

Monday, 15 March 2021

## **CABINET**

A meeting of **Cabinet** will be held on

**Tuesday, 23 March 2021**

commencing at **5.30 pm**

The meeting will be held remotely via Zoom (the links to the meeting are set out below)

<https://us02web.zoom.us/j/84406061515?pwd=NIZaUmkzUTRNQjFOk2FQUU1jYnBnUT09>

Meeting ID: 844 0606 1515

Passcode: 871683

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Meeting ID: 844 0606 1515

Passcode: 871683

### **Members of the Committee**

Councillor Steve Darling (Chairman)

Councillor Carter

Councillor Long

Councillor Cowell

Councillor Morey

Councillor Law

Councillor Stockman

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## **Together Torbay will thrive**

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**Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) - [www.torbay.gov.uk](http://www.torbay.gov.uk)

# CABINET AGENDA

## 1. Apologies

To receive apologies for absence.

## 2. Disclosure of Interests

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

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

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

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

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

## 3. Communications

To receive any communications or announcements from the Leader of the Council.

## 4. Urgent Items

To consider any other items the Chairman decides are urgent.

## 5. Matters for Consideration

## 6. Changing Places Policy

(Pages 5 - 18)

To consider a report that proposes the Council leads on a partnership which develops and implements a Changing Places Toilets Policy in Torbay.

Please note, as part of the consideration of this item there will be a presentation from Stephen Marks, Chair of Mencap.

## 7. Our Promise to You - The Torbay Pledge to cared for and care experienced children/young people 2021-2022

(Pages 19 - 28)

To consider the recommendations of the Children and Young People's Overview and Scrutiny Board in respect of the 'Our

Promise to You – The Torbay Pledge to cared for and care experienced children and young people 2021-2022’.

- 8. Interim Climate Change Emergency Task and Finish Report** (Pages 29 - 36)  
To consider the report of the Overview and Scrutiny Board on the Climate Change Emergency and formally respond to the recommendations contained within the submitted report.
- 9. Carbon Neutral Torbay Approach 2021-2022 and Initial Action Plan** (Pages 37 - 62)  
To consider a report that sets out a carbon neutral approach for 2021-22 including the development of the Carbon Neutral Council Action Plan and Carbon Neutral Torbay Action Plan.
- 10. Pavilion Update** (Pages 63 - 100)  
To consider a report that seeks authorisation for Torbay Council to enter into an exchange of letters protocol with Marina Developments Ltd and YG Developments Ltd, which sets out the mutually agreed way forward in respect of the Pavilion.
- 11. TorVista Homes Business Plan** (Pages 101 - 128)  
To consider a report that seeks approval of the TorVista Homes Business Plan.
- 12. Leasehold Re-gear, Waterside Caravan Park, Three Beaches, Dartmouth Road, Paignton** (Pages 129 - 136)  
To consider a report that seeks up to £2,500,000 to enhance facilities at Waterside Caravan Park as part of a reverse premium and to authorise a re-gear of the existing lease to extend the term, modernise and institutionalise the lease.
- 13. Redevelopment of 12-14 Strand (former Debenhams building)** (Pages 137 - 143)  
To consider a report that seeks authority to refine the focus of any redevelopment plan and planning permission to purely the land owned by the Council rather than the wider Strand.
- 14. Community Safety**  
To provide an opportunity for the Cabinet to review community safety in Torbay in light of the issues arising from the murder of Sarah Everard.
- 15. Exclusion of Press and Public**  
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following items on the agenda on the grounds that exempt information (as defined in Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.
- 16. Torbay Coast & Countryside Trust Funding Request** (Pages 144 - 156)  
To consider an exempt report on the above.
- 17. Variation of Terms of Investment Loan** (Pages 157 - 170)  
To consider an exempt report that seeks to authority to vary the terms of an investment loan.

### **Instructions for the Press and Public for joining the meeting**

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

### **Joining a meeting**

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

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

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

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

### **Meeting Etiquette - things to consider when attending a virtual meeting**

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

**Meeting: Cabinet**

**Date: 23 March 2021**

**Wards Affected: All**

**Report Title:** Changing Places Policy

**Cabinet Member Contact Details:**

Jackie Stockman, Cabinet Member for Adults and Public Health

Mike Morey, Cabinet Member for Infrastructure, Environment and Culture

**Director/Assistant Director Contact Details:**

Joanna Williams, Director of Adult Social Services, [Joanna.williams@torbay.gov.uk](mailto:Joanna.williams@torbay.gov.uk)

David Edmondson, Assistant Director - Planning, Housing & Climate Emergency, [david.edmondson@torbay.gov.uk](mailto:david.edmondson@torbay.gov.uk)

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**1. Purpose of Report**

To propose that the Council leads on a partnership which develops and implements a Changing Places Toilets Policy in Torbay.

**2. Reason for Proposal and its benefits**

It is important that people with profound, complex and multiple disabilities and impairments are able to safely, comfortably and hygienically spend time away from their home. Changing Places Toilets support this by providing sanitary facilities, with extra space and equipment that can be used by people who require the assistance of one or two carers/companions. As they are designed for assisted use they should supplement, not replace, standard unisex accessible toilets. They are usually accessed via the RADAR key scheme.

**3. Recommendation(s) / Proposed Decision**

(i) That Torbay Council leads on a partnership which develops a Changing Places Policy, which incorporates:

- A commitment from Torbay Council to supporting the provision of Changing Places toilets in Torbay.
- An electronic map and guide as to where they can be found in Torbay.
- An aspirational blueprint and statement on where they would ideally be situated to gain full coverage
- Planning guidance on requirements for new buildings and guidance on what constitutes a Changing Place Toilet
- A shared commitment from public, private and voluntary sector partners to do everything they can to promote, create and maintain changing places toilets.

- A commitment to encourage the use of mobile Changing Places Toilets at major public events – these are available to lease.
- (ii) That the concept of the Changing Places Toilet is supported by Cabinet in principle and delegates the development and implementation of the policy to the Assistant Director of Adult Services in consultation with the Assistant Director of Planning, Housing and Climate Emergency.
- (iii) That Torbay Council, with partners, submits a bid to the newly announced Changing Places Fund to provide an additional changing places toilet in Torbay.

## **Appendices**

Appendix 1: Planning Guidance for Changing Places Toilets

## **Background Documents**

Information on Changing Places Toilets can be found on <http://www.changing-places.org/>

# Supporting Information

## 1. Introduction

- 1.1 The proposals in this report help us to deliver improve accessible changing facilities for people who need a lot of assistance. It will particularly support severely disabled people who are looking to holiday in the bay, and those residents who need these facilities.
- 1.2 Nationally, over a quarter of million people need access to Changing Places Toilets to enable them to get out and about and enjoy the day-to-day activities many of us take for granted.
- 1.3 The Changing Places Toilet on Paignton seafront is run by Healthmatic, on behalf of Torbay Council. Usage in 2020 has been affected by COVID 19 Lockdown – however it shows a clear spike in the summer months – which supports the view that disabled tourists and their carers are using the facility.

Healthmatic reports 2020 usage as:

Month (2020)	Users
January	1
February	2
March	2
April	0
May	2
June	0
July	14
August	8
September	5
October	3
November	1
December	1

## 2. Options under consideration

- 2.1 No other options have been considered, other than to not adopt this policy.

## 3. Financial Opportunities and Implications

- 3.1 There are currently no financial implications for The Council. However, potential future costs could include the building costs of any proposed future Changing Places Toilets. These would be presented and costed separately. At that point, there would also be maintenance and cleaning costs – if they are in Council Owned buildings.

Other resources will include Council officer capacity to develop web resources and some planning officer time for advice.

- 3.2 On 4 March 21, Government announced a new £30million fund to increase the number of Changing Places toilet facilities across existing buildings in London.

We propose that Torbay submits a bid to this fund as soon as details become available, delegated to the Director of Adult Services and Assistant Director of Planning, Housing and Climate Emergency to undertake with the wider changing places group.

#### **4. Legal Implications**

- 4.1 The Building Regulations, (Under Part M) have been amended and from January 2021 such that a considerable number of new buildings, or those subject to a change of use, commonly used by the public will be mandated to include a Changing places toilet. This will need to be factored in to the costs of the building, or refurbishment and must be reflected in our Changing Places Policy.

#### **5. Engagement and Consultation**

- 5.1 The 'Changing Places' group includes council members, interested members of the public, service providers for people with severe physical disabilities, planning and other officers. Any policy will be co-produced by this group.

#### **6. Purchasing or Hiring of Goods and/or Services**

- 6.1 We appointed Healthmatic on a partnership basis to fully manage all of our public toilets. This includes closures, new toilets and any requirements we have in relation to Changing Places, which was specifically covered within the tender documents. As our approved contractor you can only work with Healthmatic.

#### **7. Tackling Climate Change**

- 7.1 N/A

#### **8. Associated Risks**

- 8.1 N/A



## Equality Impacts

9.	Identify the potential positive and negative impacts on specific groups		
	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			This proposal does not affect this group
People with caring Responsibilities	This proposal is directly designed to positively affect disabled people and their carers		
People with a disability	This proposal is directly designed to positively affect disabled people		
Women or men			This proposal does not affect this group
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			This proposal does not affect this group
Religion or belief (including lack of belief)			This proposal does not affect this group
People who are lesbian, gay or bisexual			This proposal does not affect this group
People who are transgendered			This proposal does not affect this group
People who are in a marriage or civil partnership			This proposal does not affect this group

	Women who are pregnant / on maternity leave			This proposal does not affect this group
	Socio-economic impacts (Including impact on child poverty issues and deprivation)			This proposal does not affect this group
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			This proposal does not affect this group
<b>10..</b>	<b>Cumulative Council Impact</b> (proposed changes elsewhere which might worsen the impacts identified above)			
<b>11.</b>	<b>Cumulative Community Impacts</b> (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)			



# Changing Places Toilets Guidance

Planning & Building Control

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This document can be made available in other languages and formats.  
For more information please contact [planning@torbay.gov.uk](mailto:planning@torbay.gov.uk)

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*“We want to make Torbay as accessible as possible to everyone. Torbay Council is encouraging Changing Places Toilets in all appropriate destinations and developments as they can transform experiences for many residents, visitors and their families.”*

***Councillor Jackie Stockman, Cabinet Member for Adults and Public Health***

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Changing Places Symbol

## Background

It is important that people with profound, complex and multiple disabilities and impairments are able to safely, comfortably and hygienically spend time away from their home. Changing Places Toilets (CPTs) support this by providing sanitary facilities, with extra space and equipment, that can be used by people who require the assistance of one or two carers/companions. As they are designed for assisted use they should supplement, not replace, standard unisex accessible toilets. They are not appropriate for bariatric use<sup>1</sup> and are not baby changing facilities.

## What is a Changing Places Toilet?

CPTs have a floor area of at least 3x4 metres with a ceiling height of 2.4 metres and provide a range of features including:

- Tracking hoist covering the whole room
- Adult changing bench which is adjustable and easy to clean
- Toilet with drop down support rails and 1m clearance each side (from centre of pan)
- (Optional) adjustable shower (hose to reach centre of bench)
- Adjustable height sink
- Privacy curtain/screen
- Alarm pull cords and reset button
- Comfortable temperature for undressing
- Welcoming and interesting decoration with visual contrast to highlight equipment, door frames and door handles

For the full specifications of a CPT see Changing Places and British Standard BS 8300-2:2018. If you do not have access to the British Standard please see the example layout at Appendix 1. These features are in addition to requirements in Part M of the Building Regulations.

In some cases facilities that don't meet all of the minimum specifications in the British Standards can be registered as a CPT but you should bear in mind that these cannot be used by as many people.

## What are the benefits of a CPT?

CPTs enable people with profound, complex and multiple disabilities and impairments, and their families to access every day places and stay away from home for longer.

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<sup>1</sup> The room structure, track, hoist and changing bench should operate at a safe working load of 200kg

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*“Changing Places Toilets make the difference between visiting somewhere for a couple of hours and being able to stay for a day or until the end of an event.”*

**Stephen Marks, Torbay Mencap Society**

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CPTs can also help providers by demonstrating a clear commitment to being inclusive and welcoming, enhancing public safety, attracting the “purple pound” and as an example of a “reasonable adjustment” under the Equality Act 2010.

## Where should CPTs be provided?

Many types of places may be able to accommodate a CPT. They are most needed in every day locations where people pass through or spend time. Locally adapted from BS 8300-2:2018<sup>2</sup>, The Building Regulations have changed in January 2021 and so in line with those changes Torbay Council is seeking the inclusion of a CPT in largescale public developments such as:

- a.** major transport terminals and interchanges, e.g. large railway stations and airports
- b.** roadside service stations
- c.** sport and leisure facilities, including large hotels
- d.** cultural centres, e.g. museums, concert halls and art galleries, and faith centres
- e.** stadiums and large auditoriums
- f.** large commercial retail premises and shopping centres
- g.** key buildings within town centres, e.g. town halls, civic centres and main public libraries
- h.** educational establishments
- i.** health facilities, such as hospitals, health centres and community practices
- j.** other visitor attractions, such as theme parks, monitored beaches and parks

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<sup>2</sup> Permission to reproduce extracts from British Standards is granted by BSI Standards Limited (BSI). No other use of this material is permitted. British Standards can be obtained in PDF or hard copy formats from the BSI online shop: <https://shop.bsigroup.com/>

## How do I install and manage a CPT?

The CPT Consortium sets out advice for installation. In addition to Building Regulations consent, you may also require planning permission and/or listed building consent to install a CPT; please check with Torbay Council Planning if you are unsure.

Careful consideration should be given to the location of your CPT in relation to disabled persons' parking, co-location with other visitor facilities and the avoidance of physical barriers, e.g. uneven surfacing, steep slopes and multiple doors. Locating a CPT before any ticket barriers will maximise the number of people who can benefit from the facility.

The appropriate management arrangements will depend on the location, opening hours and likely usage of your CPT. Typically access is freely available within public buildings and visitor complexes where there is surveillance by staff, or via a more managed locking system appropriate to the level of security risk where CPTs are in less observed locations.

As with all public toilets, CPTs should be regularly monitored and cleaned to ensure they are kept to a good standard. Venue staff should be familiar with the CPT, but are not expected to help visitors use the facilities as assistance will be provided by carers/companions. More information can be found here: [Changing Places > Home \(changing-places.org\)](https://changing-places.org)

## How much will a CPT cost?

Installation costs will vary depending on the specifications of the equipment being installed and whether the CPT is being installed in an existing building, will form a new extension, or is being designed into a new building.

As a guide, adapting a suitably sized room to a full CPT will cost from around £15,000. There are lots of variables with new builds; our advice is that you look at installing a CPT as early as possible in the design process so that it can be factored into the space, building schedule and budget. It is worth checking whether you are eligible for funding.

## Publicise and celebrate your CPT!

CPT providers tell us they take pride in their facilities. Make the most of your CPT by following these tips:

- Display CPT signage plus clear signs for other toilet / baby changing facilities so that people use the most appropriate facilities
- Register your facility on the CPT website with accurate details such as opening times, precise location and whether a key or coins are needed
- Tell your customers by updating your website and social media, host a media launch and have fun with the CPT selfie kit

- Let Torbay Council know by emailing us using the address below, we intend to produce an interactive map with locations of the Changing Places Toilets as they develop.
- Enter to win Loo of the Year

For further information please visit [www.torbay.gov.uk/changingplacestoilets](http://www.torbay.gov.uk/changingplacestoilets) **TBC** or contact Torbay Council, via [planning@torbay.gov.uk](mailto:planning@torbay.gov.uk) or phone 01803 207801.

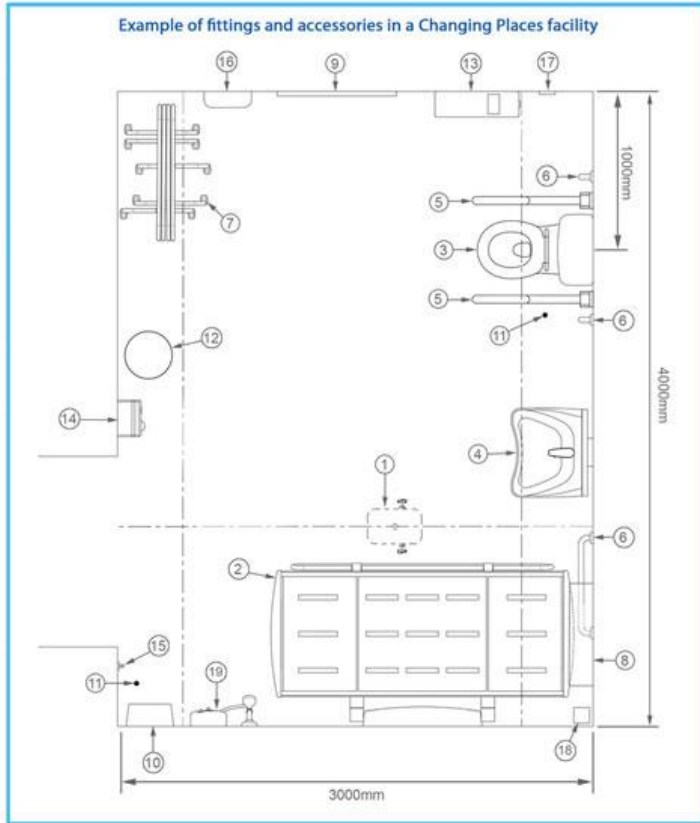


The opening of the Changing Places toilet Paignton Sea front



# Appendix 1: Example of fittings and accessories in a changing places toilet

Extract from British Standard BS 8300-2:2018<sup>3</sup>



### Key / Specification

- ① Ceiling Hoist and track (CP XY I).
- ② Height adjustable adult-sized changing bench (CP CB 3-7).
- ③ WC (CP WCLL 1).
- ④ Height Adjustable Wash Basin (CP WBB 1-6).
- ⑤ Drop Down Rails (CP DDR I).
- ⑥ Vertical / Horizontal grab rail (CP GR I).
- ⑦ Retractable privacy curtain / screen (CP WS I).
- ⑧ Wide paper roll dispenser for use on the changing bench (CP PD I).
- ⑨ Full length mirror (CP M I).
- ⑩ Paper towel dispenser \*
- ⑪ Alarm pull cord \*
- ⑫ Waste disposal bin \*
- ⑬ Large sanitary disposal bin \*
- ⑭ Manually operated hand-dryer \*
- ⑮ Two clothes hooks, at 1051mm and 1400mm above the floor \*
- ⑯ Sanitary towel dispenser \*
- ⑰ Alarm reset button \*
- ⑱ Floor Drain \*
- ⑲ Shower (Optional) \*

\*supplied by others

Note 1: Provision of a wash/dry type WC can enable greater independence and dignity for users.

Note 2: Provision of a shelf can be beneficial for users.



<sup>3</sup> Permission to reproduce extracts from British Standards is granted by BSI Standards Limited (BSI). No other use of this material is permitted.

British Standards can be obtained in PDF or hard copy formats from the BSI online shop: <https://shop.bsigroup.com/>

DRAFT

# **Our Promise to You – The Torbay Pledge to cared for and care experienced children/young people 2021-2022**

**Report to Cabinet on 23 March 2021**

## **Background**

1. The Children and Young People's Overview and Scrutiny Board met on 1 March 2021 to consider the 'Our Promise to You – The Torbay Pledge to cared for and care experienced children/young people 2021-2022'.
2. The Board heard from Jenny Hunt, Senior Youth Worker from Torbay Youth Trust who outlined the submitted presentation and the approach taken to develop 'Our Promise to You – The Torbay Pledge to cared for and care experienced children/young people 2021-2022' and the names and logos: Cared For Community – understanding who we are together; The Circle – young people in care Council; and My Voice – open mic for care leavers. She highlighted the role of the Council as 'Corporate Parents' and the critical question that should be asked when adopting an approach to supporting children in care 'is this good enough for my child?'.
3. Charlie Hine spoke on behalf of the care community and advised that the pledge would be a game changer and help the children to feel normal if it is implemented and followed through. She explained that there needed to be more support for transition post 18 and becoming a care leaver as currently many young people were returning home to their parents, which was not always the best place for them but was familiar and easier without the appropriate support. She felt that we needed to treat children in care as individuals and explained the difficulty of doing things because of being labelled a 'child in care' and wanting to feel 'normal'.
4. Members asked questions in respect of the following:
  - a lot of activity has been carried out with young people, how do we hear the voice of the child who is not participating – this was covered below;
  - how many children in care have contributed towards the pledge and how do we demonstrate the voice is being heard – a target was set to reach 20% of children between 8 to 24 years of age, this was challenging due to some children not wanting to come along and children in care being very busy, additional funded has been given to enable more activities so that whilst the children are having fun we can seek their views, youth workers have been meeting with young people and should be able to meet in person at the YMCA soon. Working with partners to find different ways of reaching out to young people, newsletter, website was being worked on so all information was in one place and working with foster carers to encourage their children and young people to come along and engage in the events, working more creatively;

- what happens to under 8s – the Youth Trust officially supports young people aged 11 or above but they do support children from 8 years old, additional funding would be required to support younger children, this could include family days, working with creative play and arts, working with the voluntary sector and organisations such as Play Torbay who could do more extended work, looking at what the children were telling us through their play and using their skills to interpret this. Independent Reviewing Officers were required to record the voice of the child and funding has been provided by DFE which has been used to engage Bright Spots to carry out a survey around care experienced young people, this includes asking what they expect of us as a corporate parent, this will be used to help shape the future for our cared for community; and
- what can councillors do to make a difference – adopt the pledge via the Cabinet on 23 March 2021, help promote the pledge and get involved in activities with young people and communications.

5. The Board resolved unanimously that the Cabinet be recommended:

- (i) to adopt the 'Our Promise to You – The Torbay Pledge to cared for and care experienced children/young people 2021-2022'; and
- (ii) to develop an action plan to demonstrate how the Council will implement the Pledge to have the greatest and most positive impact on our cared for and care experienced children and young people and that the action plan be monitored by the Children and Young People's Overview and Scrutiny Board.

# OUR PROMISE TO YOU

The Torbay pledge to cared  
for and care experienced  
children/young people  
2021 – 2022

# BEING IN CARE

# OUR PLEDGE

# YOU SAID



- Explain things to us in a way that we can understand
- Help us to feel comfortable and listen to us
- Treat us as you would your own child
- Always involve us where we want it, so we don't need to ask
- Find out about our story first so we don't have to repeat it, unless we want to

- We will come prepared, and we will listen
- Your views will come first, but we will be honest about what we can do
- We will ask you about what your goals are and support you to achieve them
- We will work with your carers to ensure your home is the best it can be
- We will explain your rights using language that is easily understood
- We will use Language that Cares\*

\*Language That Cares -TACT Fostering & Adoption ([tactcare.org.uk](http://tactcare.org.uk))

# OUR WELL-BEING

## YOU SAID



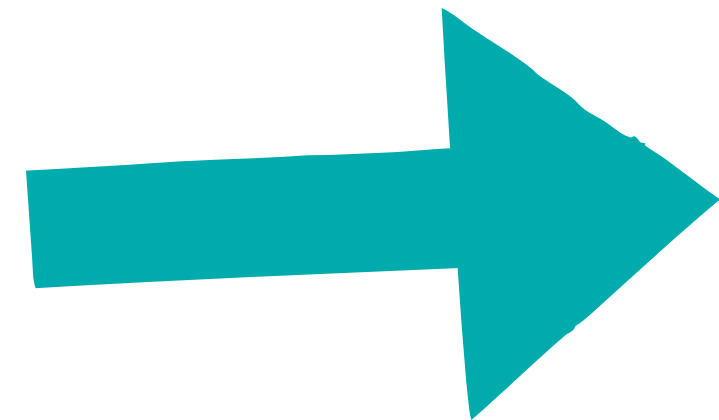
## OUR PLEDGE

- Help us to feel safe, secure and supported
- Support us to find a balance of healthy choices and informed decisions
- Help us to feel good about ourselves and loved
- Support us to be resilient, able to deal with uncertainty and to learn from our own experiences

- We will work together to help to support your sense of well-being and personal identity
- We will work together to keep you safe (safety planning)
- We will develop a plan to ensure you are healthy and wanting to have good choices called a Personal Health Plan
- We will ensure you have support and advice, so you are less likely to take certain risks or be open to exploitation by others
- We will support you to access regular health and dental checks and any appointments or treatment you may need –virtually and in person

# OUR SUPPORT AND LEARNING

## YOU SAID



## OUR PLEDGE

- Treat us just like any other children and young people, and as individuals
- We have our own history, but it may or may not define us
- Help us to stay at our current school or college if we like it - if we have to move, please provide us with clear reasons why
- Help us to enjoy our learning

- We will respect your privacy and work to ensure that you are not singled out or bullied at school, college, or in any other setting
- We will work closely with your school, college or provider and offer you easy to understand reasons for any changes
- We will always listen and take your views into account
- We will develop a Personal Education Plan of the things you do in school, so you are helped to do well
- We will use our training to be thoughtful about the challenges you have faced



# OUR TIME

## YOU SAID



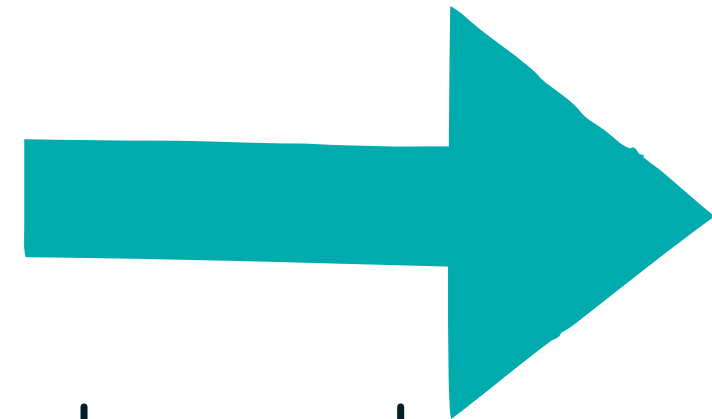
# OUR PLEDGE

- Support us to find activities that enable us to have fun, be creative and have our say
- Respect our relationships with any family and friends we may have, including if we have any brothers and sisters who may not live with us
- Please enable us to have choices about any family time or social time that we want
- Arrange activities and any family time we may have in advance and to fit it around the things that we like

- We will work with your carers to ensure you have opportunities that you enjoy and enable you to have your voice if you want to
- We will plan visits in advance and involve you in those plans
- We will help you to stay in contact with any family you may have if you want that and explain the reasons if this is not possible

# OUR FUTURE

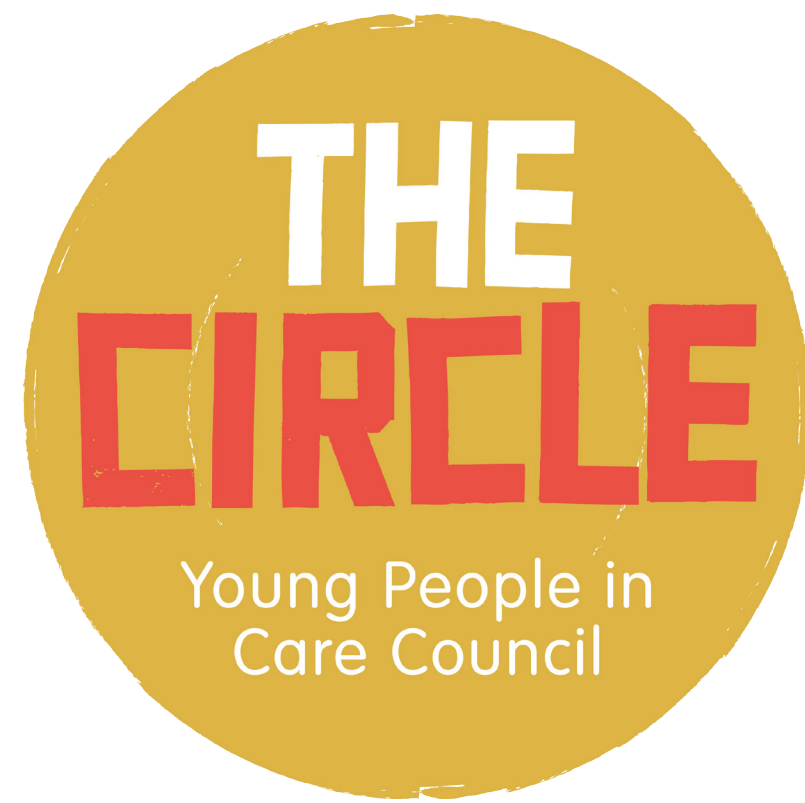
## YOU SAID



## OUR PLEDGE

- Please be positive about our lives and our goals
- Support us to grow and become independent as we get older
- Give us guidance when we want it, when we don't just let us know you are there for us
- Support us to become confident and equip us to deal with challenges, but allow us the freedom of our own direction too
- Let us fail sometimes, as everyone does, but celebrate our talents and skills

- We will support you to know that challenges and uncertainty are part of life and growth
- We will celebrate your achievements with you in the ways that you would like
- We will encourage and support you to take up opportunities in education, employment and training until the age of at least 21, in ways that suit you
- We will work with you to develop the life skills we all need to achieve our goals and have the best opportunities for the future



## Your chance to have your say and meet with decision makers

The Pledge has been reviewed by The Circle as part of a Torbay wide (and out of area) consultation with young people in care and care experienced adults. Thank you for all your contributions.



Understanding who we are together

The Cared for Community and The Circle are delivered by Torbay Youth Trust as part of our commissioned work for Torbay Council.

The Children in Care Community is open to all children and young people aged 8 to 18 years who are cared for by Torbay Council, wherever you live. You are welcome to be involved and have some fun regularly, occasionally or online through our monthly Clubs, Virtual Space and The Circle.



Open mic for care leavers

The Circle is Your chance to have your say and meet with decision makers.

My Voice is a new group for young people aged 16+ years and is your chance to get involved in social action, explore your aspirations for the future and have your voice.

# PLEASE GET IN TOUCH

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# Interim Climate Change Emergency Task and Finish Report

# Agenda Item 8 Overview & Scrutiny

*Confidence in your Council*

## Report to Cabinet – 23 March 2021

1. The Overview and Scrutiny Board established a Climate Change Emergency Task and Finish Group in July 2019, which comprised of Councillors Atiya-Alla, Barrand, Brown, Bye, Mandy Darling, Foster, Kennedy and Loxton, Chaired by Councillor Howgate. The Task and Finish Group was launched with a short video filmed by the Overview and Scrutiny Co-ordinator which was shared as part of the call for evidence.
2. The call for evidence generated the following online response:
  - Facebook
    - Reached 5,800 accounts
    - Was shared 31 times
    - Received 7 comments
  - Twitter
    - 3,206 impressions
    - 15 retweets
    - 14 likes
  - Linkedin
    - 871 impressions
    - No shares
    - 6 likes
    - No comments
3. The Task and Finish Group considered this feedback at its inaugural meeting and Members appreciated the time and effort that members of the public had taken to make their submissions. During this call for evidence it became apparent that Torbay Council was missing out on the opportunity to be part of a Devon wide approach to tackling climate change.
4. Devon Climate Emergency. The Devon Climate Emergency Response Group (DCERG) is made up of senior officers from 25 organisations including councils, emergency services, businesses and voluntary organisations and was established to provide the strategic coordination of a collaborative response to the Devon Climate Emergency.
5. The DCERG provided a considerable evidence base and has established that Torbay's biggest carbon contributors were housing and transport. During November and December a number of thematic hearings were held and topics included; land, sea and food, the built environment, mobility, energy and waste, spatial planning, behaviour change and procurement/consumption. The key findings of these hearings can be found on the following webpage: [Thematic Hearings – Devon Climate Emergency](#). The findings of these hearings along with all other evidence that has been gathered was considered by a series of Citizen's Assemblies, these then fed into the Devon Carbon Plan. Upon the completion of the Devon Carbon Plan

the member organisations would be expected to produce a climate change action plan.

6. DCERG process aside, the Task and Finish Group recognised that in the meantime, there were steps that could be taken to reduce carbon. Teams across the Council were asked to 'take stock' of previous and current organisational activity on tackling climate change in terms of reducing emissions and improving climate change resilience. The response helped to add detail to the current organisational understanding of the issue and helped to inform ongoing and upcoming work both within Torbay and across wider Devon.
7. Due to the Covid-19 Pandemic, officers from Torbay Council were only able to support the wider Devon work, pending the appointment of a dedicated Climate Emergency Officer, Jacqui Warren, who started work at Torbay Council on 16 December 2020.
8. Following a verbal update on climate change at the Overview and Scrutiny Board meeting held on 16 September 2020, the Task and Finish Group met again on 23 November 2020 and considered the following documents:
  - Ten questions to ask if you are scrutinising climate change – with some initial feedback from the Senior Planning and Public Health Officer;
  - Paper on Devon Climate Declaration;
  - Paper on Devon's Timeline to Net-Zero Carbon; and
  - Confidential draft Devon Carbon Plan – due to go to public consultation from 7 December 2020 to 15 February 2021 (all Members were invited to an event on 7 December 2020 to launch the draft Devon Carbon Plan and ask questions).
9. Members acknowledged the positive work already being undertaken by the Council such as the retrofitting of energy measures to existing buildings through the Cosy Devon Partnership, new solar farms and looking to install charging points in some of the Council car parks to enable overnight charging of electric or hybrid vehicles.
10. The Panel recognised the importance of addressing climate change in all decision making and felt that this should be emphasised further through report templates and guidance documents to ensure maximum impact. The Council should also lead by example to encourage the public to engage in the changes required to reduce carbon and improve health across Torbay such as electric cars, greater take up of walking, cycling and use of public transport, changes to the way our homes and buildings are heated and insulated. Members noted that whilst Councillor Atiya-Alla had been appointed as the Climate Change Champion there was not a Cabinet Member with a specific role to lead on this important issue to ensure that it is developed at the highest political level within the Council.
11. Members discussed in detail the proposed target date of 2030 for Torbay Council and Torbay as an area being carbon neutral and the work needed to assess what would be required to achieve this and the possibility that there may be two different target dates.

12. The Panel welcomed the Cabinet's final Revenue and Capital Budget proposals for 2021/2022 included the following in respect of climate change but felt that larger investment would be needed in order to become Carbon Neutral by 2030:

Our **commitment to tackle climate change** continues with £150,000 available over three years to develop and deliver a proactive and effective tree planning scheme, which will include community participation and the launch of a supportive Tree Warden scheme.

We will seek to establish a portal to help residents across Torbay to make energy efficient changes to their homes. Our Climate Change Reserve will also be increased so that we are able to develop a range of other initiatives to help us meet our ambition of being a Carbon Neutral Council (£90,000).

Capital Budget – A Climate Fit for the Future - £4.8m through the investment of solar farms at Brokenbury and Nightingale Park.

13. The Panel met on 3 February 2021 with the new Climate Emergency Officer, Jacqui Warren, in order to progress and finalise the initial work of the Panel and to agree a way forward. Jacqui presented the submitted paper which outlined an initial approach to be achieved in 2021 - April 2022 to deliver 10 key actions (an interim draft of the proposed key actions was shared on screen at the meeting) to tackle the Climate Emergency whilst also allowing some time to refresh the Torbay Climate Change Strategy (2014-2019) and co-design and develop with partners, new longer term action plans to work towards a Carbon Neutral (CN) council and CN Torbay (community). By April 2022 this approach would enable the Council to demonstrate progress in working towards achieving the Community and Corporate Plan's priority to become a CN Council and work with others to create a CN community.
14. The proposed approach would also allow Torbay Council to take into consideration further evidence that was being developed through the [Devon Carbon Plan](#) (the Panel considered the Council's draft response to the Interim Devon Carbon Plan as set out in Appendix 2 to the submitted briefing paper). This work was ongoing and would conclude by the end of 2021. This would help the Council to understand, at a strategic level, how Devon would achieve net zero carbon by 2050 and the role(s) it would need to play in achieving this work locally. It would also provide further evidence on the deliverability of achieving carbon neutrality in Torbay by 2030.
15. The briefing identified the following longer term actions (to be completed by April 2022):

#### **Council Operations**

- Created a new Corporate Carbon Neutral (CN) programme including:
  - New CN Policy (to set out some CN principles for all of the Council to follow).
  - New CN Officer Group and senior responsible officer (to be responsible for developing and delivering council actions and Council Action Plan).
  - Established the carbon footprint for the Council (the amount of carbon dioxide released as a result of council

- operations/activities. It will be vital to monitor this and establish annual reduction targets in line with Torbay's CN target).
- Explored strengthening decision making processes in light of the Climate Emergency (including the use of CN Impact Assessment tool).
- Explored carbon literacy training for staff and members (to raise staff and members awareness).
- Developed a Torbay Council CN Action Plan 2022 - 2030 (including a list of prioritised actions that the Council commits to deliver up to 2030).
- Gain approval from Cabinet to deliver the Torbay Council CN Action Plan.

### **Torbay-wide**

- Developed with partners and community groups a review of the existing Torbay Climate Change Strategy (2014 – 2019) and developed a new Torbay-wide CN Action Plan 2022 – 2030 (list of resourced, prioritised actions, pipeline of projects and future funding strategy).
- Supported the development of the Devon Carbon Plan (including active engagement in the Devon Citizen Assembly).
- Embed the results of the Devon Carbon Plan into the new Torbay-wide CN Action Plan.
- Developed a CN pipeline of projects (this is designed to create a list of investment ready projects capable of securing future funding as it arises).
- Held a public consultation and series of events to develop the new Torbay-wide CN Action Plan (this is to test the draft plans and gauge the appetite of residents and businesses to deliver certain actions) – extent determined by available resources.
- Created a coalition of partners to deliver the plans.
- Gained approval from Cabinet for the new Torbay-wide Strategy and CN Action Plan.

(The full documents from this meeting can be found at [Agenda for Overview and Scrutiny Task-and-Finish Group on Wednesday, 3 February 2021, 5.00 pm \(torbay.gov.uk\).](#))

16. The Panel received a verbal update on the Local Transport Action Plan and Local Cycling and Walking Infrastructure Plan which had recently been launched for consultation – further details can be found at [Local Cycling and Walking Infrastructure Plan - Torbay Council](#). Members also noted a Statement on Environmental Sustainability provided by the Torbay and South Devon NHS Foundation Trust, whom the Council was working with as well as South Devon College to see how we can take action to reduce the impact of the climate change across Torbay.
17. The Task and Finish Group reflected and debated all of the information provided to them, both in writing and orally. On being put to the vote, the following recommendations were proposed by the Overview and Scrutiny Board (unanimously).



The Board recommends to the Cabinet:

- (i) that all reports to Councillors include enhanced information on how the decision will impact on climate change;
- (ii) that, in order to achieve consistency in the application of our Environmental Policies, the Assistant Director Planning, Housing and Climate Emergency be requested to develop and issue a guidance document setting out how Policies in the Local Plan relating to climate change should be complied with. That guidance should explain compliance will mean submitting a statement, similar to the design and access statement, explaining how the policy is being considered;
- (iii) that the Panel would welcome a Cabinet Member to be responsible for taking the lead on driving forward mitigations and preventative actions to address the climate change emergency;
- (iv) that the Torbay Council draft consultation response to the Interim Devon Carbon Plan set out at Appendix 2 to the submitted report be endorsed;
- (v) that the Climate Emergency Officer be requested to ensure the proposed initial 10 key actions are prioritised to show the actions that will achieve the biggest impact at the top of the list and that future action plans be also prioritised in this way;
- (vi) that the Climate Emergency Officer be requested to work with relevant lead officers to ensure wider publication of the Cosy Devon Partnership and Exeter Community Energy schemes to ensure that Councillors and residents are aware of what is on offer;
- (vii) that the proposed approach outlined in the submitted report to address the climate change emergency and enable Torbay to be Carbon Neutral by 2030 be endorsed; and
- (viii) that a cross party climate change emergency working group be established to include the relevant Cabinet Member and other interested parties to take this important issue forward.

**Cabinet Response to the recommendations of the Overview and Scrutiny Board – Interim Climate Change Emergency Task and Finish Report**

No.	Recommendation:	Cabinet Response:
1.	that all reports to Councillors include enhanced information on how the decision will impact on climate change;	'Section 7 Tackling Climate Change' of the Council's report template will be reviewed and enhanced in line with this recommendation.
2.	that, in order to achieve consistency in the application of our Environmental Policies, the Assistant Director Planning, Housing and Climate Emergency be requested to develop and issue a guidance document setting out how Policies in the Local Plan relating to climate change should be complied with. That guidance should explain compliance will mean submitting a statement, similar to the design and access statement, explaining how the policy is being considered;	The Cabinet welcomes this recommendation and requests the Assistant Director of Planning, Housing and Climate Emergency develop and issue a guidance document in respect of the expectations of the Planning Authority regarding compliance with policies in the Local Plan that relate to climate change.

3.	that the Panel would welcome a Cabinet Member to be responsible for taking the lead on driving forward mitigations and preventative actions to address the climate change emergency;	The Cabinet Member for Infrastructure, Environment and Culture has naturally assumed the responsibility for the Climate Change Emergency given the services contained within his portfolio and has been supported by the Climate Change Champion, Councillor Atiya-Alla. The Cabinet are aware that Local Authorities across the country have adopted differing approaches where lead members are concerned and will be asking the Local Government Association for examples of good practice. The Cabinet will then review the portfolio and report any changes at the Annual Council Meeting.
4.	that the Torbay Council draft consultation response to the Interim Devon Carbon Plan set out at Appendix 2 to the submitted report be endorsed;	The Council's response has been submitted.
5.	that the Climate Emergency Officer be requested to ensure the proposed initial 10 key actions are prioritised to show the actions that will achieve the biggest impact at the top of the list and that future action plans be also prioritised in this way;	This recommendation has been noted.
6.	that the Climate Emergency Officer be requested to work with relevant lead officers to ensure wider publication of the Cosy Devon Partnership and Exeter Community Energy schemes to ensure that Councillors and residents are aware of what is on offer;	With colleagues across the Council a comprehensive communications plan will be developed in order to raise awareness of the schemes available to assist with energy efficiency.
7.	that the proposed approach outlined in the submitted report to address the climate change emergency and enable Torbay to be Carbon Neutral by 2030 be endorsed; and	The Cabinet will take into account the Overview and Scrutiny Board's direction when considering and determining the submitted report.

<p>8.</p>	<p>that a cross party climate change emergency working group be established to include the relevant Cabinet Member and other interested parties to take this important issue forward.</p>	<p>The Cabinet appreciate the work Overview and Scrutiny have done during the course of the Climate Change Emergency Review and recognise that their work has concluded as the approach moves to delivery and implementation of the action plan. The Cabinet are aware that across the country there are a number of models for working groups:</p> <ul style="list-style-type: none"> <li>• Lead councillors and overarching community group – model adopted by Teignbridge District Council;</li> <li>• Partners develop an independent body which is serviced by the Council with an Independent Chair making recommendations to Council and Partners. Bradford have adopted this model;</li> <li>• Separate independent commission – managed by external body and makes recommendations to Council. This model has been adopted by Leeds</li> </ul> <p>Torbay requires a model that secures full community participation which has an emphasis on social justice in order to avoid carbon neutrality methods excluding those who are ready experiencing high levels of deprivation.</p> <p>Cabinet therefore requests officers to present a further report for Cabinet’s consideration on the different models of working groups, the membership and terms of reference.</p>
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**Meeting: Cabinet**

**Date: 23 March 2021**

**Wards Affected: All**

**Report Title: Carbon Neutral Torbay Approach 2021-2022 and Initial Action Plan**

**When does the decision need to be implemented?** Immediately

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

**Director/Assistant Director Contact Details:** David Edmondson, Assistant Director Planning, Housing and Climate Emergency, david.edmondson@torbay.gov.uk

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### **1. Purpose of Report**

- 1.1 Torbay Council declared a Climate Emergency in June 2019. A range of actions are already being taken but there is now an immediate need to accelerate actions to work towards tackling the Climate Emergency and Torbay becoming carbon neutral.
- 1.2 This paper proposes an approach to be delivered across 2021-April 2022. It proposes to deliver immediate actions to tackle the Climate Emergency whilst also allowing some time to refresh Torbay's Energy and Climate Change Strategy (2014-2019) and co-design and develop, with partners, new longer term action plans to work towards a Carbon Neutral (CN) council and CN Torbay (community). By April 2022 this approach will enable the Council to demonstrate progress in working towards achieving the Community and Corporate Plan's CN priorities.
- 1.3 The appended Initial Action Plan is seeking approval by the Cabinet.
- 1.4 Cabinet are also asked to approve the proposed CN approach for 2021-22 (para 1.9) including the development of the Carbon Neutral Council Action Plan and Carbon Neutral Torbay Action Plan.

### **2. Reason for Proposal and its benefits**

We want Torbay and its residents to thrive.

We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay and affordable housing for our residents.

We want Torbay to be the premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment

is celebrated and where we play our part in addressing the climate change emergency.

- 2.1 Climate change is having a major impact on our planet, and locally in Torbay. Our planet is warming and we are seeing a range of impacts. For example it has been predicted that due to the climate change we will see the sea level rise in Torbay by over one metre. In the next 100 years the frequency and impact of water coming over the top of the sea walls will increase, resulting in more infrastructure and properties being affected by flooding. On top of that, more intense rainfall will increase the risk of localised flooding and erosion.
  - 2.2 If approved the proposals in this report will help the Council, and wider Torbay area, to accelerate actions towards meeting the Community and Corporate Plan's CN priorities. It will also ensure we play our part in trying to avoid the worst climate change impacts in the future.
  - 2.3 There are many benefits to tackling climate change. Carrying out immediate actions and developing long term action plans will ensure the Council and community can work together to help create a climate resilient, carbon neutral Torbay.
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### **3. Recommendation(s) / Proposed Decision**

- (i) Approve the Initial Action Plan as set out at Appendix 1.
- (ii) Approve the proposed CN approach for 2021-22 (as set out at Appendix 2) including the development of the Carbon Neutral Council Action Plan and Carbon Neutral Torbay Action Plan.

### **Appendices**

Appendix 1: Initial Carbon Neutral Action Plan

Appendix 2: Proposed Carbon Neutral Approach 2021-22

### **Background Documents**

[Energy and Climate Change Strategy 2014 – 2019](#)

[Climate Emergency Declaration June 2019](#)

# Supporting Information

## 1. Introduction

- 1.1 There is scientific consensus<sup>1</sup> that currently observed global warming is overwhelmingly a result of human influence, being significantly over and above the warming caused by natural factors alone.
- 1.2 However, human and natural systems are already being impacted by climate change with flooding, droughts, heatwaves and crop yield reductions all being experienced more frequently.
- 1.3 Torbay's Greenhouse gas (GHG) emissions in 2018 were just under 500,000 tonnes of carbon dioxide (CO<sub>2</sub>) equivalent<sup>2</sup>. The total emissions for Devon, Plymouth and Torbay was 7.8 million tonnes of carbon dioxide (CO<sub>2</sub>) equivalent in 2018. These emissions arise from human activities such as travel, industry, electricity generation, agriculture and heating and powering our homes. These emissions are contributing to an overall warming of our planet and knock-on extreme weather events.
- 1.4 Torbay has suffered the impacts of a changing climate. For example flood events, causing damage to residents, communities and businesses. Further warming will make these types of event even more common.
- 1.5 Therefore there is a clear and compelling rationale to mitigate and adapt to a changing climate, which is why Torbay declared a climate emergency in June 2019 and committed to, in Torbay's Community and Corporate Plan (2019-2023), becoming a CN council and working with others to create a CN community.
- 1.6 A range of actions have been carried out to date by Torbay Council, partners, community groups and individuals. Appendix 1 outlines some actions taken to date including the Energy and Climate Change Strategy 2014-2019.
- 1.7 The challenge of creating a CN council and Torbay by 2030 is significant. Both the Council and the area of Torbay will need to not be responsible for any net release of carbon dioxide into the atmosphere by 2030. For Torbay as a whole we will need to reduce, remove or store 500,000 tonnes of carbon dioxide (CO<sub>2</sub>) equivalents.
- 1.8 To achieve this will require everyone in Torbay to play a part, as well as central government and key regional/national/international partners. To ensure progress that gives Torbay the best chance of meeting its carbon neutral target, Torbay needs a coordinated, prioritised approach.
- 1.9 Appendix 2 outlines a proposed coordinated approach which includes:
  - An Initial Carbon Neutral Action Plan to deliver immediate actions in 2021 (See appendix 1)

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<sup>1</sup> IPCC (2014) Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change.

<sup>2</sup> This reflects the effect of the emissions of a basket of six GHGs on global warming, converted into equivalent units of carbon dioxide

- The development of the Carbon Neutral Council Action Plan by April 2022
  - The co-design and development with partners of the Carbon Neutral Torbay Action Plan by April 2022 (and refresh of the Energy and Climate Change Strategy 2014 – 2019).
- 1.10 If approved, the Initial Carbon Neutral Action Plan will demonstrate 10 actions that the Council has committed to developing and/or delivering in 2021. It demonstrates immediate action in tackling the Climate Emergency.
- 1.11 Whilst the actions in the Initial Action Plan are delivered the Council will also develop its own corporate CN programme. This will include development of a new CN policy, CN officer group and new CN council action plan by April 2022. With the CN Action Plan ready for implementation post April 2022.
- 1.12 If approved, and working with the community, the Council will also facilitate the co-design of a new action plan to create a CN Torbay. This will include public consultation events, webinars and other community engagement activity. This will be developed in 2021 and ready for implementation post April 2022 onwards. See appendix 2.
- 1.13 The full costs of tackling climate change in Torbay are not known, nor is it for one organisation to solely fund all the actions needed. In their new national 'Balanced Pathway' scenario the Climate Change Committee (CCC)<sup>3</sup> recommend that the most rapid emissions reductions should occur between 2025-2035. Their analysis suggests that the yearly cost of achieving net-zero would be 0.6% of national GDP (Gross Domestic Product) by the early 2030s, before falling to around 0.5% by 2050. They also looked at the longer-term impact on GDP of transitioning to a cleaner society and concluded that it could see a GDP boost of around 2% within a decade<sup>4</sup>.
- 1.14 Securing funding and developing innovative funding mechanism to deliver carbon neutrality by 2030 in Torbay will form a large part of the development of the proposed CN Council Action Plan and CN Torbay Action Plan.
- 1.15 The Council recognise the value of becoming carbon neutral as quickly as possible, in light of the negative impacts that climate change will have on our health, wellbeing, economy, and environment in the future if left unchecked. There is also a range of societal benefits that can be felt sooner.
- 1.16 Figure 1 highlights some of the co-benefits of tackling the Climate Emergency locally and their added value beyond carbon reduction. It will create a range of economic, health, social and wider environmental benefits locally, and help Torbay's recovery from COVID-19. Figure 1 below summarises some of the likely local benefits

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<sup>3</sup> [The Climate Change Committee \(CCC\) is an independent, statutory body established under the Climate Change Act 2008](#)

<sup>4</sup> [CCC: UK must cut emissions '78% by 2035' to be on course for net-zero goal | Carbon Brief](#)





## 2. Options under consideration

### 2.1 Members can consider to:

- (i) Not approve the proposed approach (as per para 1.9) and adopt an ad-hoc, not fully coordinated approach to tackling the Climate Emergency and meeting the Community and Corporate Plan's carbon neutral ambitions
- (ii) Approve the approach as per para 1.9, enabling the development of a longer term coordinated approach, up to 2030, which will be capable of making significant progress towards tackling the Climate Emergency and meeting the Community and Corporate Plan's CN ambitions (as outlined in appendix 2)

2.2 Option (i) above will result in actions developing on ad-hoc basis. Due to the uncoordinated nature of this option, there will be no overall plan with prioritised actions capable of making significant progress towards 2030. This option is therefore not recommended.

2.3 Option (ii) is the preferred, recommended option. It will provide the Council with the best chance of working effectively, internally and externally with partners, communities and residents towards Torbay's CN targets. If approved this option will:

- Demonstrate immediate action across the Council and community
- Demonstrate a long term approach to creating a CN Council
- Use work by the University of Exeter and Devon Carbon Emergency Partnership to help the Council and Torbay understand how to reach its carbon neutral targets and what priority actions should be taken up to 2030
- Work across communities, and with partners, to create longer term prioritised actions and an CN Torbay Action Plan
- Ensure currently limited resources are deployed efficiently to maximise carbon reduction actions and other environmental, economic and societal benefits; and
- Allow the development of a CN pipeline of projects that are in need of future funding and a strategy for securing such funding.

2.4 It will take over a year to develop option ii, however, it greatly increase the chances of working towards and meeting the Community and Corporate Plan’s CN targets.

### 3. Financial Opportunities and Implications

3.1 The Initial Action plan’s actions will be funded through the Council’s 2021/22 budget and various government, partners and developer contributions/funding streams. Therefore there are no immediate additional budgetary implications. Table below summarises the sources of funding to deliver the actions:

Action	Funding Source
We will continue to explore the development of two solar farms, one at Brokenbury and the other near the Willows in Torquay.	£4.8 million – Torbay Council 2021/22 budget allocation
A new Local Cycling and Walking Infrastructure Plan (LCWIP) has been launched for consultation. Once finalised it will guide future cycling and walking infrastructure plans. £120,000 of walking and cycling projects will be prioritised in 2021/22.	£120,000 - To be funded from the Local Integrated Transport Block (capital). Exact commitments for the period 2021-2026 will be confirmed by Cabinet in April 2021 through the Local Transport Action Plan.
As our climate is changing, sea levels are rising and more storms are hitting Torbay. With the Environment Agency we will act to rapidly reduce properties at risk from flooding. This will include consulting on the design of new sea walls along Paignton and Preston sea fronts, with construction to start towards the end of the summer months in 2021	£3.1 million - Torbay Council, Environment Agency, Section 106 Contributions
We will deliver effective tree planting schemes as part of a new three year funded i-tree 2 initiative. We will plant over 350 of the right trees in the right place. It will include community participation and the launch of a supportive Tree Warden scheme. This programme is all about planting trees for our children's children.	£150,000 - Torbay Council 2021/22 budget (* note this is over 3 years)
The Council have a commitment to improve the walking and cycling routes around the bay area, eventually connecting Torquay to Brixham with a coastal route. In 2021 we will provide a safer, more	To be funded from secured developer contributions allocated to this scheme

direct and attractive walking and cycling connection between Goodrington and Broadsands.	
Reducing, reusing and recycling the waste we create will help us all to play a part in tackling climate change. Through our new recycling support co-ordinators we will help residents to recycle more of their waste, focussing initially on their food waste. New leaflets will also be sent out to all households clarifying what materials can be recycled. We will also introduce a new charged-for garden waste collection service.	Through SWISCo budget
We will continue to offer the Eco Flexible Eligibility Scheme and working with Exeter Community Energy we will deliver energy saving advice to homes in fuel poverty. We will also establish an advice portal to help residents across Torbay to make energy efficient changes to their homes	No cost to the Council  Advice Portal - £40,000 - Torbay Council 2021/22 budget allocation
Torbay Council have secured £1.8 million of funding from the Government's Public Sector Decarbonisation Scheme to reduce Torbay Leisure Centre's carbon emissions. We will install a range of energy and carbon saving measures including air source heat pumps to create low carbon heating and hot water and solar panels to generate clean electricity.	£1.8m Public Sector Decarbonisation Scheme Funding
We will work with South West partners to bring electric vehicle charging points to selected car parks in Torbay.	Currently awaiting the outcome of a bid to On Street Residential Chargepoint Scheme (ORCS).
As part of the new Melville Street Project we will deliver targeted and practical energy efficiency advice to residents in this area.	No Cost to the Council.

- 3.2 The development of the longer term CN Council and CN Torbay Action Plans will be led by the new Climate Emergency Officer, with support from a range of existing staff and partners. The additional resources, communication support, technical and policy costs associated with delivering the new Action Plans will be presented at a

future Cabinet meeting and will provide a high-level indication of the additional resources that may be required to deliver carbon neutrality.

- 3.3 The creation of a CN pipeline of projects, which is to accompany the CN Torbay Action Plan, is proposed to place Torbay in a stronger position to secure future financial opportunities. Creating such a pipeline will enable the council and partners to explore what initial support they need to develop investment ready projects and place them in a better position to take advantage of, and secure, a range of future funding as it arises/develop innovative community/private investment propositions.

#### **4. Legal Implications**

- 4.1 There are no legal implications at this stage.

#### **5. Engagement and Consultation**

- 5.1 The initial CN Action Plan and proposed approach as outline above have been developed through consultation with existing council officers and some key partners. These include council officers across Housing, Transport, Highways, Planning, Waste and Recycling (and wider SWISCo services), Public Health, Procurement, Governance Support and the TDA (flooding, economic development and assets). Partners such as Devon Climate Emergency, Devon County Council, South West Energy Hub, Groundwork South and Torbay Geopark have also been made aware of the proposals. All engagement to date has been positive.
- 5.2 Subject to approval, informal and formal consultation on the refresh of Torbay's Energy and Climate change Strategy and the co-design of the CN Torbay Action Plan will commence. This is likely to include a range of internal council staff, external partners including NHS and various community groups/partnerships and key sector specific partners from across Transport, Buildings (domestic and non-domestic), Industry, Power, Agriculture and Land use. A community and stakeholder mapping exercise is being carried out in March to identify key audiences to engage and consult with over 2021/22.
- 5.3 The actions within the Initial Action Plan and the proposed wider CN approach has also been developed through engagement with the Overview and Scrutiny Board and their Climate Change Emergency Review Panel. The Board at their meeting on 17 February 2021 agreed to recommend to Cabinet the approval of the CN approach.

#### **6. Purchasing or Hiring of Goods and/or Services**

- 6.1 At this stage there are no procurement issues. However, appropriate procurement processes will be addressed through the delivery of individual schemes within the Initial Action Plan and the CN Council and CN Torbay Action Plans (once developed).

#### **7. Tackling Climate Change**

- 7.1 This paper proposes to deliver immediate actions to tackle the Climate Emergency whilst also allowing some time to refresh the Torbay Energy and Climate Change Strategy (2014-2019) and co-design and develop with partners, new longer term action plans to work towards becoming Carbon Neutral (CN) council and CN Torbay. By April 2022 this approach will enable the Council to

demonstrate immediate progress in working towards achieving the Community and Corporate Plan's priority to become a CN Council and work with others to create a CN community. It will also ensure longer terms plans are in place to continue to work towards carbon neutrality by 2030.

## **8. Associated Risks**

- 8.1 If option ii (para 1.9) is not approved there will be no overall plan with prioritised actions capable of making significant progress towards carbon neutrality by 2030. This would risk failure to meet the Community and Corporate Plan's priority to become a CN council and community. Having declared a climate emergency and publicly committed to achieving carbon neutrality this will put the Council at great reputational risk.
- 8.2 Option i (para 1.9) may also risk the implementation of actions that will not deliver the best carbon and wider societal outcomes and could risk directing currently limited resources to less beneficial actions/actions that actively increase greenhouse gases.
- 8.3 Not implementing the approach will also delay low carbon investment and, potentially, prevent the Council from maximising additional funding opportunities in the future.

## Equality Impacts

9.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	The initial CN Action Plan supports a range of actions that will support older people. For example – energy saving actions to support creating energy efficient, warmer and healthier homes. It will also support reducing homes in fuel poverty (which include a high proportion of elderly occupied homes)	If approved, we will work with the community to ensure any actions within the CN Council and CN Torbay Action Plans do not have any negative impacts on this specific group.	No direct impacts at this stage, however once CN Council and CN Torbay Action Plans are in place there will be benefit from investment in energy efficiency, tree planting, sustainable transport, flood resilience for all users
	People with caring Responsibilities		If approved, we will work with the community to ensure any actions within the CN Council and CN Torbay Action Plans do not have any negative impacts on this specific group.	No direct impacts at the stage, however once CN Council and CN Torbay Action Plans are in place there will be benefit from investment in energy efficiency, tree planting, sustainable transport, flood resilience for all users
	People with a disability		If approved, we will work with the community to ensure any actions within the CN Council and CN Torbay Action Plans do not have any negative impacts on this specific group.	No direct impacts at the stage, however once CN Council and CN Torbay Action Plans are in place there will be benefit from investment in energy efficiency, tree planting, sustainable transport, flood resilience for all users
	Women or men		If approved, we will work with the community to ensure any actions within the CN Council and CN Torbay Action Plans do not have	No direct impacts, however once CN Council and CN Torbay Action Plans are in place there will be benefit from investment in energy efficiency, tree planting,

		any negative impacts on this specific group.	sustainable transport, flood resilience for all users
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>		If approved, we will work with the community to ensure any actions within the CN Council and CN Torbay Action Plans do not have any negative impacts on this specific group.	No direct impacts, however once CN Council and CN Torbay Action Plans are in place there will be benefit from investment in energy efficiency, tree planting, sustainable transport, flood resilience for all users
Religion or belief (including lack of belief)		If approved, we will work with the community to ensure any actions within the CN Council and CN Torbay Action Plans do not have any negative impacts on this specific group.	No direct impacts, however once CN Council and CN Torbay Action Plans are in place there will be benefit from investment in energy efficiency, tree planting, sustainable transport, flood resilience for all users
People who are lesbian, gay or bisexual		If approved, we will work with the community to ensure any actions within the CN Council and CN Torbay Action Plans do not have any negative impacts on this specific group.	No direct impacts, however once CN Council and CN Torbay Action Plans are in place there will be benefit from investment in energy efficiency, tree planting, sustainable transport, flood resilience for all users
People who are transgendered		If approved, we will work with the community to ensure any actions within the CN Council and CN Torbay Action Plans do not have any negative impacts on this specific group.	No direct impacts, however once CN Council and CN Torbay Action Plans are in place there will be benefit from investment in energy efficiency, tree planting, sustainable transport, flood resilience for all users
People who are in a marriage or civil partnership		If approved, we will work with the community to ensure any actions within the CN Council and CN Torbay Action Plans do not have any negative impacts on this specific group.	No direct impacts, however once CN Council and CN Torbay Action Plans are in place there will be benefit from investment in energy efficiency, tree planting, sustainable transport, flood resilience for all users

Women who are pregnant / on maternity leave		If approved, we will work with the community to ensure any actions within the CN Council and CN Torbay Action Plans do not have any negative impacts on this specific group.	No direct impacts, however once CN Council and CN Torbay Action Plans are in place there will be benefit from investment in energy efficiency, tree planting, sustainable transport, flood resilience for all users
Socio-economic impacts (Including impact on child poverty issues and deprivation)	Active travel actions, energy efficiency actions and new flood defences as within the Initial Action Plan will have socio-economic benefits. Providing improved active travel and public transport networks benefit all but have a particular impact on deprived areas where car ownership is typically lower. Providing advice and measures to help people save energy in their homes helps people save money and reduce fuel poverty. Improvements to flood defences will benefit all but especially those at the greatest risk of flooding which has adverse economic and health impacts.	If approved, we will work with the community to ensure any actions within the CN Council and CN Torbay Action Plans do not have any negative impacts on this specific group.	No direct impacts, however once CN Council and CN Torbay Action Plans are in place there will be benefit from investment in energy efficiency, tree planting, sustainable transport, flood resilience for all users. Some actions will also help residents to save money for example schemes to improve energy efficiency of homes in fuel poverty will reduce fuel poverty.
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Active travel proposals within the Initial Action Plan will have a direct benefit on the health of the population in Torbay, supporting the public health key priority. Tree planting can also help create cleaner air. Energy efficient homes can create healthier, warmer homes with reductions in excess winter deaths and respiratory illness.	If approved, we will work with the community to ensure any actions within the CN Council and CN Torbay Action Plans do not have any negative impacts on this specific group.	No direct impacts, however once CN Council and CN Torbay Action Plans are in place there will be benefit from investment in energy efficiency, tree planting, sustainable transport, flood resilience for all users. All will have positive impacts. For example schemes to increase walking and cycling will help



			people to live healthier lifestyles and improve local air quality.
<b>10..</b>	<b>Cumulative Council Impact</b> (proposed changes elsewhere which might worsen the impacts identified above)	Current proposals in the Initial Action Plan will be delivered by colleagues across the council, SWISCO and TDA.  We will revisit this once the CN Council and CN Torbay Action Plans are in development.	
<b>11.</b>	<b>Cumulative Community Impacts</b> (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)	If approved, we will work with the community to ensure any actions within the CN Council and CN Torbay Action Plans do not have any negative impacts on the wider community.	

# Carbon Neutral Torbay - Initial Action Plan

March 2021 - April 2022



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# Introduction

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## Background

Since 2008 Torbay Council has been taking action to tackle climate change, including a range of actions to reduce the amount of carbon dioxide emissions the Council and the Torbay area emit. Such actions are as outlined in a range of strategies including Torbay's Energy and Climate Change Strategy (2014-2019), Local Plan (2012-2030) and Local Transport Plan (2011-2026). The Energy and Climate Change Strategy for Torbay described how we aim to help minimise the economic, social and environmental costs of climate change in the Bay by demonstrating leadership and providing encouragement in working toward emission reductions and resilience to our changing climate.

## Highlights

The following are some of the actions the Council and its partners have taken to date to tackle climate change locally:

- Progressing the development of two solar farms in Torbay
- Tor Bay Harbour Authority has installed solar PV panels, procured an electric forklift truck and installed LED lighting
- Delivered energy efficiency advice to homes in fuel poverty through Exeter Community Energy
- Delivered a range of walking and cycling infrastructure projects through the Local Sustainable Transport Fund and the recent Active Travel Fund - Torbay Council
- All new homes, with off street parking, built in Torbay have electric vehicle charging points installed
- Developed a Tree and Woodland Framework for Torbay firmly committing the Council to maintaining and enhancing Torbay's trees and woodlands as a vital part of the environment and helping tackle climate change
- Communities across the bay are making real, sustainable change by volunteering in parks and green spaces enabling wider engagement with the natural environment leading to real local action to help tackle climate change
- With partners Groundwork South, and local communities, we are protecting and enhancing Westerland Valley. This is a 35-acre haven for wildlife, with a rich tapestry of inter-connected habitats supporting an abundance of wildlife including many species of both local and national significance.
- Torbay's recycling rate as at year end 2019/20 is 40.2%
- Torbay has become a Zero to Landfill authority and has run a variety of waste minimisation schemes, often working within partnerships. Notable successes include: The 'Watch Your Waste-line' and 'Love Food Hate Waste' food waste campaigns as well as a joint contract with DASWC (Devon Authorities Strategic Waste Committee) authorities for face to face engagement with individual households, to encourage waste reduction and increased recycling.
- Recently the Council consulted on a new Resource and Waste Strategy for Torbay which seeks to support a path towards carbon neutrality and increase the recycling rate and contribute towards the national targets of 55% recycling by 2025 and 60% by 2030. This was approved by Council (25.02.2021).

- Installed efficient energy saving LED street lights, together with a comprehensive overhaul of traffic signal inventories, has led to significant energy and carbon savings.

However, climate change is having a major impact on our planet. Our planet is warming and we are seeing a range of impacts. A landmark report by the United Nations Intergovernmental Panel on Climate Change (IPCC) in 2019 warned that the window to take action and prevent global temperatures rising beyond 1.5 degrees Celsius and avoid the worst climate change impacts will close in the next decade. We are already seeing impacts locally in Torbay.

It has been predicted that due to the climate change we will see the sea level rise in Torbay by over one metre. In the next 100 years the frequency and impact of water coming over the top of the sea walls will increase, resulting in more infrastructure and properties being affected by flooding. On top of that, more intense rainfall will increase the risk of localised flooding and erosion.

For more details on climate change and the impacts of climate change please see Torbay's [Energy and Climate Change Strategy \(2014-2019\)](#).

## Climate Emergency

Like many local authorities, on 24 June 2019, Torbay Council declared a 'Climate Emergency'. The Council recognises it has a key role and opportunity to tackle the causes and effects of climate change in Torbay. It will play its part in working towards carbon neutrality and strengthening Torbay's resilience to a changing climate.

In light of Torbay Council declaring a Climate Emergency, there is now an immediate need to accelerate action and make significant progress over the next nine years to achieve carbon neutrality. This commitment is outlined in Torbay Council's Community and Corporate Plan below.

**We will create a whole community response to protect our environment. One Torbay: Working for all of Torbay to tackle climate change. We will:**

**Become a Carbon Neutral Council and work with others to create a carbon neutral community**

**Increase recycling rates**

**Reduce Torbay's carbon footprint**

**Encourage a sustainably developed built environment**

**Implement re-wooding and rewilding**

**Address flooding risks**

**Improve communications and transport connectivity and sustainability**

## Initial Action Plan - 2021/22

In 2021 we will deliver immediate action to tackle the climate emergency and refresh and develop longer term plans to work towards creating a carbon neutral council and wider Torbay.

This initial action plan focusses on short term actions that will be delivered in 2021/2022. It also commits the Council to developing a new carbon neutral council programme, and with the Community, co-designing a new carbon neutral Torbay action plan.

The following actions are to be delivered. All are important and will help to reduce carbon emissions (and other harmful greenhouse gases) or to build local resilience to a changing climate across Torbay.

Action	Potential Carbon Savings/Improved Climate Resilience
We will continue to explore the development of two solar farms, one at Brokenbury and the other near the Willows in Torquay.	★ ★ ★
A new Local Cycling and Walking Infrastructure Plan (LCWIP) has been launched for consultation. Once finalised it will guide future cycling and walking investment in infrastructure. £120,000 of walking and cycling projects will be prioritised in 2021/22.	★ ★ ★
As our climate is changing, sea levels are rising and more storms are hitting Torbay. With the Environment Agency we will act to rapidly reduce properties at risk from flooding. This will include consulting on the design of new sea walls along Paignton and Preston sea fronts, with construction to start in 2021.	★ ★ ★
We will deliver effective tree planting schemes as part of a new three year funded i-tree 2 initiative. We will plant over 350 of the right trees in the right place. It will include community participation and the launch of a supportive Tree Warden scheme. This programme is all about planting trees for our children's children.	★ ★
The Council have a commitment to improve the walking and cycling routes around the bay area,	★ ★

Action	Potential Carbon Savings/Improved Climate Resilience
eventually connecting Torquay to Brixham with a coastal route. In 2021 we will provide a safer, more direct and attractive walking and cycling connection between Goodrington and Broadsands.	
Reducing, reusing and recycling the waste we create will help us all to play a part in tackling climate change. Through our new recycling support co-ordinators we will help residents to recycle more of their waste, focussing initially on their food waste. New leaflets will also be sent out to all households clarifying what materials can be recycled. We will also introduce a new charged-for garden waste collection service.	★★
We will continue to offer the Eco Flexible Eligibility Scheme and working with Exeter Community Energy we will deliver energy saving advice to homes in fuel poverty. We will also establish an advice portal to help residents across Torbay to make energy efficient changes to their homes.	★★
Torbay Council have secured £1.8 million of funding from the Government's Public Sector Decarbonisation Scheme to reduce Torbay Leisure Centre's carbon emissions. We will install a range of energy and carbon saving measures including air source heat pumps to create low carbon heating and hot water and solar panels to generate clean electricity.	★★
We will work with South West partners to bring electric vehicle charging points to selected car parks in Torbay.	★★
As part of the new Melville Street Project we will deliver targeted and practical energy efficiency advice to residents in this area.	★

(KEY: \*\*\* - Significant potential for saving carbon/area-wide carbon benefits, \*\* - Potential carbon savings across some areas of Torbay, \* - Potential carbon savings in very localised areas of Torbay)

## Other Priority Actions

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In addition to delivering the actions outlined above, by April 2022 the Council will also:

- Work with the Devon Climate Emergency Partnership and play our part in helping Devon tackling the Climate Emergency locally. This will include supporting the development of the draft Devon Interim Carbon Plan and Devon Citizen Assembly.
- Understand how the Council and the wider area of Torbay could become carbon neutral and what key actions we will all need to take towards 2030. We will also determine what support we will need locally from partners and from central government in the longer term.
- Develop a new Carbon Neutral Action Plan for the Council.
- With our partners (including NHS, Environment Agency and Devon Climate Emergency Partnership) and our communities, refresh our Energy and Climate Change Strategy 2014 - 2019 and co-design a new Carbon Neutral Action Plan for Torbay (including strengthening Torbay's resilience to a changing climate).
- All residents and community groups are encouraged to take action. To find practical tips and advice visit the Devon Climate Emergency website [here](#) or contact Torbay Council's Climate Emergency Officer on 01803 201201. Further ways to get involved will be developed in the forthcoming Carbon Neutral Torbay Action Plan.

## Benefits

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There are many benefits to tackling climate change. Carrying out immediate actions and developing long term action plans will ensure the Council and Community can work together to help create a climate resilient, carbon neutral Torbay. This will also create a range of economic, health, social and wider environmental benefits locally, and support Torbay's recovery from COVID-19. Figure 1 below summarises some of the likely local benefits. These will be fully explored in the refreshed Climate Change Strategy and Carbon Neutral Torbay Action Plan.





Figure 1. Co-benefits of tackling climate change locally.

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This document can be made available in other languages and formats.  
For more information please contact [future.planning@torbay.gov.uk](mailto:future.planning@torbay.gov.uk)

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## Appendix 2 - Working towards a Carbon Neutral Community and Council – A proposed approach for 2021-22

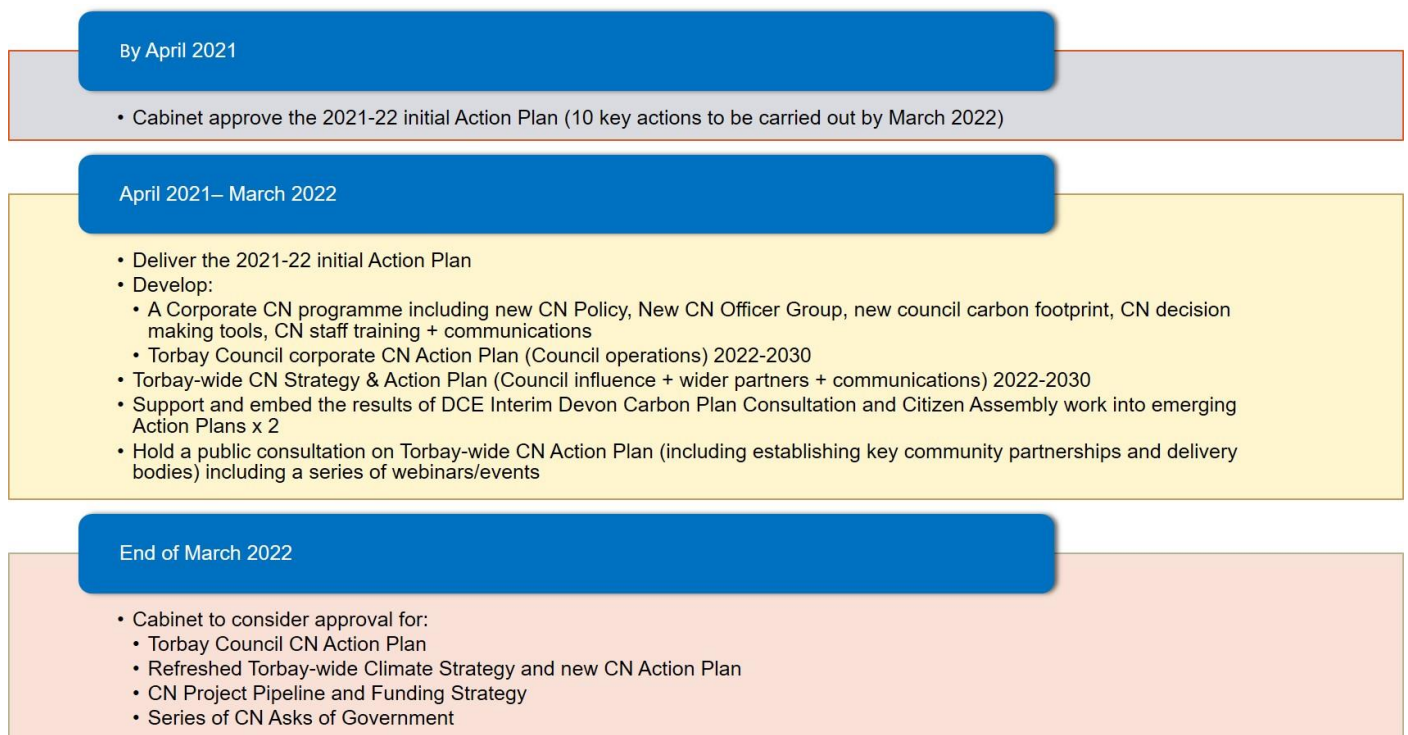
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### The Proposal

The Working towards a Carbon Neutral Community and Council proposed approach for 2021-22 focusses on two distinctive elements:

- 1) Council related operations (for example operations that the council control i.e. energy use, water and waste consumption across the council’s estate)
- 2) Torbay-wide, community focussed actions (including partners/communities work to decarbonise Torbay’s transport, buildings, power, industry and agriculture and land-use sectors and activities that Torbay Council can influence)

Figure 1 summarises the Working towards a Carbon Neutral Community and Council approach for 2021-2022 and the key deliverables:



The key deliverables are outlined below in detail:

### Short term (completed by April 2021)

- Developed 10 key actions to be delivered between April 2021 and April 2022 (known as the 2021-2022 Initial Action Plan)
- Gain Cabinet approval March 2021

### **Longer term (completed by April 2022)**

#### **Council Operations**

- Created a new Corporate Carbon Neutral (CN) programme including:
  - New CN Policy (to set out some CN principles for all of the Council to follow)
  - New CN Officer Group and senior responsible officer (to be responsible for developing and delivering council actions and Council Action Plan)
  - Established the carbon footprint for the Council (the amount of carbon dioxide released as a result of council operations/activities. It will be vital to monitor this and establish annual reduction targets in line with Torbay's CN target)
  - Explored strengthening decision making processes in light of the Climate Emergency
  - Explored carbon literacy training for staff and members (to raise staff and members awareness)
  - Developed a Torbay Council CN Action Plan 2022 - 2030 (including a list of prioritised actions that the Council commits to deliver up to 2030)
  - Gain approval from Cabinet to deliver the Torbay Council CN Action Plan

### **Longer term actions (completed by April 2022)**

#### **Torbay-wide**

- Developed with partners and community groups a review of the existing Torbay Climate Change Strategy (2014 – 2019) and developed a new Torbay-wide CN Action Plan 2022 – 2030 (list of resourced, prioritised actions, pipeline of projects and future funding strategy)
- Supported the development of the Devon Carbon Plan (including active engagement in the Devon Citizen Assembly)
- Embed the results of the Devon Carbon Plan into the new Torbay-wide CN Action Plan
- Developed a CN pipeline of projects (this is designed to create a list of investment ready projects capable of securing future funding as it arises)
- Held a public consultation and series of events to develop the new Torbay-wide CN Action Plan (this is to test the draft plans and gauge the appetite of residents and businesses to deliver certain actions) – extent determined by available resources
- Created a coalition of partners to deliver the plans
- Gained approval from Cabinet for the new Torbay-wide Strategy and CN Action Plan.

#### **Devon Carbon Plan**

As mentioned above, this 2021-2022 approach will allow alignment with the work of the Devon Climate Change Emergency Response Group and the Interim Devon Carbon Plan. The Devon Carbon Plan will be a high level strategic plan which provides a whole area evidence base across the Devon region and identifies targeted actions to be delivered. It offers the potential for real

value to be added to Torbay Council's own efforts to meet carbon neutrality in the most effective and evidence-led way possible. For more details see the [draft interim Devon Carbon Plan](#).

## The Benefits

The following are some of the benefits to the proposed approach outlined above:

1. Demonstrates immediate progress to tackling the Climate Emergency and meets various Council and Community carbon neutral commitments as set out in the One Torbay Community and Corporate Plan (2019 – 2023)
2. Creates a longer term corporate programme of CN actions that will allow the council to lead by example and encourage other partners to take similar action
3. Co-designed, refreshed Torbay Climate Change Strategy and new Action Plan which will lead to community buy-in to help deliver plans
4. Enables the Council and partners to have a pipeline of CN projects that are ready to apply for and secure future funding
5. Delivery of the two new Action Plans will have a range of co-benefits such as creating a range of economic opportunities that can help Torbay recover from the COVID-19 such as new green jobs, upskilling and training opportunities and new business opportunities. There are also a range of environmental, social and health benefits that can arise through tackling the Climate Emergency including improved air quality, reduction in respiratory illness and excess winter deaths, alleviation of fuel poverty.

Proposed timetable:

Key Activities	Timescale
<b>Short term (Jan – March 2021)</b>	
Develop 1 year Initial Action Plan (2021-22) and secure Cabinet approval	Jan - March 2021
Delivery of 1 year Initial Action Plan	March 2021 – April 2022
<b>Longer term (March 2021- April 2022)</b>	
<b>Council-wide</b>	
Development of new CN Council Programme including:	
Establish new internal officer group	Feb 2021
Develop a new corporate CN Policy	March 2021
Development of CN Council Action Plan 2022 – 2030 (including carbon footprint for the Council)	Feb – March 2022
Explore Carbon Literacy training for employees and members	2021

Cabinet approval for Council CN Action Plans	April 2022
<p><b>Torbay-wide</b></p> <p>Co-design and development of new Torbay-wide CN Action Plan 2022- 2030 with partners</p> <p>Devon Carbon Plan – Citizen Assembly and Finalised Devon Carbon Plan</p> <p>Cabinet approval for the draft Torbay CN Action Plans and permission to proceed to public consultation</p> <p>Public consultation and events on draft Torbay-wide CN Action Plan</p> <p>Cabinet approval for Council and Torbay CN Action Plans</p>	<p>May -Feb 2022</p> <p>Jan – Sept 2021</p> <p>August 2021</p> <p>Sept – Feb 2022</p> <p>March 2022</p>

**Meeting: Cabinet**

**Date: 23 March 2021**

**Wards Affected: Tormohun**

**Report Title: Pavilion Update**

**When does the decision need to be implemented? ASAP**

**Cabinet Member Contact Details:** Councillor Swithin Long, Cabinet Member for Economic Regeneration, Tourism & Housing, 07419 111618, [Swithin.Long@torbay.gov.uk](mailto:Swithin.Long@torbay.gov.uk)

**Supporting Director Contact Details:** Steve Parrock, CEO TDA, 01803 208973, [Steve.parrock@tda.uk.net](mailto:Steve.parrock@tda.uk.net)

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### **1. Purpose of Report**

- 1.1 To update Cabinet and seek authorisation for Torbay Council to enter into an exchange of letters protocol with Marina Developments Ltd and YG Developments Ltd, which sets out the mutually agreed way forward in respect of the Pavilion. The proposed letters record the process and actions required by both parties prior to commencing the full restoration of the Pavilion building.

### **2. Reason for Proposal and its benefits**

- 2.1 We want Torbay and its residents to thrive.

We want Torbay to be the premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment is celebrated and where we play our part in addressing the climate change emergency.

We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay and affordable housing for our residents.

- 2.2 The proposals in this report help us to deliver this ambition by agreeing the principles and various actions required by both the Council and the current tenant, MDL and their development company YG Developments Ltd, to ensure the restoration of the Pavilion is undertaken as quickly as possible and to provide additional certainty, and commitment from both parties.
- 2.3 This restoration will include the repair of the inherent defects of this strategically important building and a programme of refurbishment that will ultimately see the building bought back into use.

- 2.4 The recommendation and exchange of letters, will only commit the Council to the joint appointment of a specialist surveyor to survey the Pavilion only and the subsequent production of a detailed cost plan. Further Cabinet and/or Council decisions will inevitably be required in the future as progress is made to bring the Pavilion back into sustainable use.

### **3. Recommendation(s) / Proposed Decision**

That the Chief Executive of Torbay Council in consultation with the Portfolio holders for Finance and Economic Regeneration be authorised to:

- i) Agree and finalise the details set out in the Council's response.
- ii) Agree that £75,000 from Economic Development Budget be allocated to match fund the joint appointment of a specialist consultants who will survey the Pavilion and provide a programme of works required with indicative costs.

### **Appendices**

1. **Part 2 EXEMPT**– Letter from YG Developments Ltd dated 16<sup>th</sup> February 2021 (Appendix 1)
2. **Part 2 EXEMPT**– Torbay Letter dated 16<sup>th</sup> February 2021 (Appendix 2), plus attachments (Appendices 3 to 5)
3. Appendix 7 – Site Plan – EM3629



# Supporting Information

## 1. Introduction

- 1.1 The Pavilion, Torquay has been empty and unused for many years. The property is leased to MDL on a 99 year lease from 1985. The marina and adjoining car park is also leased to MDL on a separate 99 year lease agreement from 1987. The Council has been working with its tenant over many years to find a solution which will see the restoration of the Pavilion and ultimately bring it back into use.
- 1.2 Due to a number of inherent defects contained within the Pavilion the cost of repair and restoration has historically prohibited any meaningful action without a substantial development on the immediately adjacent car park which is covered under the 1987 lease.
- 1.3 Members will recall a previous proposal by a hotel developer for the Marina car park which included a mixed use development which would have seen profit from the development being used to fund 100% of the restoration. Due to viability and planning concerns this project did not progress.
- 1.4 MDL have recently requested an exchange of letters prior to fully re-evaluating the condition of the Pavilion and a new enabling development. The noticeable difference with the new proposal is the reduced scale of development being proposed.
- 1.5 The two letters attached set out various actions and milestones that will see proposals come forward in a timely manner.
- 1.6 In the event that the developer secures the necessary consents and funding, this in principle could trigger a surrender of the current Pavilion lease which will see the Pavilion building returned to the control of the Council, either fully restored or with sufficient match funding to cover 50% of the restoration costs. The remaining funding would come from Torquay Town Deal.
- 1.7 It should be noted that the exchange of letters proposed is not a legally binding process, but is helpful as sets out the principles and direction of travel and will give confidence to both parties that the approach is supported.

## 2. Options under consideration

- 2.1 The proposal contained within the letters does not remove or replace the contractual landlord and tenant relationship and it's important to note that the Council will continue to ensure the tenant's obligations as defined in the lease are being met.
- 2.2 Due to the nature and extent of the repairs required, a significant investment in the Pavilion is required. A mixed use development on the adjoining car park appears to be the only viable funding option presently with Government match funding from the recently confirmed Torquay Town Deal application.

### **3. Financial Opportunities and Implications**

- 3.1 If successful this proposal will eventually see the current tenant surrender the Pavilion lease back to the Council either restored or with a surrender payment equal to 50% of the works costs.
- 3.2 The other 50% of the works costs will need to be funded by the Council and it should be noted that if the Council accepts a surrender of the building then it will become liable for the future running costs of the building. It is very likely that the Council will need to find a new tenant for Pavilion. Potential use would include those falling under the new Use Class E (a) & (b) retail and the sale of food and drink and those formerly classed as A4 drinking establishments which are now defined as 'Sui Generis' in addition this may also potentially include event planning, entertain, community use and exhibitions. There will be no permitted development on Cary Green under any circumstances. Whilst it may be possible to pass most future repair liabilities onto a future tenant it may well be too challenging to fully offset all risks and a wider perspective may be necessary with regards to the visitor economy and economic benefit.
- 3.3 Other than a contribution at this stage towards the initial survey work and cost report, any request for monies from the Council to contribute towards these repairs will be part of a separate paper and report to Cabinet/Council, as indicated in 2.4 above).

### **4. Legal Implications**

- 4.1 The exchange of letters are not a legally binding documents beyond the immediate request to carry out surveys and reports up to the value of £150,000 in total.
- 4.2 The Pavilion Lease will remain in place for the duration of this first phase and entering into this document will not prevent the Council from enforcing any tenant obligations contained within that lease.

### **5. Engagement and Consultation**

- 5.1 This is an extremely sensitive location and full engagement and consultation is explicitly required. The tenant has committed to engage widely and in accordance with a list to be provided by Torbay Council.
- 5.2 The tenant will also need to obtain planning consents for any proposal that may come forward and therefore the normal engagement associated with planning applications will also take place as part of this process.
- 5.3 A consultation strategy will be prepared by consultants on behalf of the tenant at the earliest pre planning opportunity.

### **6. Purchasing or Hiring of Goods and/or Services**

- 6.1 There are no procurement issues as MDL Ltd are the existing tenant under the current lease. However, where surveys are to be commissioned for use by Torbay Council and the tenant, the tenant has agreed to adopt the Council's procurement policies.

## **7. Tackling Climate Change**

7.1 Before works can be undertaken a planning consent, listed buildings consent and building control approval for the works will be required, which will involve meeting environmental standards required under policy.

## **8. Associated Risks and Delivery Options**

8.1 Presently there is insufficient information available to identify all of the risks and that is why extensive surveys and feasibility studies are required.

8.2 The works envisaged however can be broken down into two projects. The restoration of the Pavilion as described and the development of the Car Park with retail and residential use which is primarily required to fund the restoration and incentivise the tenant.

8.3 At this juncture it is not possible to determine who is best placed to manage the restoration of the Pavilion project although the tenant has indicated that they would prefer the Council to assume responsibility in return for a fixed price contribution based on the cost plan report to be commissioned and a full surrender of the Pavilion lease.

8.4 Clearly major restoration projects carry significant risk and any unforeseen works that are identified after the surrender will ultimately become the Councils liability. Should the Council decide to accept a surrender of the Pavilion and undertake the restoration in return for a fixed price contribution and the works turn out to cost less than first envisaged then the Council would benefit from this saving. The opposite is true, should the tenant be prepared to take the restoration risk. A possible solution is that both parties share the risk and jointly appoint a profession team. This situation would require a future decision once more information is available. The main advantage of the Council accepting the delivery risk is that it guarantees an outcome and for the most part, the Council retains control of the programme.

8.5 Once the restoration works are complete it should be noted the Council will have the ongoing liability for the Pavilion. It is very likely therefore that the Council will want to find suitable tenants for this space at the earliest opportunity and as part of this arrangement pass on the repairing liability to that third party. It is proposed therefore to further investigate letting options whilst the surveys are being undertaken.

8.6 The two letters attached set out the expected outputs, the immediate scope of work, a breakdown of the consultancy fees and a programme for delivery of this phase.

## Equality Impacts

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

	Women who are pregnant / on maternity leave			There is no differential impact
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	The subsequent refurbishment and potential re-development of the adjoining site is likely to have a positive impact on the locality.		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact
10..	<b>Cumulative Council Impact</b> (proposed changes elsewhere which might worsen the impacts identified above)	N/A		
11.	<b>Cumulative Community Impacts</b> (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)	N/A		

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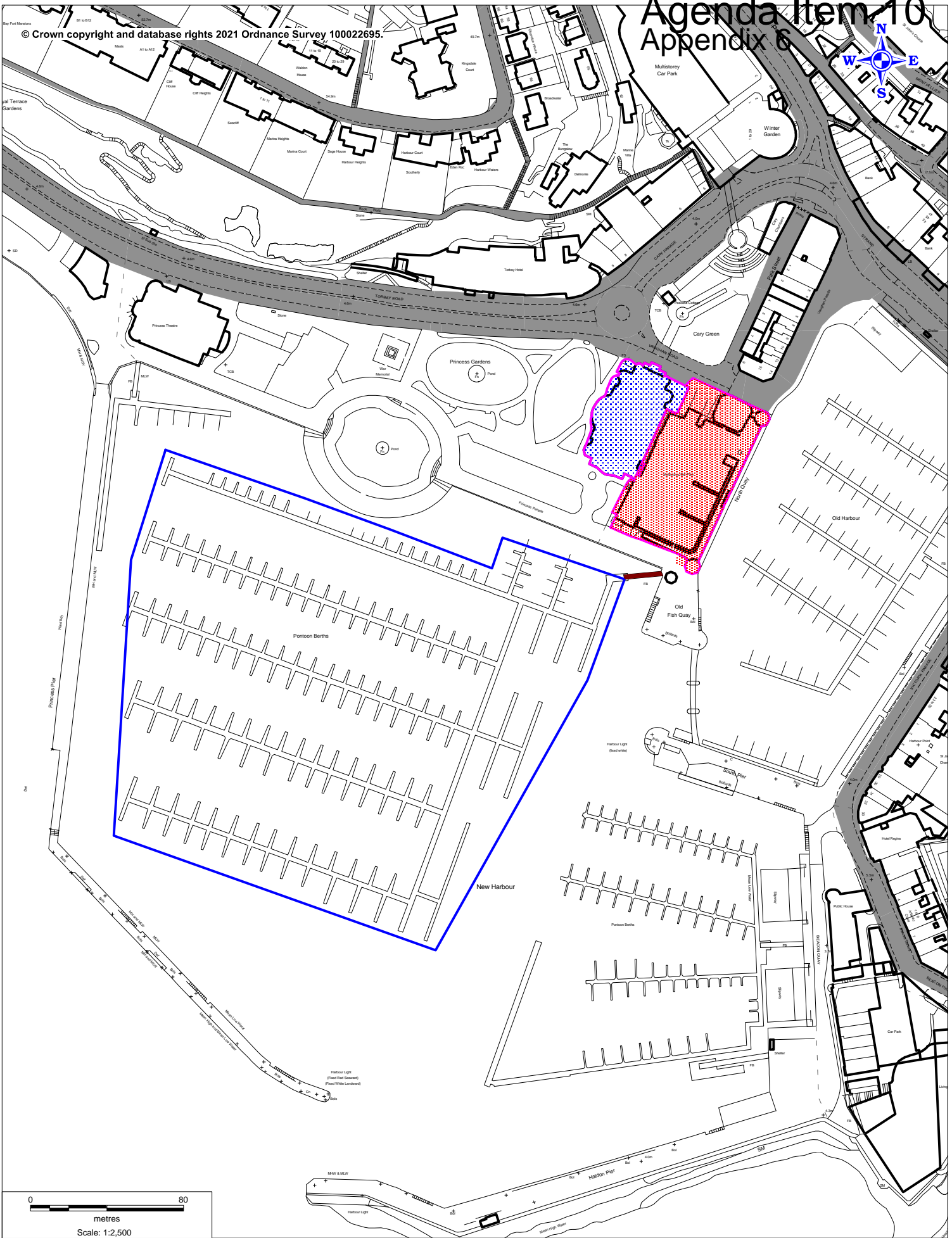
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EM Plan No: EM3629a  
Date: 24 February 2021  
Title: Marina Car Park & Pavilion Shopping Centre

Asset No: T0502 & T3080  
LR Title No: DN521785  
Scale: 1:2500  
Area: 6211 m<sup>2</sup>

**TORBAY**  
COUNCIL



**Meeting: Cabinet**

**Date: 23 March 2021**

**Wards Affected: All**

**Report Title: TorVista Homes Business Plan**

**When does the decision need to be implemented?** Immediately

**Cabinet Member Contact Details:** Councillor Swithin Long, Cabinet Member for Economic Regeneration, Tourism & Housing, 07419 111618, [Swithin.Long@torbay.gov.uk](mailto:Swithin.Long@torbay.gov.uk)

**Supporting Director Contact Details:** Kevin Mowat, Director of Place and Martin Philips, Director of Finance

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### **1. Purpose of Report**

1.1 To seek approval of the TorVista Business Plan.

### **2. Reason for Proposal and its benefits**

2.1 We want Torbay and its residents to thrive.

We want Torbay to be the premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment is celebrated and where we play our part in addressing the climate change emergency.

We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay and affordable housing for our residents.

2.2 The proposals in this report help us to deliver this ambition by setting out an ambitious plan to significantly increase the number of affordable homes in Torbay, providing a range of accommodation types to assist all client groups. The nomination rights Torbay Council will have to these properties will allow it greater flexibility to act strategically and meet the needs of those clients with complex and multiple needs.

2.3 The Business Plan sets out not only the financial aspects of the activity proposed but also the wider vision, strategic priorities and governance structures that are to be adopted.

2.4 The plan also sets out that, of the first 360 homes delivered by TorVista Homes over 200 will be social rent properties. Also within the first 360 homes it is

proposing that TorVista Homes will deliver a wide range of 1,2,3 & 4 bed properties for:

- Extra Care
- Temporary Accommodation
- Off the shelf purchases
- General needs accommodation
- Sheltered accommodation

### **3. Recommendation(s) / Proposed Decision**

3.1 That Cabinet approve the TorVista Homes Business Plan attached at exempt Appendix A to this report, subject to a further updated business case being presented to Cabinet within 3 months to enable a review of independent specialist advice to be undertaken.

### **Appendices**

Appendix A – TorVista Homes Business Plan – Confidential item - Part 2

# Supporting Information

## 1. Introduction

- 1.1 Torbay Council asked TDA to set up a Housing Company as a way to increase the supply of affordable housing within Torbay and to ensure that the Council's strategic housing needs were being met.
- 1.2 The process for becoming a registered housing provider is complex, very involved and requires a significant amount of work. The sector is expertly regulated by Homes England (HE) and the Regulator for Social Housing (RSH) who require a range of information to be sure that the new organisation will be a fit and proper landlord and comply fully with all the regularity standards.
- 1.3 As part of the company set up it is important to have a Business Plan which sets out the values of the company, its objectives and what it wants to achieve over the plan period. Therefore this document does this and it also considers all of the financial aspects of the company so that it can be seen that there are sufficient funds for the company to operate.
- 1.4 The financial assumptions linked to development activity will change and evolve as the detail of schemes are developed and crystallised. As this is a 'live' model the financial elements within the plan will be updated regularly to enable TorVista's Board to monitor the financial performance.
- 1.5 Whilst the financial parameters will change on a regular basis, the overall Business Plan should be reviewed periodically by the Board to ensure it remains current, relevant and in step with the sector and wider environment.
- 1.6 It should be noted that while the plan incorporates all the costs associated with the day to day operations and development activity each development still requires individual decisions to proceed where the viability will be robustly scrutinised. After any Board approval each scheme then also requires Council's S151 Officer to review and approve or not the detailed business case.

## 2. Options under consideration

- 2.1 TorVista Homes could have put forward an alternative plan demonstrating activity either more or less ambitious than the one being considered. However it is felt that this plan incorporates all the objectives of the Council whilst still providing room for ambitious delivery.
- 2.2 The Business Plan incorporates an additional 200 'aspirational units' on sites and opportunities currently unknown. It is recognised that there will be asks of the company and opportunities that arise during the plan period and including these units demonstrates ambition whilst also the capacity to deliver.

## 3. Financial Opportunities and Implications –

- 3.1 The financial implications of this new venture for the Council are inevitably considerable. The scale of development and the figures to be invested are

considerable although this spend is complemented by significant investment by Homes England by the way of grant. The Business Plan on the lower level of assumed houses will incur expenditure on the purchase and construction of housing of over £62m. The Council, the ultimate owner of both Torvista Homes and TEDC Developments, is expected to be the main source of borrowing (over £45m) and therefore will need to ensure that the company remains financially viable in the short and long term whilst meeting its key objectives. The loan arrangements will see both the principal and interest repaid during the term.

- 3.2 Paragraph 1.6 above refers to the previous approval by Council for the approval process for any request for borrowing by Torvista Homes from the Council.
- 3.3 The Council working closely with the Directors of the TDA and Torvista Homes will need to ensure that appropriate due diligence is continually undertaken on the housing activities for both its governance and its financial performance. The TDA have offered Council staff full access to the modelling and professional advice that supports the Business Plan. As paragraph 1.4 states the financial assumptions are a “live” model that will be regularly updated.
- 3.4 The initial business plan as presented has been reviewed by the Torvista Homes and TDA Boards. The financial information presented in the Business Plan is based on forecasts prepared by the TDA Head of Finance. A “industry standard” financial modelling tool called “Bricks” has been used to provide the financial forecasts and the TDA have obtained both legal and financial advice on the most appropriate structure for the housing functions which has resulted in the creation of Torvista Homes (a company primarily for purchasing and renting houses) and TEDC Developments (a company primarily for the design and build of housing assets as commissioned by Torvista Homes).
- 3.5 The financial assumptions used within the plan have prudent and there are a number of stress tests included to demonstrate the robustness and resilience. The regulator requires the company to show scenarios that will break the business plan for us to set out how mitigation can be put in place to prevent these.
- 3.6 As Torvista Homes housing plans are progressed TEDC Developments will be used as a “design and build” company. As these progress the Council will expect the appropriate governance and financial controls for TEDC Developments along with the establishment of the contractual relationships between Torvista Homes and TEDC Developments.

#### **4. Legal Implications**

- 4.1 TorVista Homes are a registered company with both Investment Partner and Registered Provider status. As such the regulator monitors the activity of the company very closely. In addition to the internal and external audits that are required they undertake their own annual audit.
- 4.2 Where the Council provides loan finances for development then these are subject to separate legally binding loan agreements. This document will place obligations on TorVista Homes to use this money for the purposes agreed and detail the arrangements for ‘additional rent’ which will be used to service the loan.
- 4.3 There will be formal nomination and grant agreements in place detailing the rights the Council have and the nomination procedures for that individual scheme.

4.4 An independent specialist review has been undertaken in respect of the business plan, which has recently been received and the response has highlighted some areas to be reviewed. However, it is recognised that we need to proceed at pace so this version of the business plan is proposed for approval and a further updated version will be re-presented to the Cabinet once a review of the independent advice has been undertaken.

## **5. Engagement and Consultation**

5.1 TorVista Homes have engaged with the Portfolio Holder, the Leader, Deputy Leader and Senior Council Officers throughout the process of developing this Business Plan.

5.2 Both TorVista Homes and TDA Board have also been fully engaged and have approved the Business Plan.

## **6. Purchasing or Hiring of Goods and/or Services**

6.1 There are no procurement issues associated with approving the Business Plan.

## **7. Tackling Climate Change**

7.1 TorVista Homes are committed to providing efficient, desirable homes where people want to live. They will look for all new build homes to be as sustainable as the funding will allow with priority going to measures that reduce fuel poverty for their customers.

## **8. Associated Risks**

8.1 Given the scrutiny undertaken in developing the TorVista Homes Business Plan, including Homes England, the TorVista Homes Board, TDA Board, senior Cllr's and senior Council Officers, any associated risks are considered to be minimal.

8.2 Financial risks linked to individual housing schemes and the associated borrowing costs, will be subject to separate decisions rather than this overarching business plan.



## Equality Impacts

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

	Women who are pregnant / on maternity leave			There is no differential impact
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	The improvement of facilities and lease re-gear is likely to have a positive impact on locality.		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact
10..	<b>Cumulative Council Impact</b> (proposed changes elsewhere which might worsen the impacts identified above)	N/A		
11.	<b>Cumulative Community Impacts</b> (proposed changes within the wider community (inc. the public sector) which might worsen the impacts identified above)	N/A		

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**Meeting: Cabinet**

**Date: 23rd March 2021**

**Wards Affected: Churston with Galmpton**

**Report Title: Leasehold Re-gear, Waterside Caravan Park, Three Beaches, Dartmouth Road, Paignton TQ4 6NS**

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

**Cabinet Member Contact Details:** Councillor Swithin Long, Cabinet Member for Economic Regeneration, Tourism & Housing, 07419 111618, [Swithin.Long@torbay.gov.uk](mailto:Swithin.Long@torbay.gov.uk)

**Supporting Officer Contact Details:** Jon Veale, TDA Estates Manager, 01803 207805, [jonathan.veale@tda.uk.net](mailto:jonathan.veale@tda.uk.net)

**Supporting Director Contact Details:** Liam Montgomery, Director of Asset Management, Investment & Housing, 01803 208720, [Liam.montgomery@tda.uk.net](mailto:Liam.montgomery@tda.uk.net)

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## **1. Purpose of Report**

- 1.1 **To seek authorisation for** Torbay Council to commit up to £2,500,000 to enhance facilities at Waterside Caravan Park as part of a reverse premium and to authorise a re-gear of the existing lease to extend the term, modernise and institutionalise the lease.

## **2. Reason for Proposal and its benefits**

- 2.1 We want Torbay and its residents to thrive.

We want Torbay to be the premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment is celebrated and where we play our part in addressing the climate change emergency.

We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay and affordable housing for our residents.

- 2.2 The proposals in this report help us to deliver this ambition by investing in the asset that will see improved facilities and the implementation of a longer, institutional lease which in time will provide an increased revenue stream from the asset. The asset on completion of the redevelopment will help sustain existing jobs and potentially secure new jobs, enhancing the site as a visitor attraction.

2.2 The loan required to allow this investment will be serviced and repair through the rental stream which is enhanced as part of this proposal.

### **3. Recommendation(s) / Proposed Decision**

That subject to further due diligence on the covenant strength of the tenant, the Chief Executive in consultation with the Portfolio Holder for Economic Regeneration, Tourism and Housing be authorised to:

- i) Agree the terms and enter into a new reversionary lease of 100 years.
- i) That Cabinet note that the terms of the lease require the Council to make a reverse premium to the tenant of up to £2.5m at the start of the lease term with the tenant making an increased value of rent payments over the duration of the revised lease term. This reverse premium will be used by the tenant for the enhancement of facilities at Waterside Caravan Park. These improvements will include the upgrade and conversion of the existing clubhouse to house an indoor pool and conversion of the existing outdoor pool to 6 new lodges and will be specified within the lease.
- ii) The Chief Executive in consultation with the S151 Officer be authorised to agree and finalise the detailed lease structure and terms based on accountancy and legal advice.

### **Appendices**

Appendix A – Heads of Terms and financial information – Confidential item - Part 2

# Supporting Information

## 1. Introduction

- 1.1 Waterside Caravan Park is occupied by Park Holidays UK Ltd. under a 99 year lease from Torbay Council dated 1<sup>st</sup> July 2002, which has an unexpired term of circa 80 years. The passing rent is £147,700 p.a. and the rent is reviewed 5 yearly to RPI, the next rent review is in 2021.
- 1.2 The tenant, Park Holidays UK Ltd., has contact Torbay Council requesting a lease re-gear and associated potential investment into the site, which would realise benefits for Torbay both in economic development terms but also adding value to a key revenue producing asset for the Council.
- 1.3 Park Holidays UK Ltd. recognise that the facilities within the caravan park have become dated, with visitors seeking modern leisure facilities. The tenant is seeking a capital contribution by way of a reverse premium of circa £2,410,000 from Torbay Council to unlock redevelopment of part of the site which will be repaid in full by way of “additional rent” of £120,000 p.a., with the additional rent index linked after year 10. The additional rent will be received for the duration of the lease and beyond the term of the loan.
- 1.4 The commercial terms of the new long lease or reversionary lease are to be agreed based on accounting and legal advice, with details of the lease structure and terms to be agreed by the Chief Executive in consultation with the S151 Officer.
- 1.5 The benefits associated include demonstrating investment locally in return for a long term, index linked income stream under an institutional investment lease. Equally the Council’s asset will benefit from needed investment, providing improved facilities for visitors to the area which will improve the visitor experience.

## 2. Options under consideration

- 2.1 The Council’s Corporate Asset Management Plan 2015 to 2019 (2018/19 Revision) makes reference to the Council ‘always seeking to maximise the full market receipt for their assets whether by way of freehold disposal or leasehold interest’. The disposal of this asset by way of the long leasehold will meet that requirement and will facilitate rental growth and improved investment yield.
- 2.2 As an alternative to a capital contribution and lease re-gear the tenant Park Holidays UK Ltd. will continue under the existing lease terms. The dated facilities will not receive investment and the associated benefits detailed in 1.5 above will not be realised. In this scenario Park Holidays UK Ltd. may ultimately look to dispose of its interest in the business which may have a negative impact on the investment value of the asset.

## 3. Financial Opportunities and Implications

- 3.1 Terms are being negotiated for a new long term lease which builds in rental growth and incorporates repayment of the Council's capital contribution through an 'additional rent'.
- 3.2 The accounting for this lease will be applied in line with the relevant lease accounting standards. The terms of the lease with the initial reverse premium payable by the Council as Landlord will have a cash flow implication which will be recovered over the life of the lease and funded for the higher rent.

#### **4. Legal Implications**

- 4.1 The proposed redevelopment will be formalised and documented by Torbay Council Legal Services through the granting of a lease.
- 4.2 This document will place obligations on the tenant to use this money for the purposes agreed and detail the arrangements for the 'additional rent' which will be use to service the loan.
- 4.3 The details terms of the lease will be reviewed and considered by the Council's Chief Executive and S151 officer based on accounting and legal advice obtained prior to being finalised.

#### **5. Engagement and Consultation**

- 5.1 Other than briefings with the Ward Councillors and Portfolio Holder, no engagement or consultation is planned on the principle of the Council providing a Capital Contribution towards these works.
- 5.2 The tenant, Park Holidays UK Ltd. will need to obtain planning consent in the event a decision is made to proceed and therefore the normal engagement associated with planning applications will take place as part of this process.

#### **6. Purchasing or Hiring of Goods and/or Services**

- 6.1 There are no procurement issues as Park Holidays UK Ltd. are the existing tenant under the lease dated 1<sup>st</sup> July 2002.

#### **7. Tackling Climate Change**

- 7.1 The tenant will need to obtain planning consent and building control approval for the works, which will involve meeting environmental standards required under policy.

#### **8. Associated Risks**

- 8.1 Whilst there are no significant risks if the proposal is not implemented there would however likely be a lost opportunity in realising the improvement works to the site and general modernising of the site as a visitor attraction.
- 8.2 The main risks associated with this proposal are linked to the tenant's ability to pay the 'additional rent' which is required to service the Councils loan.
- 8.3 This risk is mitigated in part in that the money will be used to improve and invest in a property where the Council is the freeholder.

If the current were to default on the lease terms then possession could be obtained and the Council will still have the asset with the improved facilities which can ultimately be leased to another party.

- 8.4 The works undertaken will be inspected and reviewed by the Councils own surveyor to ensure that they are in accordance with what has been agreed and that the standard is satisfactory.



## Equality Impacts

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

	Women who are pregnant / on maternity leave			There is no differential impact
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	The improvement of facilities and lease re-gear is likely to have a positive impact on locality.		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact
10..	<b>Cumulative Council Impact</b> (proposed changes elsewhere which might worsen the impacts identified above)	N/A		
11.	<b>Cumulative Community Impacts</b> (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)	N/A		

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**Meeting:** Cabinet

**Date:** 23 March 2021

**Wards Affected:** Tormohun

**Report Title:** Redevelopment of 12-14 Strand (former Debenhams building).

**When does the decision need to be implemented?** Immediately

**Cabinet Member Contact Details:** Councillor Swithin Long, Cabinet Member Economic Regeneration, Tourism and Housing

**Director/Assistant Director Contact Details:** Liam Montgomery, Director of Asset Management, Investment & Housing, 07842838512, [liam.montgomery@tda.uk.net](mailto:liam.montgomery@tda.uk.net)

## 1. Purpose of Report

1.1 In April 2020 the Council acquired the Debenhams buildings at 10-10A and 12-14 Strand, Torquay (consisting of two separate buildings). The larger building at 12 – 14 Strand consists of 31,321 sq ft. over 4 floors. The smaller building at 10 - 10A Strand totals 4,615 sq. ft. over 3 floors.

The purpose of the report is to seek authority to refine the focus of any redevelopment plan and planning permission to purely the land owned by the Council rather than the wider Strand.



The two redlines represent the location of each of the two buildings. The proposals relate to the progress with a planning application for the more Southerly site being located on the right hand side of the photo below.



## **2. Reason for Proposal and its benefits**

We want Torbay and its residents to thrive.

We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay and affordable housing for our residents.

We want Torbay to be the premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment is celebrated and where we play our part in addressing the climate change emergency.

2.1 The proposals in this report help us to deliver this ambition by providing economic and housing growth whilst minimising climate change.

The original request by Cabinet was to look at the possible wider land assembly along the Strand so that a more comprehensive redevelopment could be considered.

Investigations and negotiations with neighbouring properties has taken place and while a number are prepared to consider disposing of their properties a value that supported the viable wider redevelopment could not be agreed.

Originally, the current tenant (Debenhams) had security of tenure until January 2022 although recent events has meant that Debenhams will be vacating all of their stores well in advance of that date.

It is for these reasons that the revised proposal is to submit a planning application for the larger of the two buildings to demolish and rebuild a mixed use development. The proposals will not include the smaller building at this time but will be designed in a way that allows further regeneration along the Strand in the future.

With the tenant going and discussions with neighbouring land owners progressing but at a slow pace, the proposal is to focus on submitting a planning application solely for 12-14 Strand which would not be held up by discussions with adjacent land owners. It is anticipated that this application could be submitted during summer 2021.

Redevelopment of 10-10a or 12-14 The Strand as a standalone scheme may result in interference with rights or easements currently enjoyed by neighbouring landowners or occupiers, such as the right to light, or contractual restrictions. In order to avoid the threat of an injunction which could hinder redevelopment proposals, the Council can use its powers under s.203 of the Housing and Planning Act 2016 ('HPA 2016') to override third party rights. Such a power must be used with caution and as a last resort; rights should be interfered with only if absolutely necessary. Compensation will be payable to those whose rights are interfered with.

The replacement of the existing soon to be empty building with a mixed use development will benefit economic and housing growth. Good quality homes will be delivered above ground floor levels. Employment opportunities will be provided through the provision of new food retail and commercial floor space at ground floor level once the development is completed. Employment opportunities will also exist through the delivery of the design and construction. Such development will rejuvenate this part of Torquay and compliment the Town Deal projects.

The replacement building will tackle climate change by being more energy efficient than the existing building as a result of current building regulations.

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### **3. Recommendation(s) / Proposed Decision**

- (i) That Cabinet authorise the approach to redeveloping the Strand by focussing on 12-14 Strand and in line with the previous decision fund the works required to obtain a planning permission from the Fleet Walk surplus.  
Funding to be from a reserve created from the fleet walk surplus from 2019/20 earmarked for regeneration.

### **Appendices**

There are no appendices.

# Supporting Information

## 1. Introduction

- 1.1 Currently Debenhams have ceased trading from the building due to the latest lockdown. Furthermore it is expected that Debenhams will be handing the premises back to the Council prior to April 2021.
- 1.2 This would leave the Council with an empty property in a strategically important location whilst still being responsible for all associated holding costs.
- 1.3 Planning permission for a mixed used development would help rejuvenate this part of Torquay alongside the Strand Public Realm improvements, increase footfall into the town centre and provide a more attractive commercial floor area to rent.

## 2. Options under consideration

2.1 Landowners have been approached for the whole run of the Strand from numbers 12-14 (the larger of the two Debenhams buildings) up to but not including the listed building at 8 Strand being a former bank. Discussions have been held with the owner's agent for 9 Strand (former Boots building), direct discussions with the owner of 11 Strand (currently Jane's clothes shop) and direct discussions with the owners of a block of 3 apartments being 55, 57 & 59 The Terrace. Discussions have not been a quick process. The majority of landowners in principle are open to selling. However, there is a lack of agreement in terms of valuation.

Should the land ownership of a whole run of the Strand be achieved, a more comprehensive redevelopment could in theory be carried out. This could potentially have a more beneficial impact on this part of Torquay by providing more commercial units and housing growth.

This alternative larger scheme is currently prohibitive and the concern is that continuing with the process will delay the development of the Debenhams site that is about to be vacated and progress could be made.

A pre-application enquiry has been carried out with the planning department. In summary support in principle is given for a redevelopment of Debenhams.

## 3. Financial Opportunities and Implications

3.1 In order to proceed with a planning application the expenditure is required to produce all of the information required for a planning application to be determined. This covers the cost of report/documents, various surveys and assessments, consultants such as the architect and engineer and the fee for planning submission.

3.2 Compensation may be payable to third-parties whose rights (e.g. the right to light) are interfered with as a result of the development.

## 4. Legal Implications

4.1 There is a risk of judicial review if s.203 HPA 2016 (power to override rights and easements) is not used properly.

## **5. Engagement and Consultation**

5.1 Consultation will be carried out with the neighbourhood planning forum along with the standard consultation that takes place as part of the planning process.

## **6. Purchasing or Hiring of Goods and/or Services**

6.1 The proposal will involve the procurement of services. Local companies will be invited to provide quotes and the Council's financial regulations will be adhered to.

## **7. Tackling Climate Change**

7.1 The site is located within a sustainable town centre location where public transport via a comprehensive bus service is available together with good pedestrian connectivity to the surrounding area.

A replacement building, constructed in line with the latest building regulations will provide a more energy efficient building than compared to the older existing structure.

There will also be opportunities to make the site more flood resilient as a result of a Flood Risk Assessment.

## **8. Associated Risks**

8.1 The Council could be left with an empty building which undermines the vibrancy/character of the town centre and does not generate an income if design team work does not progress.

There is cost associated with obtaining a planning permission. Such a planning consent will usually add value to a site. However, the majority of costs associated with the proposal will be linked to the construction of any proposal and progressing with this stage of the project will be subject to a further detailed business case and Cabinet decision.



## Equality Impacts

9.	Identify the potential positive and negative impacts on specific groups		
	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	The commercial element of the proposed development would provide employment for all ages. The proposed housing would be capable of housing younger or older people.		
People with caring Responsibilities			There is no differential impact.
People with a disability	The mixed use development will be designed to currently building regulations that are inclusive of people with a disability.		
Women or men			There is no differential impact.
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact.
Religion or belief (including lack of belief)			There is no differential impact.
People who are lesbian, gay or bisexual			There is no differential impact.
People who are transgendered			There is no differential impact.

	People who are in a marriage or civil partnership		There is no differential impact.
	Women who are pregnant / on maternity leave		There is no differential impact.
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	The proposals are likely to have a positive economic impact through the provision of jobs and increased housing growth/delivery within Torbay.	
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		There is no differential impact.
10..	<b>Cumulative Council Impact</b> (proposed changes elsewhere which might worsen the impacts identified above)		
11.	<b>Cumulative Community Impacts</b> (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)		

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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