ul style="list-style-type: none"> • Health & Wellbeing Hub – The Torbay and South Devon NHS Foundation Trust has previously expressed an interest in delivering a Health and Wellbeing Hub on the site, perhaps alongside student accommodation. However, the Trust is not able to progress this proposal for 2 – 3 years. In addition, it is the sort of use that is more suitable in a High Street location. <p>3.3 The Town Centre Regeneration Programme Board has explored a number of delivery mechanisms for the site, including sale, a joint venture partnership for packages of sites and development partnerships for individual sites. In April 2017 the Council agreed that, as a first principle, the Council should seek to direct deliver development on its own sites.</p> <p>3.4 The option of sale of the land / building to the education provider has also been considered. The Council’s preference, at the moment, is for revenue income. As such, it is proposed to lease the building to the provider. The Council may decide, in the future, that it needs a capital receipt. Consequently, it is proposed to keep this option open to the Council and the provider.</p>
<p>4.</p>	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</p> <p>4.1 Town Centre Regeneration supports the ambition of creating a Prosperous and Healthy Torbay with the creation of vibrant and attractive town centres identified as a specific action in the Delivery Plan for “Working towards a more prosperous Torbay”.</p> <p>4.2 The proposed delivery of student accommodation on this site accords with the Council’s Transformation Strategy for Torbay’s Town Centres.</p>
<p>5.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>5.1 The proposals for this site will have a direct impact on adjoining land owners / residents. Those people will be consulted as part of the formal planning process.</p> <p>5.2 The proposals for this site will have an indirect and positive impact on property owners, tenants and investors in Torquay Town Centre. There has already been widespread engagement with residents, businesses and other organisations – resulting in significant support for town centre regeneration.</p> <p>5.3 The proposal may also involve the relocation of users of buildings alongside the existing library. There are ongoing discussions with those users, which will be informed by further design work.</p>

6.	<p>How will you propose to consult?</p> <p>6.1 The proposal for this site is included within the Council's Transformation Strategy for Torbay's Town Centres. The Strategy flows from the adopted Town Centre Masterplans for Torquay and Paignton, and the concept plan produced by the community for Brixham Town Centre. There has been a huge amount of community and business engagement on all those plans.</p> <p>6.2 There will also be informal engagement, with a range of Council services and partners, on the more detailed design work as it progresses over the next few months, subject to Council support to proceed.</p> <p>6.3 As firm proposals emerge for the site these will be subject to further engagement and consultation, specifically in the build up to and as part of the formal planning process.</p>
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Section 2: Implications and Impact Assessment

7.	<p>What are the financial and legal implications?</p> <p><u>Financial Implications</u></p> <p><u>Car Park Income</u></p> <p>7.1 The Town Hall Car Park provides around 190 car parking spaces. The mean occupancy is 119 spaces. It is over 90% full on 86 days and full on 108 days of the year. It is one of Torquay's busiest car parks, but this is in large part due to the high number of commuters (9 – 5 workers) using the car park rather than shoppers or visitors. Consequently the car park has a relatively low turnover of spaces during the day and generates less income than it could do if turnover of spaces was higher.</p> <p>7.2 The car park currently generates around £165,000 p.a. net income to the Council. Over the next 10 years, and assuming 2% growth in income per annum (which would represent significant growth), the car park could generate just over £197,000 pa in ten years' time. Delivery of student accommodation (300 beds) on the site will result in the estimated loss of 86 parking spaces – 44% of the total number of spaces. That would lead to a loss of parking income from the Town Hall Car Park. However, evidence shows that up to 85% of the revenue lost at the Town Hall Car Park would be recouped at Lower Union Lane and Union Square car parks. Therefore, an overall loss of 15% of car parking income equates to an average of £24,300 p.a. over the next 10 years.</p> <p>7.3 The remaining 104 spaces will be used to capacity, under current</p>
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parking usage arrangements, on 233 days per annum. This is not considered to be an issue, as displaced parking will be absorbed by Lower Union Lane MSCP (Multi-Storey Car Park) and Union Square, where evidence shows there is capacity when the Town Hall Car Park is full.

7.4 There are three key mechanisms the Council should put in place to increase income from the remaining spaces and reduce commuter use of those spaces.

- Firstly it should limit the number of spaces available at Upton Place to commuters and Annual Commuter Permit holders.
- Secondly, it could support the refurbishment of Lower Union Lane Multi Storey Car Park to ensure it is more attractive to use, especially for commuters.
- Thirdly, effective electronic signage / wayfinding is needed to show spaces available at key car parks subject to a further business case.

These measures will increase visitor satisfaction, improve safety, increase use / space and drive up car park income. The measures will ensure the remaining spaces at Upton Place (Town Hall Car Park) perform in much the same way as the surface level shoppers' car park at Lower Union Lane. It is expected that a report on the business case for refurbishment of Lower Union Lane MSCP will be presented to Council in or before July 2017.

Student accommodation

7.5 The financial details of the proposed development are included within the attached business case (Exempt Appendix 2).

7.6 The business case sets out the initial rental income and that it would rise every 5 years, in line with inflation. The education provider has indicated its acceptance of these terms in its confirmation of interest in the site / development.

7.7 The cost of servicing prudential borrowing (of around £14m) over 25 years is just under £20,000,000 with the rental income over the same period more than covering this. The clear difference in income over expenditure is shown in the Business Case and provides flexibility, to account for changes to construction costs / building specification or to contributions to refurbishment of Lower Union Lane Multi-Storey Car Park and /or targeted public realm improvements for example.

7.8 Council should note that the construction cost appraisal indicates an estimated construction cost of £12.3m. Prudential borrowing of up to £14.2m is recommended to cover additional costs, including a project contingency, project management costs, professional fees and legal costs.

	<p>7.9 The use of the building is unlikely to attract business rates, but further assessment will be required – over the next few months – on the use of the dining room and gym areas and whether those are to be run as businesses.</p> <p>7.10 Student accommodation does not attract Council Tax. However, the development is likely to include ten units which may attract some Council Tax. This is assumed to be at Band A (£1,089.00 per annum) for the purposes of this assessment. A 50% discount normally applies to this type of accommodation, where occupation is linked to work requirements. As such it is assumed that the Council will receive £5,000 p.a. in Council Tax.</p> <p>7.11 The Council will retain an asset of significant value at the end of the lease period. There is also the option of the Council converting the student accommodation to open residential use, at the end of the lease or if the education provider ceases use of the building.</p> <p>7.12 It is anticipated that the footfall and spend by students in Torquay will generate more confidence in the economy and encourage further investment to support town centre regeneration.</p> <p>7.13 The income to the Council from student accommodation, coupled with the direct and indirect benefits, to local businesses and to town centre regeneration, together present a very compelling case for delivery of student accommodation at Upton Place. Car parking spaces lost to the development can be accommodated by capacity within nearby car parks, especially Lower Union Lane Multi Storey Car Park. There could be some small loss of income from car parking, but this could be made up by implementation of a different parking regime and – in any case – the loss of income is a very small percentage (less than 2%) of the likely income gained through the proposed development. Income from student accommodation could support the business case for refurbishment of the Lower Union Lane Car Park, which will help achieve another regeneration outcome and wider town centre regeneration benefits.</p> <p><u>Legal Implications</u></p> <p>7.16 The TDA, acting on the Council’s behalf, will ensure all proper procurement and legal requirements are followed in appointing consultants and contractors, including local labour supply, apprenticeships etc, and in securing the lease.</p> <p>7.17 Use by the provider of part of Upton Park, especially if that results in exclusive use of part of a public park, will be the subject of a new lease and will follow all required statutory processes.</p>
<p>8.</p>	<p>What are the risks?</p>

	<p>8.1 A full risk register will be produced as part of the project management process, if the Council supports the recommendations in this report.</p> <p>8.2 There are risks associated with seeking planning permission. It is a reasonably sensitive site, adjacent to listed buildings and valuable trees. An inclusive design process will be followed, to reduce risks.</p> <p>8.3 There are risks of cost overruns in the construction process. It is suggested that a design and build contract is used, with responsibility for cost overruns assigned to the contractor</p> <p>8.4 There are risks of delays to the development programme. That is part of the justification for asking Council to support the proposal at this point in time. A forty week construction period is envisaged, so it's important to accelerate the design, planning and legal elements of the process.</p> <p>8.5 There are risks in relation to the future value of the building. The use of a clause, to allow disposal of the asset by the Council, will help overcome that risk. In additional, it is proposed to use a construction technique that will allow relatively easy conversion of the building to open residential use, if necessary.</p> <p>8.6 The tenant will be required to sign a formal agreement to lease (a binding contract) before the construction contract is awarded or further significant cost is incurred by the Council. This formal agreement will commit the tenant to signing a lease for the accommodation on completion.</p>
<p>9.</p>	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable.</p>

Equality Impacts

10	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	The economic and social benefits of town centre regeneration are significant and well evidenced such that it is envisaged that there will be a positive benefit for all residents and all those with protected characteristics. This proposal is likely to support investment that will have particular benefits for younger people		
	People with caring Responsibilities	As above		
	People with a disability	As above		
	Women or men	As above		
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	As above		
	Religion or belief (including lack of belief)	As above		
	People who are lesbian, gay or bisexual	As above		

	People who are transgendered	As above		
	People who are in a marriage or civil partnership	As above		
	Women who are pregnant / on maternity leave	As above		
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	As above		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Town centre regeneration will improve the economy of Torbay. Economic prosperity helps create healthier communities and by supporting regeneration projects we will be able to improve health inequalities which currently exist across Torbay. This project will have health, safety and wellbeing benefits to the students that use it.		
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	Town centre regeneration will take account of proposals which are being put forward in relation to integrated transport and other regeneration projects and capital investments to ensure that a coherent approach is taken to creating a prosperous and healthy Torbay. This project will encourage and support investment in Torbay.		
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	Town centre regeneration will take account of issues which positively impact of reducing the amount of crime and disorder therefore making our town centres safer and more attractive places for residents, workers and businesses.		

Appendix 1: Concept sketch drawings for student accommodation at Upton Place

