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FORWARD PLAN

Compiled on behalf of the Elected Mayor of Torbay

Forward Plan published on 5 October 2018

1 November 2018 to 31 January 2019

**For information relating to the Forward Plan or to request a copy in another
format or language please contact:**

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Torbay Council

Forward Plan of Key Decisions

Explanatory Note

Torbay Council is required to publish a Forward Plan of all key decisions to be taken in the following four months. The first Plan became effective on 1 March 2002. It is updated monthly.

Although Government regulations suggest that Key Decisions should only refer to Executive functions, Torbay Council has decided that those Council functions that would have been a Key Decision if they were to have been decided by the Elected Mayor will also be included in the Forward Plan. This will include changes to the Council's Policy Framework and decisions that are not in accordance with the Council's Budgetary Framework.

The Regulations define a key decision as a decision that is likely to:

- (i) result in incurring expenditure or making of savings which are significant; or
- (ii) be significant in terms of its effects on communities living or working in the area.

The Council has produced comprehensive criteria to define "significant" and these are set out on the following page.

The Forward Plan consists of a brief description of the decisions that are to be made, consultation information, key risks and key opportunities.

Copies of the documents referred to in the Forward Plan may be obtained by contacting the Governance Support Team by telephone (01803 207087), email (governance.support@torbay.gov.uk) or post (Town Hall, Castle Circus, Torquay, TQ1 3DR).

The Forward Plan is available free of charge on request from the Governance Support Team of Torbay Council and is available for inspection at the Connections offices in Torquay, Paignton and Brixham. It is also available on the Council's website (<http://www.torbay.gov.uk/forward-plan>).

Gordon Oliver
Elected Mayor of Torbay

To request a copy in another format or language phone 01803 207087

Definitions of "significant"

Expenditure and savings

A proposed decision shall be regarded as a Key Decision by way of “**incurring expenditure or making of savings which are significant**” if any one or more of the following apply:

- (1) In the opinion of the Chief Finance Officer, there is likely to be a budget variation (other than one within a Business Unit) of more than £250,000;
- (2) In the opinion of the Chief Finance Officer, it is likely to result in capital expenditure above that provided for in the capital programme and it is likely to involve an additional call on the Council’s internal resources of more than £250,000;
- (3) In the opinion of the relevant Director, the decision is likely to have a material effect on Council services, including where:
 - (i) an existing service will be reduced by more than 10 per cent or will cease altogether;
 - (ii) a service which is currently provided in house will be outsourced (or vice versa); or
 - (iii) a partnership will be entered with a third party which is likely to involve a material element of risk transfer to the Council;
- (4) The proposal involves the acquisition or disposal of land having a value estimated by the Chief Finance Officer to be likely to exceed £250,000;
- (5) The proposal involves the disposal of a capital asset (other than land) having a value estimated by the Chief Finance Officer to be likely to exceed £250,000;
- (6) Where in the opinion of the Assistant Director Corporate and Business Services the proposal is likely to result in compulsory redundancies or major changes to the terms and conditions of employment of 100 or more employees across the Council’s functions;

Effect of communities

A proposed decision shall be regarded as a Key Decision by way of being “**significant in terms of its effects on communities living or working in the area**” if the relevant Director or Assistant Director, in consultation with the relevant Executive Member, considers that it ought to be included in the Forward Plan having regard to all the circumstances including the following principles:

- (1) A decision may affect a great number of people, or a number of wards, but not significantly and these decisions shall **not** normally be regarded as key;
- (2) A decision that has a significant impact on communities living or working in only one ward will normally be treated as a Key Decision e.g. a school closure or the introduction or amendment of traffic calming measures;
- (3) Where a decision is only likely to have a significant impact on a very small number of people in one ward it will **not** normally be key. But the people affected should be informed of the forthcoming decision in sufficient time for them to exercise their rights to see the relevant papers and make an input into the decision making process;

- (4) Consideration should be given to the level of public interest in the decision. The higher the level of interest the more appropriate it is that the decision should be considered to be key.

Torbay Council's ambition is for Torbay to be prosperous and healthy. This will be achieved through the following targeted actions:

- Protecting all children and giving them the best start in life;
- Working towards a more prosperous Torbay;
- Promoting healthy lifestyles across Torbay;
- Ensuring Torbay remains an attractive and safe place to live and visit; and
- Protecting and supporting vulnerable adults.

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Adult Social Care - Review of Care Homes Fees Model for Older People in Torbay

The Council has a duty to set its 'usual cost' for care homes fees each year. The Council and its NHS partners are looking at options to potentially refresh the existing care homes fees model for older people, to assist with the determination of future fees.

Wards affected:	All Wards
Consultees:	Care Homes in Torbay that support older people and Members.
Means of Consultation:	Letters, survey and supporting documents.
Documents to be considered:	There are currently no documents published. All documents will normally be published at least five clear working days before the meeting. Where documents are not available five clear working days before the meeting, the documents will be published at the same time as they are made available to the decision maker.
Responsible Executive Lead and Officer:	Executive Lead for Adults (Councillor Julien Parrott) Director of Adult Services and Housing (Caroline Taylor)
Link to targeted actions:	Protecting and supporting vulnerable adults
Reason for inclusion in the Forward Plan:	High level of public interest
Decision Maker:	Council
Intended Decision Date:	21 Feb 2019
If you want to make representations contact:	Caroline Taylor Director of Adults and Housing, Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR, telephone (01803) 208949, email caroline.taylor@torbay.gov.uk

Capital funding for Roselands Primary to support Council's statutory place planning duty and the transfer of Council Land to an Academy Trust

Primary numbers in Paignton continue to rise as a result of housing completions and high birth rates. A new primary school is planned for the area but its opening has been delayed until September 2020. In order to ensure the Council's meets its statutory place planning duty and meets demand a bulge Reception class will be required in the Paignton area for September 2019, for one year only.

The proposal is for the bulge class to be accommodated at Roselands Primary School through the provision and funding of an additional classroom.

Wards affected:	Goodrington with Roselands
Consultees:	School staff, parents, local community and other stakeholders.
Means of Consultation:	Council Officers have consulted with the school and other stakeholders. The school is also consulting on the proposal through meetings and information sharing.
Documents to be considered:	There are currently no documents published. All documents will normally be published at least five clear working days before the meeting. Where documents are not available five clear working days before the meeting, the documents will be published at the same time as they are made available to the decision maker.
Responsible Executive Lead and Officer:	Executive Lead for Children and Housing (Councillor Cindy Stocks) Director of Children's Services (Alison Botham)
Link to targeted actions:	Protecting all children and giving them the best start in life
Reason for inclusion in the Forward Plan:	Capital expenditure +£250,000 and outside Capital Plan
Decision Maker:	Council
Intended Decision Date:	18 Oct 2018

If you want to make representations contact:	Samantha Poston, Schools Capital & Planning Officer, TDA, 3rd Floor, Tor Hill House, Torquay, TQ2 5QW, telephone (01803) 208260, email samantha.poston@tedcltd.com / Rachael Williams, Head of Education and Learning, Torbay Council, Town Hall, Castle Circus. Torquay. TQ1 3DR, telephone (01803) 208743, email rachael.williams@torbay.gov.uk
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Joint Health and Wellbeing Strategy

To review the Joint Health and Wellbeing Strategy which sets out how Torbay Council and its partners will work together to improve the health and wellbeing of the residents of Torbay.

Wards affected:	All Wards
Consultees:	Health and Wellbeing Board, Clinical Commissioning Group (CCG) Governing Body, Torbay Children's Safeguarding Board and Torbay Adult's Safeguarding Board, Voluntary and Community Sector, Safer Communities Torbay and Overview and Scrutiny Board.
Means of Consultation:	Meetings and circulation of papers
Documents to be considered:	There are currently no documents published. All documents will normally be published at least five clear working days before the meeting. Where documents are not available five clear working days before the meeting, the documents will be published at the same time as they are made available to the decision maker.
Responsible Executive Lead and Officer:	Executive Lead for Health and Wellbeing (Councillor Jackie Stockman) Director of Public Health (Caroline Dimond)
Link to targeted actions:	Promoting healthy lifestyles across Torbay
Reason for inclusion in the Forward Plan:	Policy Framework
Decision Maker:	Elected Mayor Council
Intended Decision Date:	July 2018 5 Dec 2018
If you want to make representations contact:	Caroline Dimond, Director of Public Health, Town Hall, Castle Circus, Torquay, email caroline.dimond@torbay.gov.uk and telephone (01803) 207344

Joint Supplementary Planning Document (SPD) South Hams Special Area of Conservation (SAC)

To adopt a new joint 'Supplementary Planning Document (SPD) South Hams Special Area of Conservation (SAC)' as part of the Council's Policy Framework. The South Hams SAC is a European designation established under the Conservation of Habitats and Species Regulations 2010 (Habitats Regulation) and is unusual in that it is comprised of several separate but linked component Sites of Special Scientific Interest with significant Greater Horseshoe Bat maternity roost importance located over five local planning authority areas.

The joint SPD will apply to all five local planning authority areas which cover the South Hams SAC and the habitat surrounding it and is designed to assist people who are submitting and determining planning applications with the objective to facilitate the appropriate siting/planning/design of development so as to avoid/mitigate significant impact on the favourable conservation status of the SAC.

Wards affected:	All Wards
Consultees:	Statutory, non-statutory and planning database.
Means of Consultation:	Joint consultation led by Teignbridge Council minimum 6 weeks
Documents to be considered:	There are currently no documents published. All documents will normally be published at least five clear working days before the meeting. Where documents are not available five clear working days before the meeting, the documents will be published at the same time as they are made available to the decision maker.
Responsible Executive Lead and Officer:	Deputy Mayor and Executive Lead for Planning and Waste (Councillor Derek Mills) Assistant Director Business Services (Kevin Mowat)
Link to targeted actions:	Ensuring Torbay remains an attractive and safe place to live and visit
Reason for inclusion in the Forward Plan:	Policy Framework
Decision Maker:	Elected Mayor Elected Mayor Council

Intended Decision Date:	29 Mar 2018 2 Jul 2018 5 Dec 2018
If you want to make representations contact:	Adam Luscombe, Senior Strategy and Project Delivery Officer, Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR, telephone (01803) 207693, email adam.luscombe@torbay.gov.uk

Licensing of Houses in Multiple Occupation (HMOs)

To consider a business case on selective and/or additional licensing of HMOs.

Wards affected:	All Wards
Consultees:	The Mayor and Councillors
Means of Consultation:	Meetings and circulation of papers.
Documents to be considered:	There are currently no documents published. All documents will normally be published at least five clear working days before the meeting. Where documents are not available five clear working days before the meeting, the documents will be published at the same time as they are made available to the decision maker.
Responsible Executive Lead and Officer:	Deputy Mayor and Executive Lead for Planning and Waste (Councillor Derek Mills) Assistant Director Business Services (Kevin Mowat)
Link to targeted actions:	Ensuring Torbay remains an attractive and safe place to live and visit
Reason for inclusion in the Forward Plan:	High level of public interest
Decision Maker:	Council
Intended Decision Date:	5 Dec 2018
If you want to make representations contact:	Kevin Mowat, Executive Head Assets and Business Services, telephone: (01803) 292429, email: kevin.mowat@torbay.gov.uk, Town Hall, Castle Circus, Torquay, TQ1 3DR

Memorandum of Understanding for Adult Mental Health

This is a memorandum of understanding between Torbay Council, Torbay and South Devon NHS Foundation Trust and Devon Partnership Trust relating to the roles and responsibilities for delivery of adult mental health services.

Wards affected:	All Wards
Consultees:	Council officers, the Elected Mayor and Executive Leads, Torbay and South Devon NHS Foundation Trust and Devon Partnership Trust officers.
Means of Consultation:	Meetings and circulation of papers.
Documents to be considered:	There are currently no documents published. All documents will normally be published at least five clear working days before the meeting. Where documents are not available five clear working days before the meeting, the documents will be published at the same time as they are made available to the decision maker.
Responsible Executive Lead and Officer:	Executive Lead for Adults (Councillor Julien Parrott) Director of Adult Services and Housing (Caroline Taylor)
Link to targeted actions:	Protecting and supporting vulnerable adults
Reason for inclusion in the Forward Plan:	High level of public interest
Decision Maker:	Elected Mayor
Intended Decision Date:	5 Nov 2018
If you want to make representations contact:	Caroline Taylor, Director of Adult Services and Housing, Town Hall, Castle Circus, Torquay, TQ1 3DR, email caroline.taylor@torbay.gov.uk; telephone (01803) 207336

Memorandum of Understanding for Risk Share Post Contract

The five year Risk Share Agreement between Torbay Council, the Clinical Commissioning Group (CCG) and Integrated Care Organisation (ICO) needs to be reviewed in order to agree the principles and mandate for reaching an agreement on health and care delivery for adults with the CCG and ICO via a signed memorandum of understanding in preparation of the end of the Risk Share Agreement.

Wards affected:	All Wards
Consultees:	Clinical Commission Group, Integrated Care Organisation, Senior Leadership Team and Elected Mayor and Councillors.
Means of Consultation:	Meetings and circulation of papers.
Documents to be considered:	There are currently no documents published. All documents will normally be published at least five clear working days before the meeting. Where documents are not available five clear working days before the meeting, the documents will be published at the same time as they are made available to the decision maker.
Responsible Executive Lead and Officer:	Executive Lead for Adults (Councillor Julien Parrott) Director of Adult Services and Housing (Caroline Taylor)
Link to targeted actions:	Protecting and supporting vulnerable adults
Reason for inclusion in the Forward Plan:	High level of public interest
Decision Maker:	Elected Mayor Council
Intended Decision Date:	1 Oct 2018 18 Oct 2018
If you want to make representations contact:	Caroline Taylor, Director of Adult Services and Housing, Town Hall, Castle Circus, Torquay, TQ1 3DR, email caroline.taylor@torbay.gov.uk; telephone (01803) 207336

Neighbourhood Plans

Following the outcome of the Independent Examination of the Neighbourhood Plans for Brixham, Paignton and Torquay the Council is required to consider what action to take in response to the recommendations of the Examiner in respect of each of the Neighbourhood Plans.

Wards affected:	All Wards
Consultees:	Statutory consultees in respect of Neighbourhood Plans, members of the public and other interested parties.
Means of Consultation:	Meetings, circulation of consultation papers.
Documents to be considered:	There are currently no documents published. All documents will normally be published at least five clear working days before the meeting. Where documents are not available five clear working days before the meeting, the documents will be published at the same time as they are made available to the decision maker.
Responsible Executive Lead and Officer:	Deputy Mayor and Executive Lead for Planning and Waste (Councillor Derek Mills) Assistant Director Business Services (Kevin Mowat)
Link to targeted actions:	Working towards a more prosperous Torbay
Reason for inclusion in the Forward Plan:	High level of public interest
Decision Maker:	Council
Intended Decision Date:	15 Nov 2018
If you want to make representations contact:	Kevin Mowat, Executive Head Assets and Business Services, telephone: (01803) 292429, email: kevin.mowat@torbay.gov.uk, Town Hall, Castle Circus, Torquay, TQ1 3DR

Review of Leases to Torbay Coast & Countryside Trust

Given the financial challenges that face the Torbay Coast & Countryside Trust, as well as the Council, it is appropriate for certain amendments to be agreed to the areas of land leased to the Trust (including land at Preston Down Road and Collaton St Mary), together with a renegotiation of the existing financial and landlord/tenant arrangements between both parties.

Wards affected:	All Wards
Consultees:	Torbay Coast & Countryside Trust, Mayor, Mayors Executive Group, Group Leaders, Overview & Scrutiny Board and Senior Leadership Team
Means of Consultation:	Meetings and circulation of papers.
Documents to be considered:	There are currently no documents published. All documents will normally be published at least five clear working days before the meeting. Where documents are not available five clear working days before the meeting, the documents will be published at the same time as they are made available to the decision maker.
Responsible Executive Lead and Officer:	Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (The Elected Mayor, Gordon Oliver) Director of Corporate Services (Anne-Marie Bond)
Link to targeted actions:	Working towards a more prosperous Torbay
Reason for inclusion in the Forward Plan:	Revenue Budget variation +£250,000
Decision Maker:	Council
Intended Decision Date:	18 Oct 2018
If you want to make representations contact:	Kevin Mowat, Executive Head Assets and Business Services, telephone: (01803) 292429, email: kevin.mowat@torbay.gov.uk, Town Hall, Castle Circus, Torquay, TQ1 3DR

Review of Polling Districts, Polling Places and Polling Stations 2018

Following a review by the Boundary Commission of the electoral arrangements for Torbay and the recommendations made by the Commission, the local authority is now required to undertake a review of all of its polling districts, its polling places and its polling stations.

Wards affected:	All Wards
Consultees:	Members of the Public, The Acting Returning Officers for Torbay Council and South Hams District Council, Councillors, Brixham Town Councillors, Local MPs, Political Parties, Voluntary Organisations and Community Partnerships.
Means of Consultation:	Proposals will be published on the Council's website.
Documents to be considered:	There are currently no documents published. All documents will normally be published at least five clear working days before the meeting. Where documents are not available five clear working days before the meeting, the documents will be published at the same time as they are made available to the decision maker.
Responsible Executive Lead and Officer:	Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (The Elected Mayor, Gordon Oliver) Director of Corporate Services (Anne-Marie Bond)
Link to targeted actions:	Corporate Support
Reason for inclusion in the Forward Plan:	High level of public interest
Decision Maker:	Council
Intended Decision Date:	5 Dec 2018
If you want to make representations contact:	Catherine Hayden, Electoral Services Team Leader, (01803) 207075, catherine.hayden@torbay.gov.uk

Review of Statement of Gambling Principles

The Licensing Authority is required every 3 years to review and re-publish the Statement of Gambling Principles Policy. Whilst most Licensing matters are delegated by statute to the Licensing Committee, the Gambling Policy is a Policy Framework document and must be agreed by full Council.

Wards affected:	All Wards
Consultees:	<p>The Gambling Act 2005 provides that the following must be consulted:</p> <p>The Chief Officer of Police, Persons representing the interests of gambling businesses, existing licence or permit holders, all responsible authorities as named in the Act, resident and trade associations and any other bodies representing persons likely to be affected by the exercise of the Authority's functions, faith groups, voluntary and community organisations, organisations working with young people and children, organisations working to support problem gamblers, medical associations and primary care trusts and any other body that may have an interest in gambling activity.</p>
Means of Consultation:	The draft Gambling Policy will be agreed in principle by Licensing Committee, following which there will be a 12 week full public/trade consultation. Responses to the consultation are reviewed by Licensing Committee, following which recommendation is made to full Council for adoption.
Documents to be considered:	There are currently no documents published. All documents will normally be published at least five clear working days before the meeting. Where documents are not available five clear working days before the meeting, the documents will be published at the same time as they are made available to the decision maker.
Responsible Executive Lead and Officer:	<p>Executive Lead for Environment (Councillor Vic Ellery)</p> <p>Assistant Director Community Services (Tara Harris)</p>
Link to targeted actions:	Ensuring Torbay remains an attractive and safe place to live and visit
Reason for inclusion in the Forward Plan:	Policy Framework

Decision Maker:	Council
Intended Decision Date:	5 Dec 2018
If you want to make representations contact:	Gary O'Shea Principle Officer Licensing and Public Participation, Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR, telephone (01803) 208025, email gary.oshea@torbay.gov.uk

Replacement of Vehicles

The Council needs to purchase/lease a number of vehicles to enable continued service delivery.

Wards affected:	All Wards
Consultees:	Senior Leadership Team and Mayor's Executive Group.
Means of Consultation:	Meetings and circulation of papers.
Documents to be considered:	There are currently no documents published. All documents will normally be published at least five clear working days before the meeting. Where documents are not available five clear working days before the meeting, the documents will be published at the same time as they are made available to the decision maker.
Responsible Executive Lead and Officer:	Deputy Mayor and Executive Lead for Planning and Waste (Councillor Derek Mills) Director of Corporate Services (Anne-Marie Bond)
Link to targeted actions:	Ensuring Torbay remains an attractive and safe place to live and visit
Reason for inclusion in the Forward Plan:	High level of public interest
Decision Maker:	Council
Intended Decision Date:	5 Dec 2018
If you want to make representations contact:	Anne-Marie Bond, Director of Corporate Services, Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR, telephone (01803) 207015, email anne-marie.bond@torbay.gov.uk

Torquay Gateway Highway Improvements - Shiphay Lane Junction to Woodlands Road - Acquisition of Land - Compulsory Purchase Order

The proposed Highway Improvement Scheme between Shiphay Lane Junction and Woodland Road, Torquay forms part of the series of improvements under the heading of 'Torquay Gateway'.

Funding for these schemes has been provided by the Heart of the South West Local Enterprise Partnership and this is the final scheme in the series, providing additional capacity to this section of the A3022 Newton Road.

A section of land, currently in the ownership of Network Rail is required to provide sufficient space to create the widened road. Discussions have commenced with Network Rail to acquire the land by negotiation, however there may be a need to acquire the land through a Compulsory Purchase Order, should the current negotiations fail to reach an agreement or are unreasonably delayed.

Wards affected:	Shiphay with the Willows
Consultees:	Network Rail are the only consultee in this process.
Means of Consultation:	The scheme forms part of Torbay Council's Local Transport Plan, already approved by Full Council. The Compulsory Purchase Order will require formal advertisement prior to implementing.
Documents to be considered:	There are currently no documents published. All documents will normally be published at least five clear working days before the meeting. Where documents are not available five clear working days before the meeting, the documents will be published at the same time as they are made available to the decision maker.
Responsible Executive Lead and Officer:	Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (The Elected Mayor, Gordon Oliver) Director of Corporate Services (Anne-Marie Bond)
Link to targeted actions:	Ensuring Torbay remains an attractive and safe place to live and visit
Reason for inclusion in the Forward Plan:	High level of public interest
Decision Maker:	Council

Intended Decision Date:	5 Dec 2018
If you want to make representations contact:	Ian Jones - Highways and Transport Service Manager, Town Hall, Castle Circus, Torquay, TQ1 3DR, email ian.jones@torbay.gov.uk , telephone (01803) 207835

