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Wednesday, 29 March 2017

Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **Rosetor Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 6 April 2017** commencing at **5.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

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

Steve Parrock
Chief Executive

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

A prosperous and healthy Torbay

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

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Meeting of the Council Agenda

1. **Opening of meeting**

2. **Apologies for absence**

3. **Minutes**

(Pages 4 - 29)

To confirm as a correct record the minutes of the meeting of the Council held on 23 February 2017 and the extraordinary meeting of Council held on 13 March 2017.

4. **Declarations of interests**

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

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

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

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

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

5. **Communications**

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

6. **Land at Green Park Road - Mayoral Recommendation**

(Pages 30 - 47)

To consider the submitted report setting out the Mayor's recommendation in respect of a potential disposal of land at Green Park Road, Preston.

7. **Mayor's Response to Council's Objection to the Review of Investment Fund Strategy and Investment Committee Terms of Reference** (Pages 48 - 64)
To consider the Mayor's response to the Council's objections to the review of the Investment Fund Strategy and Investment Committee Terms of Reference as set out in the attached Record of Decision.
8. **Healthy Torbay Supplementary Planning Document** (Pages 65 - 123)
To consider the submitted report setting out the Healthy Torbay Supplementary Planning document (Policy Framework), which provides spatial planning guidance for use when determining planning applications on a number of matters relating to health and wellbeing in Torbay.
9. **Transformation Project - Town Centre Regeneration** (Pages 124 - 151)
To consider the submitted report on the above.
10. **Transformation Project - Housing Policy Framework Document** (To Follow)
To consider the submitted report setting out the proposed Housing Policy Framework document.
11. **International Holocaust Remembrance Alliance Working Definition of Anti-Semitism** (Pages 152 - 156)
To consider the submitted report on a proposed change to the Council's Equality Objectives (Policy Framework document) to incorporate the above.
12. **Exclusion of the Press and Public**
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following items on the agenda on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.
13. **Torbay Coast and Countryside Trust Leases** (To Follow)
To consider the submitted exempt report on the above.
14. **Transformation Project - Update on the Riviera International Conference Centre**
To consider the submitted exempt report on the above.

Note

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



Minutes of the Council **(Council decisions shown in bold text)**

23 February 2017

-: Present :-

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

The Mayor of Torbay (Mayor Oliver)

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

148 Opening of meeting

The meeting was opened with a prayer.

149 Apologies for absence

Apologies for absence were received from: Councillors Carter, Kingscote, Morris and Winfield for the first part of the meeting until the adjournment; and Councillor Stringer for the whole meeting.

150 Minutes

The Minutes of the meeting of the Council held on 2 February 2017 and the adjourned meeting of the Council held on 9 February 2017 were confirmed as a correct records and signed by the Chairman.

151 Declarations of interests

At the invitation of the Chairman, the Monitoring Officer reminded Members of the dispensation granted in respect of Members' interests in relation to the setting of the Council Tax and matters relating to Council controlled companies where Members were appointed as unpaid directors by the Council. It was noted that this meant Members were permitted to discuss and vote on the budget in respect of these matters without the need to declare an interest.

Councillor Thomas (D) declared a pecuniary interest in respect of the Liberal Democrat amendment on the Air Show in respect of Minute 164. The Chairman declared a pecuniary in respect of Minute 168.

152 Members' questions

Members received a paper detailing the questions and answers, as set out at Appendix 1 to these Minutes, notice of which had been given in accordance with Standing Order A13.

Written responses were circulated prior to the meeting. Supplementary questions were then asked in respect of questions 1 and 2. Verbal responses were provided at the meeting.

153 Notice of Motion - Clinical Health Services (Mayoral Decision)

Members considered a motion in relation to the removal of clinical health services in Paignton and proposals to downgrade Torbay's District General Hospital, notice of which was given in accordance with Standing Order A14.

Councillor Sanders proposed and Councillor Darling (S) seconded the motion as set out below:

this Council objects to the removal of clinical health services delivered in Paignton and to any proposal that downgrades Torbay's District General Hospital, and calls on the Mayor to contact the leaders of neighbouring local authorities whose residents will be affected by such changes to unite against them, and to use his community leadership role to raise with the Government the views of opponents to these changes from residents, patients and staff from across South Devon.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor.

The Mayor rejected the motion and a record of his decision is attached to these minutes.

154 Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust

The Council received the submitted report on the Annual Strategic Agreement (ASA) which set out the way in which Torbay Council and South Devon and Torbay Clinical Commissioning Group (CCG) commissioned services from the Torbay and South Devon NHS Foundation Trust (the Trust) for those requiring adult and social care support. The report also included a proposal for establishing an Adult Services and Public Health Monitoring Working Party to oversee changes in both adult services and public health as a result of local, regional and national pressures. Members also received details of the notice of withdrawal from the Risk Share Agreement by Torbay and South Devon NHS Foundation Trust (as set out in the submitted report).

Members received the recommendations of the Overview and Scrutiny Board for approval of the report.

Councillor Parrott proposed and Councillor Mills seconded a motion, which was agreed by the Council as set out below:

- (i) that the Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust set out at Appendix 1 to the submitted report be approved for the period to 31 December 2017; and**
- (ii) that a Adult Services and Public Health Monitoring Working Party be established comprising 5 members (to be politically balanced), with the Executive Lead for Adults and Children and the Executive Lead for Health and Wellbeing and the Directors of Adult Services and Public Health being invited to attend meetings, with terms of reference as follows:**
 - (a) To provide strategic political interface between elected members and the Executive Lead for Adults and Children and the Directors of Adult Services and Public Health.**
 - (b) To understand the key priorities for Adult Services and Public Health.**
 - (c) To be fully briefed on the changes within Adult Services and Public Health especially in respect of the arrangements with the Integrated Care Organisation, changes arising from the Devon-wide Sustainability and Transformation Plan and changes in Government legislation and/or guidance.**
 - (d) To understand the financial situation in relation to Adult Services and Public Health.**

155 Review of Torbay Council Investment Fund Strategy

Following the Council's decision on a local investment at its meeting on 8 December 2016, the Council considered the submitted report on a review of the Investment Strategy and Investment Fund undertaken by the Investment Committee to ensure there was the greatest opportunity to maximise the benefits income, diversify investments and spread risks. The report also set out a review of the Investment Committee's terms of reference to ensure they matched the revised Strategy and working practices. Members noted the Investment Strategy formed part of the Council's Policy Framework and therefore required Council approval following recommendations by the Mayor.

Mayor Oliver proposed and Councillor Mills seconded a motion as set out below:

- (i) that the Council be recommended to approve the revised Torbay Council Investment Fund Strategy set out in Appendix 1 to the submitted report; and
- (ii) that the Council be recommended to approve the revised Terms of Reference of the Investment Committee set out in Appendix 2 to the submitted report.

During the debate Councillor Tyerman proposed and Councillor Thomas (J) seconded an objection to the motion as follows:

that the Council formally objects to the adoption of the revised Torbay Council Investment Fund Strategy on the basis that the Investment Committee recommendation should be adopted by Council as follows:

- 3.3 That the Council be recommended to approve the revised Torbay Council Investment Fund Strategy set out in Appendix 1 to the submitted report, subject to the level of authority to the Investment Committee being increased to £10m.**
- 3.4 That the Council be recommended to approve the revised Terms of Reference of the Investment Committee set out in Appendix 2 to the submitted report, subject to the level of authority to the Investment Committee being increased to £10m.**

In accordance with the Constitution at F4.9, the Council therefore requires the Mayor to consider this objection by 3 March 2017 either:

- a) submit a revision of the Investment Fund Strategy with the reasons for any amendments to the Council for its consideration; or**
- b) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.**

The objection was put to the vote and declared carried. The Mayor would consider the objection and publish his response by 3 March 2017 for consideration at the Council meeting on 6 April 2017.

156 Torbay Council Annual Pay Policy Statement and Review of Pensions Discretions

The Council considered the submitted report setting out the Council's Annual Pay Policy Statement as required under Section 38(1) of the Localism Act 2011. It was noted that the Pay Policy Statement drew together the Council's overarching policies on pay and conditions which would be published on the Council's website.

The report also set out the annual review of pensions discretions as required by the Local Government Pension Scheme Regulations.

Councillor Mills proposed and Councillor Darling (S) seconded a motion, which was agreed (unanimously) by the Council as set out below:

- (i) that the Torbay Council Annual Pay Policy Statement 2017/18, as set out at Appendix 2 to the submitted report, be approved; and**
- (ii) that the Employers Pensions Discretions set out in Appendix 3 to the submitted report be approved.**

157 Heart of the South West Devolution - Update and Appointment of Joint Committee

Members received an update following the 'in principle' approval of the Council (at its meeting on 21 July 2016) to progress negotiations for a devolution deal and the establishment of a Combined Authority. The report also proposed the preparation and approval of a Heart of the South West (HotSW) Productivity Plan and the creation of a formal HotSW Joint Committee of the local authorities, national park authorities and partners to take forward the Productivity Plan.

Mayor Oliver proposed and Councillor Mills seconded a motion, which was agreed by the Council as set out below:

- (i) that the update about the HotSW Combined Authority/devolution deal proposals (including that a Joint Committee, if established, will have responsibility for developing future 'deal' and combined authority proposals for recommendation to the constituent authorities) be noted;**
- (ii) that the proposals for the HotSW Productivity Plan preparation and consultation (including noting that a Joint Committee, if established, will have responsibility for approving and overseeing the implementation of the Productivity Plan) be approved;**
- (iii) that it be agreed 'In principle' that a HotSW Joint Committee be established with a Commencement Date of Friday 1 September 2017 in accordance with the summary proposals set out in the submitted report; and**
- (iv) that the 'in principle' decision at (iii) above be subject to further recommendation and report to the constituent authorities after the County Council elections in May 2017 and confirmatory decisions to: approve the establishment of the Joint Committee; a constitutional 'Arrangements' document; an 'Inter-Authority Agreement' setting out the support arrangements; appoint representatives to the Joint Committee; and appoint an Administering Authority.**

158 Decision to Opt in to the National Scheme for Auditor Appointments with Public Sector Audit Appointment (PSAA) as the 'Appointing Person'

The Council considered the submitted report setting out the Audit Committee's recommendations on proposals for appointing the external auditor to the Council for the 2018/19 accounts and beyond from the national scheme for appointing auditors. It was noted the current contract was let by the Audit Commission and that, following the closure of the Audit Commission, this contract had been moved to the Public Sector Audit Appointments (PSAA).

Councillor Tyerman proposed and Councillor Stocks seconded a motion, which was agreed (unanimously) by the Council as set out below:

that the Council accepts Public Sector Audit Appointments' (PSAA) invitation to 'opt in' to the sector led option for the appointment of external auditors for five financial years commencing 1 April 2018.

159 Provisional Calendar of Meetings for 2017/2018

The Council received the submitted report setting out the provisional calendar of meetings for the 2017/2018 Municipal Year which had been prepared based on the Council's decision-making structure and in accordance with the Council's Standing Orders. A revised officer recommendation was circulated on 21 February 2017.

Councillor Mills proposed and Councillor Morey seconded a motion as set out below:

- (i) that the provisional calendar of meetings for 2017/2018, set out in Appendix 1 to the submitted report, plus an additional provisional Council meeting on 15 June 2017, be approved for final ratification at the Annual Council Meeting; and
- (ii) that meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman/woman.

During the debate Councillor Pentney proposed and Councillor Darling (M) seconded an amendment to the motion as follows:

- (i) that the provisional calendar of meetings for 2017/2018, set out in Appendix 1 to the submitted report, plus an additional provisional Council meeting on 15 June 2017, be approved for final ratification at the Annual Council Meeting, subject to the start time for Development Management Committee to be changed from 2.00 pm to 5.30 pm.
- (iii) the Development Management Committee be renamed Planning Committee, to take effect from the beginning of the next Municipal Year 2017/18.

The amendment was put to the vote and declared lost.

Councillor Mills' and Councillor Morey's original motion was then considered by the Council which was agreed, as set out below:

- (i) **that the provisional calendar of meetings for 2017/2018, set out in Appendix 1 to the submitted report, plus an additional provisional Council meeting on 15 June 2017, be approved for final ratification at the Annual Council Meeting; and**
- (ii) **that meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman/woman.**

160 Request for Loan to South Devon College to Support the Development and Construction of a New Hi Tech Skills Centre

Members received the submitted report setting out a proposal for the Council to assist South Devon College construct a new purpose built hi-tech and digital centre by way of a loan. It was noted the new centre would provide significant positive economic and community benefits, meet the skills demand from employers and grow high level sustainable jobs for students in Torbay.

Members received the recommendations of the Overview and Scrutiny Board for approval of the report.

Mayor Oliver proposed and Councillor Lewis seconded a motion, which was agreed (unanimously) by the Council as set out below:

that the Council provide South Devon College with a loan on terms set out in exempt Appendix 1 to the submitted report to enable them to develop and construct a new hi tech skills centre.

161 Review of Electoral Arrangements - Submission by Torbay Council on Council Size

Further to the Council meeting on 21 July 2016, Members considered the Council's consultation response on the Local Government Boundary Commission for England (LGBCE) review of the number of Councillors in Torbay in respect of how many councillors in total should be elected to Torbay Council.

Councillor Mills proposed and Councillor Thomas (D) seconded a motion, which was agreed (unanimously) by the Council as set out below:

that the Review of Electoral Arrangements - Submission by Torbay Council on Council Size set out at Appendix 1 to the submitted report be approved and that the Local Government Boundary Commission for England be recommended to retain 36 Councillors for Torbay.

162 Adjournment

At this juncture the meeting was adjourned until 5.30pm on Thursday, 23 February 2017.

163 Jubilee Gardens - Mayoral Recommendations

The Council considered the recommendations of the Mayor which were outside of the Council's Policy Framework (namely the Corporate Asset Management Plan) and in respect of a disposal of land adjacent to 4 Berry Head Road, Brixham known as Jubilee Gardens. The Chairman advised that revised Mayoral recommendations had been circulated on 21 February 2017.

Mayor Oliver proposed and Councillor Thomas (D) seconded a motion as set out below:

that the Council be recommended that the land adjacent to 4 Berry Head Road (known as Jubilee Gardens) remains in the Council's ownership and is not disposed of, on the basis that there are existing covenants on this land to protect it and the Council has no plans to develop it.

During the debate, Councillor Morey proposed and Councillor Ellery seconded an amendment, which (with further adjustment) was accepted by Mayor Oliver and Councillor Thomas (D), incorporated in the original motion and was agreed by the Council as set out below:

- (i) that the Council be recommended that the land adjacent to 4 Berry Head Road (known as Jubilee Gardens) remains in the Council's ownership and is not disposed of, on the basis that there are existing covenants on this land to protect it and the Council has no plans to develop it; and**
- (ii) that the Assistant Director of Corporate and Business Services be requested to explore the potential of transferring the land adjacent to 4 Berry Head Road (known as Jubilee Gardens), either as a short or medium term leasehold to Brixham Town Council, on the basis that they will be responsible for maintenance and make recommendations to the Council accordingly.**

(Note: Councillor Stockman left the meeting after consideration of this item.)

164 Revenue Budget 2017/2018

The Council considered the final Revenue Budget proposals of the Mayor (as set out in the Mayor's Record of Decision dated 16 February 2017), which he had put forward following his consideration of the objections that were made by the Council at its adjourned meeting on 9 February 2017.

In accordance with legislation, the Chairman advised recorded votes would be taken on the motion and amendments.

Mayor Oliver proposed and Councillor Mills seconded a motion as set out below:

that the Mayor's original budget proposals presented to Council on 9 February 2017 be recommended to Council, subject to the indicative budget figures for 2018/19 being removed and that these be considered as part of the development of the Revenue Budget for 2018/19, as set out below:

- (a) that the proposals identified for service change, income generation and efficiencies in 2017/2018, as set out in the proposed Revenue Budget Digest (excluding 2018/2019 indicative figures), be approved;
- (b) that the net revenue expenditure of £109.642m resulting in a Council Tax requirement of £60.075m for 2017/2018, a 3.99% increase which includes a 2% increase in Council Tax specifically for adult social care be approved;
- (c) that, in relation to (b) above, the Council's commitment (by a statement signed by the Chief Financial Officer) to allocate the additional funding of £1.155m raised by the 2% increase in Council Tax to adult social care be confirmed;
- (d) that the Dedicated Schools Grant be used in accordance with the Schools Financial Regulations and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed;
- (e) that, in accordance with the requirement of the Local Government Act 2003, the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's reserves (as set out in the submitted report) be considered and noted; and
- (f) that it be noted that Brixham Town Council has yet to set its budget for 2017/2018 and this precept, when known, will be included as part of the Torbay Council budget for Council Tax setting purposes.

During the debate and in accordance with Standing Order A14.4, Councillor Thomas (D) proposed and Councillor Robson seconded an amendment to the motion as follows:

- (b) that the net revenue expenditure of ~~£109.642m~~ £110.219m resulting in a Council Tax requirement of ~~£60.075m~~ £60.652 for 2017/2018, a ~~3.99%~~ 4.99% increase which includes a ~~2%~~ 3% increase in Council Tax specifically for adult social care be approved;
- (c) that, in relation to (b) above, the Council's commitment (by a statement signed by the Chief Financial Officer) to allocate the

additional funding of ~~£1.155m~~ £1.732m raised by the 2% 3% increase in Council Tax to adult social care be confirmed;

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, King, Kingscote, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Pentney, Robson, Sanders, Stocks, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard Tyerman and Winfield (34); Abstain: Mayor Oliver (1); Absent: Councillors Stockman and Stringer (2). Therefore, as more than two-thirds of members present and voting had cast their vote in support of the amendment, it was carried.

During the debate and in accordance with Standing Order A14.4, Councillor Darling (S) proposed and Councillor Pentney seconded a further amendment to the motion as follows:

- (a) that the proposals identified for service change, income generation and efficiencies in 2017/2018, as set out in the proposed Revenue Budget Digest (excluding 2018/2019 indicative figures), be approved, subject to the reallocation of £100,000 contingency fund to underwrite the Air Show as follows:

£50,000 for grants given to community led youth service provision; and
£50,000 allocated to grounds maintenance of public open spaces

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Darling (M), Darling (S), Doggett, Ellery, Morey, Pentney, Sanders and Stocks (8); Against: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Cunningham, Excell, Haddock, Hill, King, Kingscote, Lewis, Manning, Mills, Morris, O'Dwyer, Parrott, Robson, Stubley, Sykes, Thomas (J), Tolchard, Tyerman and Winfield (25); Abstain: Councillor Carter (1); and Absent: Councillors Stockman, Stringer and Thomas (D) (3). Therefore, less than two-thirds of members present and voting cast their vote in support of the amendment and it was declared lost.

During the debate and in accordance with Standing Order A14.4, Councillor Darling (S) proposed and Councillor Sanders seconded a further amendment to the motion as follows:

- (a) that the proposals identified for service change, income generation and efficiencies in 2017/2018, as set out in the proposed Revenue Budget Digest (excluding 2018/2019 indicative figures), be approved, subject to the Mayor's Support Unit budget being reduced by £30,000 and that this budget be reallocated to the Discretionary Housing Payments fund to support the most vulnerable in our community.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Carter, Darling (M), Darling (S), Doggett, Ellery, Morey,

Pentney, Sanders and Stocks (9); Against: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Cunningham, Excell, Haddock, Hill, King, Kingscote, Lewis, Manning, Mills, Morris, O'Dwyer, Parrott, Robson, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (26); and Absent: Councillors Stockman and Stringer (2). Therefore, less than two-thirds of members present and voting cast their vote in support of the amendment and it was declared lost.

A recorded vote was taken on the amended (substantive) motion. The voting was taken by roll call as follows: For: Mayor Oliver, Amil, Barnby, Bent, Brooks, Bye, Cunningham, Ellery, Excell, Haddock, Hill, King, Kingscote, Lewis, Manning, Mills, Morris, O'Dwyer, Parrott, Robson, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (27); Abstain: Councillors Carter, Darling (M), Darling (S), Doggett, Morey, Pentney, Sanders and Stocks (8); Absent: Councillors Stockman and Stringer (2). Therefore, as more than two-thirds of members present and voting had cast their vote in support of the amended (substantive) motion, it was carried as follows:

that the Mayor's original budget proposals presented to Council on 9 February 2017 be recommended to Council (as amended), subject to the indicative budget figures for 2018/19 being removed and that these be considered as part of the development of the Revenue Budget for 2018/19, as set out below:

- (a) that the proposals identified for service change, income generation and efficiencies in 2017/2018, as set out in the proposed Revenue Budget Digest (excluding 2018/2019 indicative figures), be approved;**
- (b) that the net revenue expenditure of £110.219m resulting in a Council Tax requirement of £60.652m for 2017/2018, a 4.99% increase which includes a 3% increase in Council Tax specifically for adult social care be approved;**
- (c) that, in relation to (b) above, the Council's commitment (by a statement signed by the Chief Financial Officer) to allocate the additional funding of £1.732m raised by the 3% increase in Council Tax to adult social care be confirmed;**
- (d) that the Dedicated Schools Grant be used in accordance with the Schools Financial Regulations and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed;**
- (e) that, in accordance with the requirement of the Local Government Act 2003, the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's reserves (as set out in the submitted report) be considered and noted; and**

- (f) **that is be noted that Brixham Town Council has yet to set its budget for 2017/2018 and this precept, when known, will be included as part of the Torbay Council budget for Council Tax setting purposes.**

(Note: Prior to consideration of the Liberal Democrat Group Amendment on the Air Show, Councillor Thomas (D) declared his pecuniary interest and withdrew from the meeting during the debate and voting on this amendment.)

165 Capital Plan 2017/2018

The Council considered the final Capital Plan Budget proposals of the Mayor (as set out in the Mayor's Record of Decision dated 16 February 2017), which he had put forward following his consideration of the objections that were made by the Council at its adjourned meeting on 9 February 2017.

In accordance with legislation, the Chairman advised recorded votes would be taken on the motion and amendments.

Mayor Oliver proposed and Councillor Mills seconded a motion as set out below:

that the Capital Plan Budget proposals for 2017/2018, as set out in Appendix 1 to the submitted report and as presented to the adjourned Council meeting on 9 February 2017, be recommended to Council for approval.

During the debate Councillor Tyerman proposed and Councillor Carter seconded an amendment to the motion as follows:

that the Capital Plan Budget proposals for 2017/2018, as set out in Appendix 1 to the submitted report and as presented to the adjourned Council meeting on 9 February 2017, be recommended to Council for approval, subject to the following conditions and for presentation to Council at its meeting in July 2017, if not before:

- (a) that the Elected Mayor and the Chief Executive be requested to review the projects listed below and make recommendations to Council on:
- (i) Claylands Redevelopment
 - (ii) Edginswell Station
 - (iii) Princess Pier Structural Repair

With no further significant work (as determined by the Chief Executive) to be undertaken until the schemes have been re-presented to Council for detailed consideration and determination as appropriate;

- (b) that the Elected Mayor and the Chief Executive review and make recommendations to Council on the specific proposals for expenditure on the capital budget for Integrated Transport;

- (c) that, on the basis that the procurement process for replacement of a Torbay wide CCTV system has been paused pending the budget being approved, that the Elected Mayor and Chief Executive review and make recommendations to Council. With no further significant work (as determined by the Chief Executive) be undertaken, until the plan for capital expenditure on CCTV has been re-presented to Council for detailed consideration and determination;
- (d) that the Elected Mayor and Chief Executive be requested to set out to Council how the capital budgets for:
 - (i) affordable housing
 - (ii) empty homes schemes
 - (iii) private sector renewals

will be used to meet the Council's Housing strategy.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, King, Kingscote, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Pentney, Robson, Sanders, Stocks, Stubbley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (35); Absent: Councillors Stockman and Stringer (2). Therefore, as more than two-thirds of members present and voting had cast their vote in support of the amendment, it was carried (unanimously).

The amended (substantive) motion was then considered by members.

A recorded vote was taken on the amended (substantive) motion. The voting was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, King, Kingscote, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Pentney, Robson, Sanders, Stocks, Stubbley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (35); Absent: Councillors Stockman and Stringer (2). Therefore, as more than two-thirds of members present and voting had cast their vote in support of the amended (substantive) motion, it was carried (unanimously) as follows:

that the Capital Plan Budget proposals for 2017/2018, as set out in Appendix 1 to the submitted report and as presented to the adjourned Council meeting on 9 February 2017, be recommended to Council for approval, subject to the following conditions and for presentation to Council at its meeting in July 2017, if not before:

- (a) that the Elected Mayor and the Chief Executive be requested to review the projects listed below and make recommendations to Council on:**

- (i) Claylands Redevelopment
- (ii) Edginswell Station
- (iii) Princess Pier Structural Repair

With no further significant work (as determined by the Chief Executive) to be undertaken until the schemes have been re-presented to Council for detailed consideration and determination as appropriate;

- (b) that the Elected Mayor and the Chief Executive review and make recommendations to Council on the specific proposals for expenditure on the capital budget for Integrated Transport;
- (c) that, on the basis that the procurement process for replacement of a Torbay wide CCTV system has been paused pending the budget being approved, that the Elected Mayor and Chief Executive review and make recommendations to Council. With no further significant work (as determined by the Chief Executive) be undertaken, until the plan for capital expenditure on CCTV has been re-presented to Council for detailed consideration and determination;
- (d) that the Elected Mayor and Chief Executive be requested to set out to Council how the capital budgets for:
 - (i) affordable housing
 - (ii) empty homes schemes
 - (iii) private sector renewals

will be used to meet the Council's Housing strategy.

166 Mayor's Response to Objection to the Review of Reserves

Further to the adjourned Council meeting held on 9 February 2017, members considered the submitted report on the Mayor's response to the objections on the review of reserves and the reallocation of reserves from Harbours and Regeneration.

Mayor Oliver proposed and Councillor Mills seconded a motion as set out below:

- (i) that the transfer of £2.750m identified from a number of individual earmarked reserves (as detailed in paragraph A2.19 of the submitted report) to the following reserves be approved:
 - a) £2.0m to the Comprehensive Spending Review to fund the predicted 2016/17 Council overspend primarily as a result of budget pressures in children's and adults social care; and

- b) £0.750m to the General Fund Reserve to be used as a contingency to support the Council's financial risks in future years; and
- (ii) that, given the significant financial pressures facing the Council in future years, the allocation of additional funds, as required, to the Comprehensive Spending Review Reserve in each budget process from 2018/2019 onwards to increase, and then maintain, an ongoing minimum balance in the reserve of £2m be agreed.

During the debate Councillor Bye proposed and Councillor Ellery seconded an amendment to the motion as follows:

- (i) that the transfer of ~~£2.750m~~ £2.277m identified from a number of individual earmarked reserves (as detailed in paragraph A2.19 of the submitted report with the exception of reserves for Harbours and Regeneration) to the following reserves be approved:
 - a) £2.0m to the Comprehensive Spending Review to fund the predicted 2016/17 Council overspend primarily as a result of budget pressures in children's and adults social care.
 - b) ~~£0.750m~~ £0.277m to the General Fund Reserve to be used as a contingency to support the Council's financial risks in future years.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows For: Councillors Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, Morris, O'Dwyer, Pentney, Robson, Sanders, Stocks, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (28); Against: Mayor Oliver; Councillors Mills and Parrott (3); Abstain: Councillors Excell, Haddock, King and Manning (4); and Absent: Councillors Stockman and Stringer (2). Therefore, as more than two-thirds of members present and voting had cast their vote in support of the amendment, it was carried.

The amended (substantive) motion was then considered by members and as more than two-thirds of members present and voting had cast their vote in support, it was agreed by the Council as follows:

- (i) that the transfer of £2.277m identified from a number of individual earmarked reserves (as detailed in paragraph A2.19 of the submitted report with the exception of reserves for Harbours and Regeneration) to the following reserves be approved:**
 - a) £2.0m to the Comprehensive Spending Review to fund the predicted 2016/17 Council overspend primarily as a result of budget pressures in children's and adults social care.**

b) £0.277m to the General Fund Reserve to be used as a contingency to support the Council's financial risks in future years.

(ii) that, given the significant financial pressures facing the Council in future years, the allocation of additional funds, as required, to the Comprehensive Spending Review Reserve in each budget process from 2018/2019 onwards to increase, and then maintain, an ongoing minimum balance in the reserve of £2m be agreed.

167 Council Tax 2017/2018

The Council received the submitted report 2 (4.99% for Torbay element) in relation to the setting of Council Tax for 2017/18.

In accordance with legislation, the Chairman advised recorded votes would be taken on the motion.

Mayor Oliver proposed and Councillor Mills seconded a motion as set out below:

(i) that the Council is recommended to note:

1. that in December 2016 the Council calculated the Council Tax Base for 2017/18:-

(a) For the whole Council area as 44,049.22, [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and

(b) For dwellings in the Brixham Town Council area as 5,900.83 to which a Parish precept relates;

2. that the Police and Crime Commissioner for Devon and Cornwall and the Devon and Somerset Fire and Rescue Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table in paragraph (ii) 3. below.

(ii) that the Council is recommended to approve:

1. the Council Tax requirement for the Council's own purposes for 2017/18 (excluding Brixham Town Council) of £60,652,000;

2. that the following amounts be calculated for the year 2017/18 in accordance with Chapter Three of the Act:

(a) £272,976,457 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account the precept issued to it by Brixham Town Council;

(b) (£212,070,000) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act;

(c) £60,906,457 being the amount by which the aggregate at (ii) 2.(a) above exceeds the aggregate at (ii) 2.(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax Requirement for the year (item R in the formula in Section 31B of the Act);

d) £1,382.69 being the amount at (ii) 2.(c) above (Item R), all divided by Item T ((i) 1.(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);

e) £253,972 being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act;

f) £1,376.93 being the amount at (ii) 2.(d) above less the result given by dividing the amount at (ii) 2.(e) above by Item T ((i) 1.(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates;

3. that the Council, in accordance with Chapter Three of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2017/18 for each part of its area and for each of the categories of dwellings.

	Valuation Band							
	A	B	C	D	E	F	G	H
Ratio of each band to Band D	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9
	£	£	£	£	£	£	£	£
<i>Torbay Council –</i>	<i>874.91</i>	<i>1,020.</i>	<i>1,166.5</i>	<i>1,312.</i>	<i>1,604.</i>	<i>1,895.</i>	<i>2,187.</i>	<i>2,624.</i>

<i>excluding Adult Social Care</i>		73	5	37	01	65	28	74
Torbay Council – Adult Social Care “precept” since 2016/17	43.04	50.21	57.39	64.56	78.91	93.25	107.60	129.12
Torbay Council	917.95	1,070.94	1,223.94	1,376.93	1,682.92	1,988.90	2,294.88	2,753.86
Police and Crime Commissioner	117.52	137.11	156.69	176.28	215.45	254.63	293.80	352.56
Devon and Somerset Fire and Rescue Authority	54.38	63.44	72.51	81.57	99.70	117.82	135.95	163.14
Aggregate of Council Tax Requirements ex. Town Council	1,089.85	1,271.49	1,453.14	1,634.78	1,998.07	2,361.35	2,724.63	3,269.56
Brixham Town Council	28.69	33.48	38.26	43.04	52.60	62.17	71.73	86.08
Aggregate of Council Tax Requirements including Brixham Town Council	1,118.54	1,304.97	1,491.40	1,677.82	2,050.67	2,423.52	2,796.36	3,355.64

4. **that the Council's basic amount of Council Tax for 2017/18 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. (see paragraph 5.9 of the submitted report).**

A recorded vote was taken on the motion. The voting was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Cunningham, Ellery, Excell, Haddock, Hill, King, Kingscote, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Stubbley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (28); Abstain: Councillors Carter, Darling (M), Darling (S), Doggett, Pentney, Sanders and Stocks (7); and Absent: Councillors Stockman and Stringer (2). Therefore, the motion was declared carried.

168 Transformation Project - Generating Income through Housing

Prior to consideration of Minute 168, the Chairman declared his pecuniary interest and withdrew from the meeting. The Vice-Chairwoman chaired the meeting for this item.

Councillor Brooks in the Chair

Further to the Council's in principle decision on 22 September 2016 to establish a new wholly owned development company to develop and own homes, Members received an update on the development of proposals and details of the proposed company structure (set out in the submitted report).

Members received the recommendations of the Overview and Scrutiny Board that the proposals contained within the report were followed.

Councillor King proposed and Councillor Haddock seconded a motion, which was agreed by the Council as set out below:

- (i) **that Council approves the establishment of the Holding Company as a wholly owned company limited by shares of the Council for all Council wholly owned companies, and delegates to the Director of Adults and Transformation authority to implement this decision, including approval of the Memorandum and Articles of Association, in consultation with Group Leaders;**
- (ii) **the Council approves the establishment of a Housing Development Company as a wholly owned subsidiary (company limited by shares) of the Holding Company, and delegates to the Director of Adults and Transformation authority to implement this decision, including approval of the Memorandum and Articles of Association, in consultation with Group Leaders;**
- (iii) **the Council approves the establishment of a Housing Rental Company as a wholly owned subsidiary (company limited by shares) of Holding Company, and delegates to the Director of Adults and Transformation authority to implement this decision,**

including approval of the Memorandum and Articles of Association, in consultation with Group Leaders;

- (iv) that Council authorise the Director of Adults and Transformation to approve the appointment of any Officer(s) as a director and/or company secretary of the Holding Company and/or either the Development Company or Rental Company during the application to register Holding Company and/or Housing Development Company; and**
- (v) that the Housing Company Policy Framework document be presented to Council for consideration in April 2017, together with an outline business case.**

Chairman

Questions Under Standing Order A13

A member may only submit three questions for consideration at each Council Meeting. Each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn. The time for member's questions will be limited to a total of 30 minutes.

Question (1) by Councillor Darling (S) to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)	In recent press reports it has been stated that you plan to re employ an agent in the USA who has cost the Council £120,000 to champion investment in Torbay from the USA, at a further cost of £40,000, whilst there is no evidence of any direct investments in Torbay due to their work. Can you confirm or deny this?
Mayor Oliver	The Council has previously held a three year contract with England Development Agency (EDA) LLC for lead generation in America. On our behalf they made contact with a significant number of businesses to promote Torbay, and formally passed through 103 leads. There were visits to the Bay from two companies, Boston Micro machines and Herzog, whom we remain in contact with. Additionally we retain links with approximately half of the leads, and as EPIC and other schemes progress we will be reaching out to them to promote a specific Torbay offer.

Second Round

Question (2) by Councillor Darling (S) to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)	What cost was there in officer time or other financial cost to the Council or TDA to investigate a third harbour for Torquay?
Mayor Oliver	The Third Harbour for Torquay project spanned 2011 and 2012. Over this time the TDA spent a total of 351 hours on this project. There were a further 176 of Torbay Council officer time spent on this project. The total is therefore 527 hours.

Third Round

Question (3) by Councillor Darling (S) to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)	What cost was there in officer time or other financial cost to the Council or TDA to investigate a container hub at Goodrington?
Mayor Oliver	Work undertaken on the production of the Tor Bay Harbour Port Masterplan included a proposal for a container hub at Goodrington. The work on this policy framework document formed part of an EU funded Interreg project and only 50% of the cost of this work fell to the Council via the harbour account. Consultants were employed to help produce the Masterplan and the TDA were used to project manage the work. A container hub at Goodrington was one of many proposals considered by the Port Masterplan team and wider stakeholders as part of the evolution of the final document. The cost of the Port Masterplan was £50,000 in total but £25,000 was claimed back via EU funding.

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Record of Decision

Notice of Motion - Clinical Health Services

Decision Taker

Mayor on 23 February 2017

Decision

That the motion be rejected for the reasons given below.

Reason for the Decision

Torbay Council supports a model of care which integrates health and social care and supports people in their own home which is individuals' preference. The South Devon and Torbay Clinical Commissioning Group, after a consultation process, reduced the number of NHS beds in Paignton whilst retaining outpatient services. The Overview and Scrutiny Board, in undertaking its health scrutiny role on behalf of the Council, will continue to seek assurance as the process goes forward and that the proposals are implemented in accordance with commitments made to local people.

There is no proposal to 'downgrade' Torbay Hospital. There will be a review of acute services across the whole of Devon and Torbay Council will be consulted on any proposed changes. The Overview and Scrutiny Board will carry out its health scrutiny role throughout the process as will Healthwatch as an independent health and care watchdog (funded by Torbay Council for that purpose).

Implementation

This decision will come into force and may be implemented on 10 March 2017 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

At the Council meeting held on 23 February 2017, the Mayor considered a motion in relation to the removal of clinical health services in Paignton and proposals to downgrade Torbay's District General Hospital, notice of which was given in accordance with Standing Order A14 by Councillors Sanders and Darling (S) as set out below:

this Council objects to the removal of clinical health services delivered in Paignton and to any proposal that downgrades Torbay's District General Hospital, and calls on the Mayor to contact the leaders of neighbouring local authorities whose residents will be affected by such changes to unite against them, and to use his community leadership role to raise with the Government the views of opponents to these changes from residents, patients and staff from across South Devon.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor.

The Mayor responded to the motion at the meeting and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

2 March 2017

Signed: _____
Mayor of Torbay

Date: 2 March 2017

**Minutes of the Extraordinary Meeting of the Council
(Council decisions shown in bold text)**

13 March 2017

-: Present :-

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

Councillors Amil, Barnby, Bent, Bye, Carter, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, King, Kingscote, Lewis (B), Lewis (C), Morey, O'Dwyer, Parrott, Pentney, Robson, Sanders, Stockman, Stocks, Stringer, Stubley, Sykes, Thomas (D), Tolchard, Tyerman and Winfield

169 Apologies for absence

Apologies for absence were received from Mayor Oliver and Councillors Manning, Mills, Morris and Thomas (J).

170 Exclusion of the Press and Public

Councillor Thomas (D) proposed and Councillor Tyerman seconded the motion, which was agreed by the Council, as set out below:

that the press and public be excluded from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.

Prior to consideration of the item in Minute 171 the press and public were formally excluded from the meeting.

171 Investment Committee Recommendation - Investment Opportunity

The Council considered the recommendations of the Investment Committee on an investment opportunity. Members received details of the proposal as set out in the exempt report circulated prior to the meeting.

The decision of the Council meeting is restricted due to exempt information contained within the decision.

Chairman

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Meeting: Council

Date: 6 April 2017

Wards Affected: All Wards

Report Title: Land at Green Park Road – Mayoral Recommendation

Is the decision a key decision? Yes

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

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

1. Proposal and Introduction

- 1.1 At the meeting of the Policy Development and Decision Group (Joint Operations Team) held on 6 February 2017 Members considered the submitted report (set out at Appendices 2 to 5 to this report) on the proposed disposal of a number of assets which had been deemed by officers as surplus to the Council's requirements. This included a piece of land at Green Park Road, Preston.
- 1.2 The Policy Development and Decision Group recommended to the Mayor that the land at Green Park Road should be declared as no longer required for service delivery and that the Assistant Director Corporate and Business Services be requested to advertise its intended disposal in accordance with Section 123(2A) of the Local Government Act 1972.
- 1.3 The Mayor considered the recommendations of the Policy Development Group and initially approved the disposal. However, having given further consideration to the matter the Mayor withdrew his original decision and he recommends to the Council that the land at Green Park, Preston should remain in Council ownership and be not disposed of (see his Record of Decision at Appendix 1 to this report).

2. Reason for Proposal

- 2.1 To consider the recommendations of the Mayor which are outside the Council's Policy Framework, namely the Corporate Asset Management Plan and therefore for the Council to determine.

3. Recommendation(s) / Proposed Decision

Recommendation from the Mayor:

- 3.1 That the Council be recommended that the land at Green Park Road, Preston shown edged red on map number EM2653 remains in the Council's ownership and is not disposed of.

Appendices

- Appendix 1: Record of Decision – Disposal of Surplus Assets
- Appendix 2: Covering report – Proposed Disposal of Surplus Assets
- Appendix 3: Supporting Information and Impact Assessment
- Appendix 4: Map EM2653 showing land at Green Park Road
- Appendix 5: Results from consultation – Green Park Road

Background Documents

None

Record of Decisions

Asset Disposal - Green Park Road, Preston

Decision Taker

Mayor on 21 February 2017

Decision

- (i) that the Mayor's decision on 6 February 2017 to dispose of land at Green Park Road, Preston be withdrawn; and
- (ii) that the Council be recommended that the land at Green Park Road, Preston remains in the Council's ownership and is not disposed of.

Reason for the Decision

Following to the Mayor's original decision to dispose of land at Green Park Road, Preston, the Mayor has given further consideration to the matter.

Implementation

The recommendations of the Mayor will be considered by the Council at its meeting on 6 April 2017.

Information

On 6 February 2017, the Mayor considered the submitted report on proposals to dispose of four Council assets, which had been deemed to be surplus to the Council's requirements in accordance with the Council's Corporate Asset Management Plan. The Mayor determined that land at Green Park Road, Preston was no longer required for service delivery and that it be disposed of in accordance with the Section 123(2A) of the Local Government Act 1972.

The Mayor has now reconsidered his original decision and wishes to withdraw land at Green Park Road, Preston for disposal and that the land remains in Council ownership. To retain the land is a Council decision as it is outside the Council's Policy Framework (namely the Corporate Asset Management Plan) and the Mayor's recommendation will be presented to the Council meeting on 6 April 2017.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the submitted report which were originally considered by the Mayor on 6 February 2017.

Is this a Key Decision?

Yes – Reference Number: I028277

Does the call-in procedure apply?

No

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

None

Published

21 February 2017

Signed: _____
Mayor of Torbay

Date: 21 February 2017



Meeting: Policy Development and Decision Group (Joint Operations Team)

Date: 6 February 2017

Wards Affected: Berry Head with Furzeham, Preston and Tormohun

Report Title: Proposed Disposal of Surplus Assets

Is the decision a key decision? Yes

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

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

Supporting Officer Contact Details: Kevin Mowat, Executive Head of Business Services, 01803 208428, kevin.mowat@torbay.gov.uk / Liam Montgomery, Head of Asset Management and Housing, (01803) 208720, liam.montgomery@torbay.gov.uk

1. Purpose and Introduction.

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

2. Proposed Decision

2.1. That the Mayor be recommended:

- (i) to consider any feedback received before the 6th Feb 2017, from the Local Access Forum, Ward Councillors and Council officers to the disposal of the four assets listed in Appendix 1;
- (ii) that, subject to any feedback identified in (i) above, to accept that the four assets listed in Appendix 1 should be declared as no longer required for service delivery and that the Assistant Director Corporate and Business Services be requested to where appropriate advertise their intended individual disposal in accordance with the Section 123(2A) of the Local Government Act 1972;
- (iii) that, subject to any objections received to any disposal advertised pursuant to S123 of the Local Government Act 1972 and subject to (i) above, the assets listed in Appendix 1 be individually disposed on such terms as are acceptable to the Assistant Director Corporate and Business Services in consultation

with the Executive Head of Business Services and the Chief Executive of the Torbay Development Agency; and

- (iv) that, the Assistant Director Corporate and Business Services in consultation with the Executive Head of Business Services and the Chief Executive of the Torbay Development Agency be given delegated authority to consider any objections received on the advertisement of any of the proposed disposals pursuant to s123 of the Local Government Act 1972.

3. Reason for Decision

- 3.1. Expenditure and repair liability across the Council's assets significantly exceeds available resources.
- 3.2. Council services supported by the Torbay Development Agency (TDA) continue to review the suitability and challenge the present use of assets. Working together the TDA and Council officers have considered the assets listed in Appendix 1 with a view to reducing running costs and generating capital receipts. These receipts could then be used to support the Council's approved Capital Programme.
- 3.3. The disposal of assets not required for service delivery will enable the capital receipts to be reinvested into the Council's existing Capital Programme, which will contribute to the Council's objectives as set out in the Council's Corporate Plan and the Corporate Asset Management Plan. Consequently the recommended decision falls within the Council's Policy Framework.
- 3.4. The reduction of the number of assets held is seen as an important element to achieving a sustainable maintenance regime for future generations.
- 3.5. At this point it is neither possible nor desirable to publicly quantify the expected total receipt.
- 3.6. Section 123(2A) of the Local Government Act 1972 states that subject to certain exceptions a council may not dispose of land consisting or forming part of an open space unless before disposing of the land they advertise the disposal for two consecutive weeks in a local newspaper, and consider any objections to the proposed disposal which may be made to them. An open space is defined for the purposes of the Act as being any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground

4. Supporting Information

- 4.1. The Capital Strategy is approved by the Council each year and provides the funding for the Capital Programme which will be met in part from asset disposals.
- 4.2. The Corporate Asset Management Plan which is approved by the Council each year provided that the Council would adhere to the following guiding principles in the management of its assets:
- To continuously maintain and improve assets;
 - To release value and minimise cost by challenging and reviewing the manner and use of assets;
 - To periodically review all assets to identify possible alternative use or disposal;

- To ensure that disposals are effectively managed; and
 - To monitor running costs to target potential savings.
- 4.3. Three of the four sites are deemed to be open space (Land adj. No. 4, Berry Head Road, Land at Green Park Road and North Boundary Road Play Park). As such their sale will be advertised in accordance with Section 123(1)(2a) of the Local Government Act 1972. The Council will need to consider any objections prior to their disposal.
- 4.4. The disposal of public open space is likely to require some form of mitigation, if so required, as indicated in Policy R5 'Protection of public open spaces and playing fields', as set out in the Local Plan. However, this requirement would be identified as part of the asset review process and planning policy would need to be followed in any event. As such any decision to dispose of public open space is within Council policy, so long as other associated policies are followed.
- 4.5. If deemed appropriate, architects will be instructed to obtain planning consent for the sites so that the final disposal value can be maximised.
- 4.6. When an asset is considered to be available for sale, either with or without planning consent, an external agent or auctioneer (as deemed appropriate) will be instructed to sell the asset in accordance with Council Standing Orders.

5. Possibilities, Options and Fair Decision Making

- 5.1. The assets could be retained. If the assets are retained the ongoing maintenance burden and repair liability would most likely remain with the Council. Also, if the assets are retained then the anticipated capital receipt income will be lost and this will have a negative impact on the Council's capital budget/plan.
- 5.2. It would be possible to consider transferring some of these assets under the Council's Community Asset Transfer Policy but this option would not produce the anticipated capital receipt.

6. Equal Opportunities

- 6.1. An Equality Impact Assessment has been published in respect of these proposals and is attached to this report as Appendix 2.

7. Public Services (Social Value) Act 2012

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

8. Consultation

- 8.1. Letters including plans of the individual assets have been forwarded to relevant Ward Members and the Secretary for the Torbay Local Access Forum and comments received in respect of these proposals are attached to this report as Appendix 7.

9. Risks

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

10. Appendices

Appendix 1 Schedule of assets to be declared surplus.
Appendix 2 Equalities Impact Assessment
Appendix 3 EM2670 – Land adj. to no. 4 Berry Head Road
Appendix 4 EM2814a – North Boundary Road Play Park
Appendix 5 EM2653 – Land at Green Park Road
Appendix 6 EM2637 – Bay Tree House
Appendix 7 - Comments from Consultation

11. Additional Information

- 11.1. None

Supporting Information and Impact Assessment

Service / Policy:	TDA
Executive Lead:	Mayor
Director / Assistant Director:	Steve Parrock

Version:	1	Date:	11.01.17	Author:	Susanne Lang
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Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>That four Council Real Estate Assets be declared no longer required for service delivery. The four assets are:</p> <ul style="list-style-type: none"> • Land adj. no4. Berry Head Road • North Boundary Road Play Park • Land at Green Park Road • Bay Tree House
2.	<p>What is the current situation?</p> <p><u>Land adj. no.4 Berry Head Road</u> This piece of amenity land is currently subject to ongoing maintenance liabilities for the Council. Natural Environment have highlighted this site as a 'high Value public Space similar to Shoalstone, breakwater and the south West Coast Path'. If sold it has the potential of generating income for the Council which contributes to Council's Capital Programme.</p> <p><u>North Boundary Road Play Park</u> The site (as a play area) is not well overlooked and has minimal play value and is currently subject to ongoing maintenance liabilities for the Council. If sold, this could provide a capital receipt for the Council.</p> <p><u>Land at Green Park Road</u> This site was highlighted as a possible asset disposal site by the SLTG. It is currently subject to ongoing ground maintenance liabilities. If sold it has the potential of providing a capital receipt for the Council.</p> <p><u>Bay Tree House</u> Bay Tree House has previously been leased to the Care Trust who has recently declared the property surplus to operational requirements and will be returning the property to the Council in January 2017. In order to maintain the integrity of the vacant building programme of planned maintenance would be required to prevent deterioration. Otherwise the asset will quickly become a maintenance liability. In addition to the repair and maintenance liabilities the</p>

	<p>Council will be liable for Business Rate until an alternative use is established or the property is disposed of.</p>
<p>3.</p>	<p>What options have been considered?</p> <p>The assets could be retained and the repair and maintenance of the sites carried out by the Council.</p> <p><u>Land adj. no.4 Berry Head Road</u> Maintain as open space</p> <p><u>North Boundary Road Play Park</u> Retain as a play park</p> <p><u>Land at Green Park Road</u> Maintain as open space</p> <p><u>Bay Tree House</u> Property has been advertised for lease on Right Move since September 2016 with minimal interest. If retained it would become a liability for the Council.</p>
<p>4.</p>	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</p> <p>The effective use of assets is a key factor in delivering to the community of Torbay the objectives and priorities they have set for the Council.</p> <p>The Council's Corporate Asset Management Plan (CAMP) 2015-2019 sets out the strategies to achieve the most efficient use of assets.</p> <p>The principle aim of CAMP is to ensure that the opportunity cost of financial resources tied up in land and buildings is minimised, and that capital and revenue expenditure on the portfolio is directed efficiently and effectively to provide value for money.</p>
<p>5.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>The disposal of assets not required for service delivery will enable the capital receipts to be reinvested into the Council's existing capital programme, and save ongoing repair and maintenance costs which will contribute to the Council's objectives and therefore benefitting the residents of Torbay.</p> <p>Consultation with Council service areas, Ward Cllr's and the Local Access Forum is underway and any comments that are received will be included in the final report as an additional appendix item.</p> <p>The disposal of assets not required for service delivery has been identified as one of several initiatives to provide additional funding to tackle the urgent land and building backlog maintenance liability and provide receipts for the Capital</p>

	<p>Programme. Inevitably, there may be some objections to the disposal of one of more of the assets. Failure to consult adequately may lead to abortive disposal work should some of the disposals not proceed. The risk has been mitigated by consulting adequately and by advertising prior to any marketing taking place.</p>
6.	<p>How will you propose to consult?</p> <p>The above groups and organisations have been contacted and will be asked to comment on the proposal to dispose of the asset.</p>

Section 2: Implications and Impact Assessment	
7.	<p>What are the financial and legal implications?</p> <p>When an asset is considered to be available for sale, either with or without planning consent, an external agent (as deemed appropriate) will be instructed to sell the asset in accordance with the Council Standing Orders.</p> <p>The net proceeds of sale are then transferred to the Corporate Centre for distribution and prioritisation.</p>
8.	<p>What are the risks?</p> <p>Failure to consult adequately may lead to abortive disposal work should some of the disposals not proceed.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Evidence would suggest that disposal of the sites and subsequent sale of the land/building would provide a capital receipt for the Council.</p>
11.	<p>What are key findings from the consultation you have carried out?</p> <p>Consultation is currently being undertaken and any feedback will be provided in an additional appendix in the final report.</p>

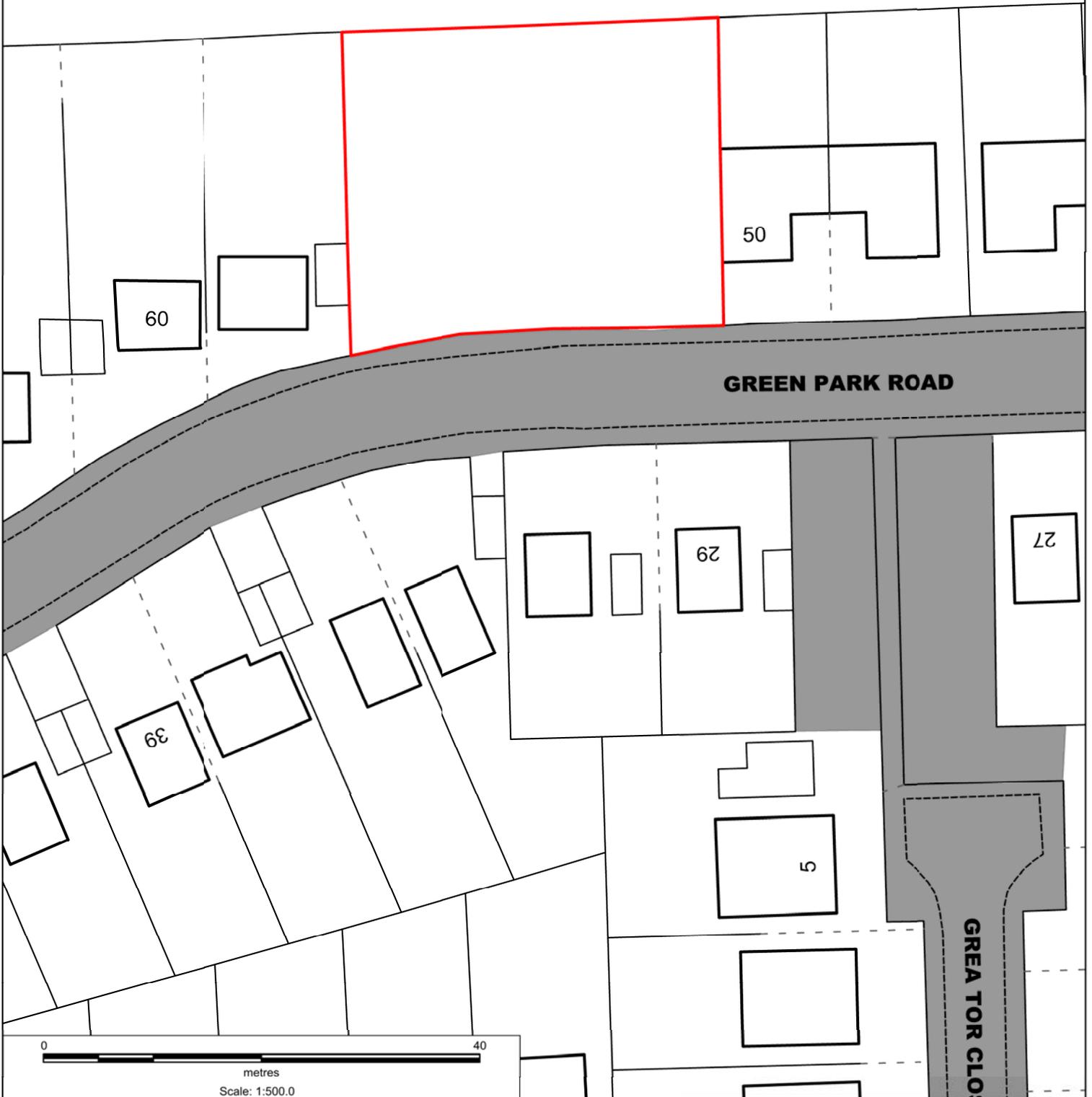
12.	Amendments to Proposal / Mitigating Actions In reaching a decision on the proposals, the Mayor will consider any comments or observations received and if appropriate amend the proposals.

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			There is no differential impact on Older or younger people with regard to this proposal.
	People with caring Responsibilities			There is no differential impact on People with caring responsibilities with regard to this proposal.
	People with a disability			Although there is no differential impact on people with a disability, where appropriate, the Secretary for the Torbay Local Access Forum has been sent individual plans, seeking any comments or observations on the proposals.
	Women or men			There is no differential impact on Women or men with regard to this proposal
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact on People who are black or from a minority ethnic background (BME) with regard to this proposal.
	Religion or belief (including			There is no differential impact

lack of belief)			on Religion or belief (including lack of belief) with regard to this proposal.
People who are lesbian, gay or bisexual			There is no differential impact on People who are lesbian, gay or bisexual with regard to this proposal
People who are transgendered			There is no differential impact on People who are transgendered with regard to this proposal.
People who are in a marriage or civil partnership			There is no differential impact on People who are in a marriage or civil partnership with regard to this proposal.
Women who are pregnant / on maternity leave			There is no differential impact on Women who are pregnant / on maternity leave with regard to this proposal.
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The three Council Real Estate Assets that are being declared no longer required for service delivery will enable the capital receipts to be reinvested into the Councils existing programme, which will contribute to the Councils objectives and therefore benefitting the residents of Torbay.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			The asset is being returned to the Council from the Care Trust due to the fact it is no longer required for service delivery. It is through this action that the Council have determined the disposal of Bay

			Tree House will have no differential impact on Public Health.
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)		
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)		



EM Plan No: EM2653
Date: 6th November 2015
Title: Land at Green Park Road, Paignton.

Asset No: P0953AB
LR Title No: DN521239
Scale: 1:1250
Area: 971.27m²



Proposed disposal of surplus assets

Results from consultation

Asset Ref	Asset name	Members	Service Areas	L.A.F	Other
EM2653	Land at Green Park Road	Thank you from Cllr's for keeping them informed	<p><u>Natural Environment</u></p> <p>Would appear to make a good building plot although seems odd that it was not built in before? Ocombe Valley Woods could benefit from access improvements and or investment in accordance with Policy R5.</p> <p>TPO 1971.05 Windmill Lane, Paignton commences just East of the site then runs along the rear of residential gardens and acts as a buffer to Ocombe Valley Woods (Browes Brake) to the North. The mature dominant woodland arises to the rear of the site and what appears to be a younger lower shrub layer ends halfway across the site with amenity grass then present. Residential gardens either side of the site have pushed the woodland back and controlled the emerging lower shrub layer.</p> <p>A professionally prepared BS5837:2012 methodology would be required to indicate tree quality and to support any development of the space prior to any commencement of sale or transfer.</p>	No comments received	No comments received



Meeting: Council

Date: 23 February 2017

Wards Affected: All Wards

Report Title: Review of Torbay Council Investment Fund Strategy

Is the decision a key decision? Yes

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

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

1. Proposal and Introduction

- 1.1 At the meeting of Council held on 8 December 2016 Members approved a bid on a local investment using the Council's Investment Fund. The Council also recommended that the Investment Committee review the Investment Strategy and amount of the Investment Fund to ensure that there is the greatest opportunity to maximise benefits income, diversify investments and spread risks and bring the proposals back to Council. This report sets out a review of the Investment Strategy and Fund which has been carried out by the Council's Investment Committee.
- 1.2 The Investment Strategy is a Policy Framework Document and requires Council approval.
- 1.3 The report also sets out a review of the Investment Committee Terms of Reference to ensure they match the revised Strategy and working practices.

2. Reason for Proposal

- 2.1 To review the Investment Fund Strategy and Investment Fund in light of external training and experience of the Investment Committee in considering prospective investments.

3. Recommendation(s) / Proposed Decision

Recommendations from the Mayor:

- 3.1 That the Council be recommended to approve the revised Torbay Council Investment Fund Strategy set out in Appendix 1 to the submitted report.
- 3.2 That the Council be recommended to approve the revised Terms of Reference of the Investment Committee set out in Appendix 2 to the submitted report.

forward thinking, people orientated, adaptable - always with integrity.

Recommendations from the Investment Committee:

- 3.3 That the Council be recommended to approve the revised Torbay Council Investment Fund Strategy set out in Appendix 1 to the submitted report, subject to the level of authority to the Investment Committee being increased to £10m.
- 3.4 That the Council be recommended to approve the revised Terms of Reference of the Investment Committee set out in Appendix 2 to the submitted report, subject to the level of authority to the Investment Committee being increased to £10m.

Appendices

Appendix 1: Revised Torbay Council Investment Fund Strategy

Appendix 2: Revised Terms of Reference of Investment Committee

Background Documents

Capital Investment Fund Report and Minutes – Council meeting 22 September 2016 - <http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=163&MIId=6615&Ver=4>



Fit
for
the
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creating a prosperous and healthy Torbay

February 2017

Investment Fund Strategy

DRAFT Version 3

Investment Fund Strategy

1.1 Background

As part of its efficiency plan and transformation programme the Council needs to increase its future local taxbase income (Council tax and NNDR) by investing capital resources within Torbay to stimulate growth. Capital resources could be a combination of asset purchase, co investment in projects or capital loans.

As clarification the following descriptions have been used:

“Investments – Yield”. These are property purchases where the objective is to increase rental income to the Council.

“Investments – Taxbase”. These are property purchases where the objective is to increase NNDR or Council tax income to the Council.

“Investments – Loans or Co Investment”. These are loans to business for capital expenditure where the objective is to increase rental income to the Council or to increase NNDR or Council tax income to the Council. Co Investment is where Council with another investor provides finance or jointly purchases.

“Property Purchase” – property to include purchase of land and/or buildings.

This **Policy Framework document** appendix sets out ~~the~~ **an appropriate** strategy for the management of the Investment Fund including purchases/investments. The strategy ~~adopted should~~ **reflects** a suitable balance between the risks inherent in the types of property/investments to be acquired and the financial rewards obtainable whilst limiting risks appropriately. In addition, the portfolio of investments being acquired should be diversified in order to spread risks via a balanced portfolio, such diversification principally being across geographical location and the use type of properties held. **Existing investments that fall within the remit of the Investment Fund Strategy shall be included in the portfolio to assist in creating a balanced portfolio, as well as other suitable assets held by the Council.**

The risks of investing in property may be mitigated through the acquisition of assets with secure, long income streams. This needs to be balanced against the requirement for a given level of income yield on capital invested in a careful and controlled manner, with specific analysis of risk criteria carried out in the ‘due diligence’ stage prior to the completion of each purchase.

1.2 Objective

To invest in commercial investment properties ~~to~~ **for the benefit, improvement or development of the area whilst also delivering** provide income (rental or increased NNDR or a combination of both) from ~~investments with a minimum~~ **significant** income return over the medium-term of **at least 6.5%** ~~(or 2% above capital costs)~~ on capital invested, through a balanced strategy of acquisition, retention and management of good quality property investments, **with that income being used to support wider Council services.**

The improvement or development of the area will not be constrained by the boundaries of Torbay as there is an evidence base that demonstrates that investment within the South West Local Enterprise Partnership (LEP) Zone area has a positive impact on Torbay's economy. LEPs were established around functional economic boundaries which reflects both labour market and wider economic interdependence. This can be evidenced through the Heart of the South West Strategic Economic

Plan (see <http://heartofswlep.co.uk/wp-content/uploads/2016/09/SEP-Final-draft-31-03-14-website-1.pdf>) and the Torbay Economic Strategy (see <http://www.torbay.gov.uk/DemocraticServices/documents/s35783/Torbay%20Economic%20Strategy.pdf>). However opportunities in any geographic location will be considered where it can be demonstrated that there is a benefit to, or improvement or development of Torbay.

The objective is specifically to acquire income-producing property in order to enhance Council revenue streams in combination with investments in potential development sites and development schemes within Torbay. Long-term growth of capital values is also an objective where possible but not a key focus.

1.3 Scope

	Investment – Yield	Investment – Taxbase	Investment – loans & co investment
Scope	Maximum to consider increasing to assist in diversifying the portfolio £50m in total		

The maximum total level of investment shall be £50m to assist in diversifying the investment portfolio.

1.4 Strategy

	Investment – Yield	Investment – Taxbase	Investment – loans & co investment
Maximum individual Purchase	£5m	£5m	£2m

The Investment Committee shall make all decisions up to £5m. The maximum individual investment to be approved by Investment Committee shall be £5m including estimated purchasing costs, however Full Council approval is not restricted in terms of value.

Achieving a spread of risk across a greater number of assets and by acquiring properties across the range of different property asset classes, namely retail, leisure, office and industrial, is to be desired, however it has to be recognised that opportunities to do this may not arise, and ultimately if individual business cases are robust, groupings in any individual property class should not pose any increased risk to the Council.

The principle of being relatively risk-averse by limiting fresh investment to properties with minimum unexpired lease terms of five years at the date of acquisition, and with tenants of strong financial standing, ~~should~~ will be adopted **if possible. Clear consideration will need to be given to yields where investments do not have fully repairing and insuring (FRI) terms or FRI by way of service charge, meaning that all costs relating to occupation and repairs are borne by the occupier(s) during the lease term to ensure that these costs are recovered.**

The investment portfolio will include acquiring some properties to hold and some properties to dispose of depending on the anticipated lifespan of the asset, so as to ensure that the Council has a rolling stock of investments in order to achieve maximum income for the Council. Properties will be acquired to hold rather than to dispose.

1.5 Minimum and maximum yield

	Investment—Yield Investment held for asset life	Investments/assets held for defined period (maximum 10 years)	Investment—Taxbase	Investment—loans & co investment
Yield	Rental		NNDR	Loan repayments or rental
Minimum Yield Required (before costs)	6.5% of purchase price (or 2% above estimated borrowing costs (interest and MPR or if capital loan prevailing borrowing rates + 2%))	2% above estimated borrowing costs (interest only or if capital loan prevailing borrowing rates + 2%)	Increased Council NNDR income (after multiplier) equivalent and/or rental yield to 6.5% of purchase price (or 2% above estimated borrowing costs)	6.5% of investment value (or 2% above estimated borrowing costs) If capital loan prevailing borrowing rates + 2%
Maximum Yield—Remove	10%		10%	10%
Benchmarked Yield (linked to rate/size)	Yes		Yes	Yes

Acquisitions of assets will be pursued at a target minimum yield (before costs) of 6.5% and, as a guide to potential risk, ~~maximum yields~~ of 10.0% **or more are unlikely to be appropriate for investment**. Assets producing initial yields in excess of 10.0% are likely to exhibit high risk characteristics, such as very short unexpired leases, or financially weak or insubstantial tenants, or obsolete buildings and **would therefore require a higher level of due diligence to be carried out to assess the benefits and risks** ~~are therefore to be avoided~~. Assets with a projected yield of over 10% will be discounted unless officers can demonstrate that risk characteristics are acceptable and avoid very short unexpired leases, financially weak tenants or obsolete buildings.

1.6 Sector spread

	Investment – Yield	Investment – Taxbase	Investment – loans & co investment
Sector Diversification – retail, leisure, office & industrial	Yes – retail, leisure, office and industrial	Yes – retail, leisure, office and industrial	Yes – retail, leisure, office and industrial

Traditionally the highest returns come from the office and industrial sub-sectors. **Currently** offices can provide an income return of 5.5% in quality in-town areas and between 7.5% and 8.5% for reasonable quality offices in regional and sub-regional centres. Industrial income yields can range from 6.0% up to 7.5% for acceptable quality assets. The retail sub-sector for prime retail property is lower than comparable office/industrial assets with typical yields ranging between 5% and 7% for high quality in-town properties. On this evidence it is likely that predominantly office and industrial/warehouse will be targeted for acquisition with a lesser emphasis on retail. Leisure and mixed use investments will also be eligible under the strategy.

Residential property tends to be management intensive and requires specialist expertise. It is therefore proposed that this sector is excluded from the Investment Fund strategy.

1.7 Locations

	Investment – Yield	Investment – Taxbase	Investment – loans & Co investment	Investment – Co-investment
Location	National (UK)	Torbay	Torbay	National (UK)
Location – Diversity	25% in any Council area	100% Torbay	100% Torbay	

Torbay would be the preferred location for fresh acquisitions of investment properties, so that reinvestment is **directly** retained within the local economy and any additional capital expenditure is made in the local area. However, there is a finite and limited supply of property within the local area, and of that supply only a small proportion may be available for purchase at any time. **The A wider South West Local Enterprise Partnership area should also be considered for fresh acquisitions as there is an evidence base that demonstrates that investment in this area has a positive impact on Torbay’s economy. However opportunities in any geographic location will be considered where it can be demonstrated that there is a benefit to, or improvement or development of Torbay.** Taxbase investments, and loans and co investments will be for investments only within the Torbay area. We will consider opportunities for co investment **with partner organisations of good financial and reputational standing.**

1.8 Target assets

Commercial assets will be sought with lot sizes of £500,000 plus with income yields of 2% or more above borrowing costs. However consideration will always need to be given to the number of smaller investments held by the Council, in pursuance of this Strategy and the burden of administering each investment before a decision is taken.

The following assets will be sought:

1. ~~Retail investments with the following characteristics:~~

- ~~• Lot sizes between **of** £1m **plus** and £5m~~
- ~~• Good locations in town centres or in good out-of-town retail clusters/parks~~
- ~~• Well let to sound tenants on leases with a minimum of five years unexpired terms~~
- ~~• Income yield range **of** from 6.5% **or over** to 10.0%~~

2. ~~Office investments with the following characteristics:~~

- ~~• Lot sizes between **of** £1m **plus** and £5m~~
- ~~• Modern specification, likely to be built since 1990~~
- ~~• Good locations in commercially strong town/city centres or in good out-of-town business parks~~
- ~~• Well let to sound tenants on leases with a minimum of five years unexpired terms~~
- ~~• Multi-let properties to be considered with average unexpired lease terms of 3 years, subject to a spread of expiry dates~~
- ~~• Income yield range **of** from 6.5% to 10.0% **or over**~~

3. ~~Industrial/Warehouse investments with the following characteristics:~~

- ~~• Lot sizes between **of** £1m and £5m **plus**~~
- ~~• Modern specification with flexible standard layout, built since 1980~~
- ~~• Good locations on major road routes and good access to motorways~~
- ~~• Well let to sound tenants on leases with a minimum of five years unexpired terms~~
- ~~• Multi-let properties to be considered with average unexpired lease terms of 3 years, subject to a spread of expiry dates~~
- ~~• Income yield range **of** from 6.5% to 10.0% **or over**~~

41. Leisure investments, such as public houses, restaurants and health & fitness centres ~~with similar characteristics as above~~ will also be sought.

52. Mixed-use investments would also be potentially suitable additions to the portfolio. These may include a mixture of commercial uses or a mixture of retail and office use. ~~Again, similar characteristics as set out above for office investments will apply.~~

63. Residential investment – tends to be significantly more management intensive than the types of commercial property investment envisaged under this strategy and requires specialist residential management expertise, so **are** ~~is proposed to be excluded from **this** the strategy. under the proposals set out in this report.~~

1.9 Assessment of risks

	Investment, Loans & Co Investment –Yield	Investment –Taxbase	Investment –loans & co investment
Independent Valuation of asset	Yes (if applicable)	Yes	If applicable
Condition Survey	Yes (if applicable)	Yes	If applicable
Independent Assessment of Asset Life	Yes (if applicable)	Yes	If applicable
Independent Assessment of Residual value	Yes (if applicable)	Yes	If applicable
Security required	Yes if loan	-	Yes – minimum 75% of investment/loan
Risk Appetite	Risk averse	Moderate risk	Risk averse
“Green Book” Financial profile over life of asset (IRR)	Yes (if applicable)	Yes	Yes
Lease	Tenants of strong financial standing and minimum 5 year unexpired lease term	Tenants of strong financial standing and minimum 5 year unexpired lease term	If applicable
Reputational Issues	No “sin” assets or tenants	No “sin” assets or tenants	No “sin” assets or tenants

A rigorous assessment of all risks is required in each case of fresh investment in order firstly to value each property and then to check its suitability for inclusion in the portfolio. The risks fall into two categories, firstly economic and property market risks in specific property market sub-sectors and locations and secondly asset-specific risks (as set out below). These can be measured and an assessment made of the likely future performance of the investment carried out based on the ranges of likely future rental growth **and voids** of the property and also the projected disposal price or capital value at the end of the period over which the cash flow analysis is being measured.

Financial returns are modelled over a medium-term horizon of five years, based on proposed offer prices, to determine the acceptability of each investment, and can be compared against general market forecasts.

Internal Rate of Return (IRR) calculations will be carried out to model the expected cash flows from each investment. The anticipated returns can be modelled on different bases to reflect the range of risks applicable in each case, to ensure that forecast returns properly reflect the measured risks. In this way a Business Case is put together to support each recommended property acquisition.

This modelling will be used to make an assessment on how long the asset should be retained for, taking into account the likely future value of the asset at the proposed time of disposal, any over-renting and potential voids in the leases. Where the value of the asset is likely to be less than the amount paid, including stamp duty and purchasing costs, Minimum Revenue Provision (MRP) will be applied to recover these costs. MRP will be assessed on a case by case basis by the Head of Finance in line with the Council's MRP Policy.

The Head of Finance reserves the right to refer any proposed investment decision (irrespective of value) to the Council for consideration where he deems this is in the best interest of the Council.

Asset-specific risks

Income and capital returns for property will depend principally on the following five main characteristics;

- Location of property
- Building specification quality
- Length of lease unexpired
- Financial strength of tenant(s)
- Rental levels payable relative to current open market rental values

Location – this is the single most important factor in considering any property investment. In the retail sector prime or good secondary locations in major regional or sub-regional shopping centres are likely to provide good long-term prospects, or alternatively prime locations in sub-regional or market towns.

Industrial and warehouse property has a wider spectrum of acceptable locations with accessibility on good roads to the trunk road and motorway network being the key aspect.

Experienced knowledge will be required to ensure that good locations are selected where property will hold its value in the long term.

Building specification quality – In office property especially it is important to minimise the risk of obsolescence in building elements, notably mechanical and electrical plant. Modern, recently-built office and industrial property should be acquired to ensure longer-term income-production and awareness of the life-cycle of different building elements and costs of replacement is critical in assessing each property's merits. For town centre retail property trends have been towards larger standard retail units being in strongest demand from retailers.

Length of lease unexpired – At present capital values are highest for long-term leased property and values tend to reduce significantly when unexpired lease terms fall below five years, as owners expect significant capital expenditure to be necessary when leases expire and tenants may not renew leases and continue to occupy. Fresh investments should be made ensuring that diminishing lease terms will not either adversely affect capital value or that significant capital expenditure and voids are experienced. A strategy to dispose of investments before unexpired lease terms reach terms of shorter than three years should be adopted **or the leases to be renegotiated before this time.**

Financial strength of tenant(s) – assessment will be required of each tenant of potential acquisitions through analysis of their published accounts and management accounts where necessary. Risk of tenant default in rent payment is the main issue but the relative strength of a tenant’s financial standing also impacts upon capital value of property which is let to that tenant and careful analysis of financial strength is a key part of due diligence prior to purchase of investments.

Rental levels – following the banking crash in 2007/8 rental levels fell across most occupier markets, particularly in office and retail markets. As a result rents payable on leases that were granted before 2007 may be at levels which are higher than current rental values. Rents in some sub-sectors have recovered back to pre-2007 levels but care is required in all purchases to assess market rents local to each property to check whether rents payable under leases are above or below current levels, as this will impact on whether growth in rents in the future will be fully reflected in the specific property being analysed.

Environmental and regulatory risks - Risks such as flooding and energy performance are taken into account during the due diligence process on every property purchase.

Reputational risks - A policy on specific types of commercial tenant which may not be acceptable to the Council such as tobacco, gambling or alcohol-related companies should be adopted. Properties tenanted by such companies would not then be considered for purchase. However, this would not necessarily protect the Council in the event of a future transfer of any tenancy to a prohibited company.

1.10 Financial Assumptions

	Investment - Yield	Investment - Taxbase	Investment- loans & co investment
MRP	50 years land and 40 years buildings or life of asset	50 years land and 40 years buildings or life of asset	As applicable
Interest Costs used in appraisal	New Borrowing Rates	New Borrowing Rates	New Borrowing Rates
SDLT & other purchase costs	Part of purchase price	Part of purchase price	-
*Fund Management Costs & ongoing client costs	0.50% of purchase price	0.50% of purchase price	0.50% of loan or investment
“Green Book” Financial profile over life of asset (IRR)	Yes	Yes	Yes

***Normally for each investment an annual payment of 0.5 % of the purchase price or loan or investment, subject to a case by case evaluation and decision by the Chief Finance Officer, will be held in a central fund to cover the following:**

- external advice for future investments;
- known or expected one off future costs, such as costs associated with future negotiation or renegotiation of leases;
- void periods;
- bad debt provision;
- irrecoverable estate costs;
- management of assets; and
- maintenance or redevelopment costs associated with future leases.

Investment Fund Business Case for Investment

1. Investment Name and Address
2. Strategy Objective
3. Compliance with Strategy Objective – Non-Financial:
 - Sector and target assets
 - Location
 - Building specification
 - Management and maintenance obligations
 - Lease arrangements
 - Quality of tenants
4. Compliance With Strategy Objective – Financial (Completion of Appendix with commentary as below):
 - Purchase price **with an independent valuation**
 - Estimated exit value **and proposed timescale for disposal**
 - Building survey results
 - Rental income **assessed over asset life linked to assessment of future market trends of both the asset sector and location**
 - Outgoings
 - Estimated voids
 - Cashflow
 - Costs including stamp duty, legal fees, survey fees, letting costs
 - Management and maintenance obligations
 - **Internal Rate of Return (IRR) Calculation**
 - **Diversity – how this investment fits in with existing investments and loans by sector**
5. Legal Issues (to Include):
 - Review of title and ownership
 - Liabilities and restrictions
6. Risk Assessment
 - Economic and Property Market
 - Asset-specific –e.g. location, building quality, length of lease, financial strength of tenant, rent payable
 - Environmental and regulatory
 - Reputational
7. Recommendation

8. REVIEW

- Chief Finance officer
- Monitoring officer

Investment Committee:

Proposed Revisions to Terms of Reference:

1. To review the Investment Strategy and make recommendations to the Council for revision of the same, **when appropriate**.
2. To determine any investment or purchase using the Investment Fund up to the value of £5 million, in accordance with the Investment Strategy. All investments or purchases to be subject to a (documented) review by the S151 Officer, Monitoring Officer, ~~Fund Manager~~ and Executive Head of Business Services (**any of whom may require the proposal to be referred to Council for approval**).
3. **To review with officer advice current and future investment opportunities.**
4. **To determine when to receive external advice on investment opportunities.**
5. To receive performance reports on the Investment Fund on a quarterly basis.

Record of Decision

Mayor's Response to the Objections to the Review of Investment Fund Strategy and Investment Committee Terms of Reference

Decision Taker

Mayor on 02 March 2017

Decision

The Mayor disagrees with the Council's objection and confirms his original recommendation to Council as set out below:

- (i) that the Council be recommended to approve the revised Torbay Council Investment Fund Strategy set out in Appendix 1 to the submitted report; and
- (ii) that the Council be recommended to approve the revised Terms of Reference of the Investment Committee set out in Appendix 2 to the submitted report.

Reason for the Decision

To respond to the Council's objections to the review of Investment Fund Strategy and Investment Committee Terms of Reference. The Mayor believes that the level of authority delegated to the Investment Committee should remain at £5m and that all decisions above this should be reserved to Council to enable all Members to have a say on committing the Council to larger scale investments.

Implementation

The Mayor's response to the Council's objection will be considered at the Council meeting on 6 April 2017.

Information

At the meeting of Council held on 23 February 2017, the Council formally objected to the adoption of the revised Torbay Council Investment Fund Strategy on the basis that the Investment Committee recommendation should be adopted by Council as follows:

- 3.3 That the Council be recommended to approve the revised Torbay Council Investment Fund Strategy set out in Appendix 1 to the submitted report, subject to the level of authority to the Investment Committee being increased to £10m.
- 3.4 That the Council be recommended to approve the revised Terms of Reference of the Investment Committee set out in Appendix 2 to the submitted report, subject to the level of authority to the Investment Committee being increased to £10m.

In accordance with the Constitution at F4.9, the Council therefore requires the Mayor to consider this objection by 3 March 2017 either:

- a) submit a revision of the Investment Fund Strategy with the reasons for any

amendments to the Council for its consideration; or

- b) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.

The Mayor considered the recommendation of the Council and his proposed response is set out above.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

Yes – Reference Number: I029278

Does the call-in procedure apply?

No

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

None

Published

3 March 2017

Signed: _____
Mayor of Torbay

Date: 2 March 2017



Meeting: Council Meeting

Date: 6 April 2017

Wards Affected: All

Report Title: Healthy Torbay Supplementary Planning Document

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately

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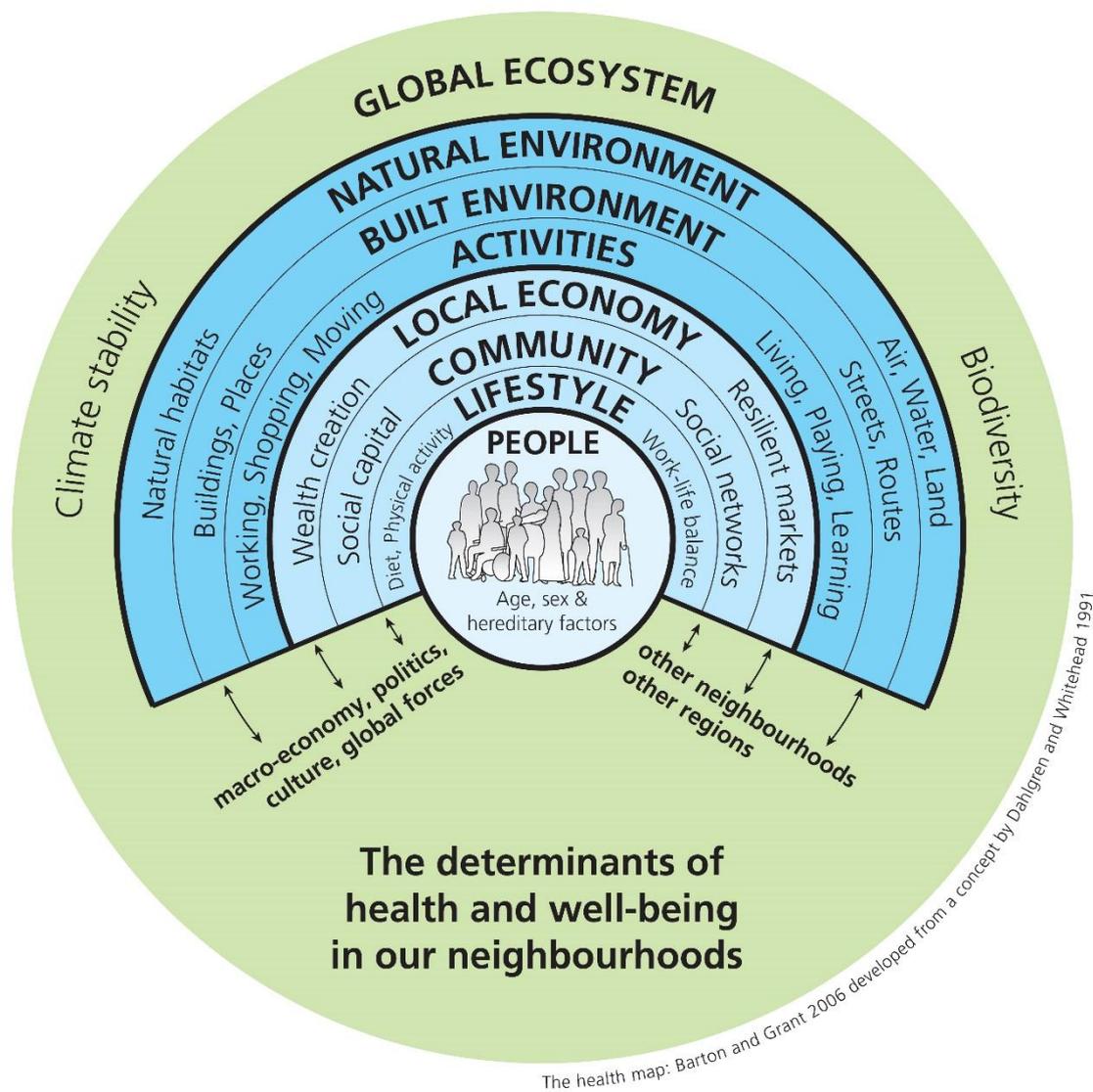
1. Proposal and Introduction

- 1.1 The Healthy Torbay Supplementary Planning Document (SPD) has been produced in order to provide spatial planning guidance (for use in determining planning applications by the local planning authority) on a number of matters related to health and wellbeing in Torbay.
- 1.2 The Council, as the Local Planning Authority (LPA), is able to produce SPDs and once adopted they hold material weight in the decision-making process for determining planning applications. The Healthy Torbay SPD articulates the relationship between spatial planning and public health in Torbay, i.e. that public health outcomes are intrinsically linked to the built and natural environment. The SPD then adds further guidance relating to a number of over-arching policies which seek to promote health that are contained within the Torbay Local Plan.
- 1.3 The Healthy Torbay SPD includes a range of guidance covering a range of matters relating to health and wellbeing, including but not limited to health impact assessment, healthy design, active travel, healthy food environments, community investment areas (tackling multiple deprivation), greenspaces, pollution, local employment and supporting new models of care.
- 1.4 The Policy Development and Decision Group (Joint Operations Team) considered the final draft Healthy Torbay Supplementary Planning Document (SPD) at its

meeting held on 29 March 2017. Members considered a revised officer recommendation which proposed that paragraph 4.5.1 of the Healthy Torbay Supplementary Planning Document be amended in respect of guidance promoting healthy food environments, as recommended by the cross-partnership Torbay Healthy Weights Steering Group. This is to provide clarity that new hot food takeaways within district, local and neighbourhood centres will be restricted where they would lead to more than 10% of the total existing retail frontage consisting of hot food takeaways. The Mayor recommended the Council adopts the SPD as set out in Appendix 1 to this report, which includes the revised paragraph 4.5.1.

2. Reason for Proposal

- 2.1. There is a significant evidence base which strongly concludes that health and wellbeing is considerably influenced by environmental, social and economic factors (referred to as 'the wider determinants of health'). That is to say, the places which people live, work and play have a large influence on population health



- 2.2. Decisions taken through the planning system, through influencing how our built and natural environment changes through development, is a major opportunity for the Council to influence these wider determinants of health.

- 2.3. The Council's Corporate Plan sets the ambition for delivering a *Prosperous and Healthy Torbay*. The relationship between economic success and a healthy population are closely linked. Economic factors such as socio-economic status and the rate of employment/unemployment have an influence on life-expectancy and morbidity as well as physical and mental wellbeing. Socio-economic status in particular is the major driver for inequality in health within our communities. The health of our population influences labour productivity, labour supply and education of the workforce. The economic cost and burden of illness weighs heavily and directly on public health finances. The cost of inequality of ill health in Torbay (difference between those in good health and bad health) is estimated at £160 million per year. In order to deliver positive economic outcomes, the Council and its partners must deliver good health outcomes for its communities (and vice-versa).
- 2.4. In Torbay, there is a gap in life expectancy of around 8 years between the most and least deprived communities. Torbay experiences the highest levels of deprivation in the South West, the main reasons for which are income, employment, health and disability. Obesity and physical activity rates are significantly higher in Torbay than the regional averages – 33% of 11 year olds are obese or overweight, 68.4% of adults have excess weight. 29.9% of adults are not physically active. Treating diseases related to obesity and excess weight cost the NHS in Torbay £47 million per year. Tackling the causes of ill health is complex and requires a multi-faceted and integrated approach between the wider public sector and society. The Healthy Torbay SPD provides a component of that approach in helping the local authority to promote good health through the development planning process.

3. Recommendation(s) / Proposed Decision

That the Council be recommended:

- 3.1 That, following consideration of representations made on the Draft Healthy Torbay Supplementary Planning Document (SPD), the SPD be adopted, with minor modifications as set out in Appendix 1 to the submitted report.
- 3.2 That the Executive Head of Business Services and Director of Public Health, in consultation with the Executive Lead for Planning, Transport and Housing and the Executive Lead for Health and Wellbeing and Corporate Services be given delegated powers to make minor amendments to the Healthy Torbay Supplementary Planning Document to ensure legibility and clarity.

Appendices

Appendix 1: Healthy Torbay Supplementary Planning Document

Background Documents

- Health Torbay Supplementary Planning Document Consultation Draft (February 2017) - <http://www.torbay.gov.uk/media/8994/healthy-torbay-spd-draft-for-public-consultation.pdf>

Section 1: Background Information

1.	What is the proposal / issue? <p>The Council adopted the Torbay Local Plan in December 2015. This document forms the Council's statutory 'development plan' which guides decision-making in respect of planning decisions. As part of the toolkit of planning policy measures available to a local planning authority (LPA) and as enabled by the adoption of the latest Torbay Local Plan, the Council is able to produce and adopt Supplementary Planning Documents (SPD) which add useful detail to the Local Plan policies in order to better secure environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land. Once adopted by the Council (having been through a process of production in accordance with the Town and Country Planning Regulations) SPDs hold legal weight as material considerations in the consideration of planning applications.</p> <p>The Council has produced a number of SPDs in this regard including the town centre and future growth area Masterplans and, most recently, the Planning Contributions and Affordable Housing SPD.</p> <p>Within the Local Plan, the Council has committed to producing SPD's to further the practical implementation of policies in the Local Plan. Further information in this regards is detailed in the latest version of the Torbay Local Development Scheme (LDS). One of those documents is a 'Healthy Torbay SPD' to add further detail on a number of issues relating to the attainment of health and wellbeing through the development management process including health impact assessment (HIA), healthy design, healthy food environments and tackling health inequalities.</p>
2.	What is the current situation? <p>Currently the Council has no SPD guidance which expands on the Council's approach to ensuring new development contributes to improving the health and wellbeing of the community. Although the headline policies in the adopted Torbay Local Plan relating to health and wellbeing (perhaps most obviously SS11 Sustainable Communities and SC1 Healthy Bay) are currently being positively used to guide development towards better health outcomes, the Local Plan is very clear that further guidance on these matters is necessary and will be forthcoming in order to provide certainty to the development industry on the LPA's requirement's of development and help guide the production of successful planning applications. Furthermore, the production of the SPD has drawn upon the latest local evidence on health matters in Torbay, experience of implementing the Local Plan over the past 12 months and best practice guidance. Bringing these elements together within a formal SPD gives these matters material weight for decision making, provides greater clarity to the development industry and decision-makers and therefore allows the LPA to better realise development which contributes to better health and wellbeing outcomes.</p>
3.	What options have been considered?

	<p>The Spatial Planning and Public Health teams have considered a number of options relating to the matter of helping to secure positive health and wellbeing outcomes through the planning process:</p> <ul style="list-style-type: none"> (i) Produce no further formal guidance in respect of matters relating to health and wellbeing which are referred to in the Local Plan. <p>This option was considered but dismissed. Firstly, there is a need for further guidance in respect of a number of planning policy matters relating to health and wellbeing. This is evidenced through practical experience of implementing the Local Plan over the last 12 months since its adoption in terms of feedback from Development Management staff and the development industry.</p> <ul style="list-style-type: none"> (ii) Incorporate health and wellbeing guidance under a different form of guidance i.e. not an SPD <p>This option was considered but dismissed. If new guidance is produced the best way to give it material weight for decision-making in the planning process is to adopt it as an SPD. This ensures that it has the best chance of positively influencing development outcomes.</p> <ul style="list-style-type: none"> (iii) Produce a Healthy Torbay SPD <p>This was the preferred option. Thought has been given to the scope of the document in terms of what policy areas need most attention. The advantage of this document is that it will help to communicate and give a greater profile to the role that the built and natural environment plays as a key wider determinant of health in Torbay. There is a significant evidence base which supports the role of planning in being an important influence on health and wellbeing. The Healthy Torbay SPD helps to holistically identify those opportunities and show how development can help achieve positive, local outcomes for health and wellbeing.</p>
<p>4.</p>	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</p> <p>The Healthy Torbay SPD will help to deliver better quality development in Torbay, particularly in respect of health and wellbeing. This document will help achieve the ambition of the Corporate Plan to deliver a Prosperous and Healthy Torbay particularly through helping the LPA to better address the economic, social and environmental factors (wider determinants) which cause ill health and those which sustain good health.</p> <p>The Healthy Torbay SPD supports the principles of the Corporate Plan in a number of ways.</p> <ul style="list-style-type: none"> (i) <i>Use reducing resources to best effect:</i> <p>The SPD provides guidance to enable informed decision-making and support efficient development management processes therefore making the best use of the time and resources of Council officers and the development industry.</p>

	<p>(ii) <i>Reduce demand through prevention and innovation:</i></p> <p>The SPD supports targeted action on the wider determinants of health in Torbay ('the causes of the causes of health') that can be affected through the built environment. This approach supports prevention of ill health amongst the population of Torbay. Producing an SPD specifically focused on tackling the causes of ill health represents an innovative method of embedding health and wellbeing into LPA decision-making and has been supported by the close working relationship that Torbay Council has between its Spatial Planning and Public Health teams. This report and SPD represents a joint piece of work between both departments.</p> <p>(iii) <i>Integrated and joined-up approach:</i></p> <p>The SPD complements integrated plans the Council has with its partners through structures such as the Health and Wellbeing Board and Integrated Care organisation and plans such as the Joint Health and Wellbeing Strategy and Healthy Torbay Strategy.</p> <p>The targeted actions of the Corporate Plan are supported by this SPD in terms of the opportunity the guidance provides to support positive interventions to be made through the planning process in respect of health and wellbeing. For instance:</p> <ul style="list-style-type: none"> - The opportunity to support healthy lifestyles through creating environments which support physical activity and health nutrition - A healthier environment supports health across the 'life-course' including children and vulnerable adults. - A healthier population is good for a prosperous Torbay in terms of reduced costs borne by the public sector in treatment of ill health and increased productivity from a healthier workforce. There is evidence to suggest that action taken to deliver healthier environments can promote inward investment by people who want to live and work in Torbay.
<p>5.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>The Healthy Torbay SPD will apply to and potentially influence (to varying degrees depending on the scale and nature of proposals) all development in Torbay but in particular major planning applications.</p> <p>The whole population of Torbay is potentially affected indirectly or directly by choices which are made through the development management process therefore the consultation must provide the opportunity for anyone who lives, works or carries out business in Torbay to provide their views. Within the population of Torbay there are certain groups and actors who will take keener interest in the matters covered by the SPD, e.g. the development industry, the neighbourhood forums, businesses, the Clinical Commissioning Group, etc. These groups have been identified as part of the consultation process and approached directly for their views.</p>

6.	<p>How will you propose to consult?</p> <p>The consultation requirements for SPDs are specified through the Town and Country Planning Regulations 2012 and this includes 4 weeks of consultation with the public. The Council's adopted Statement of Community Involvement details how the LPA consults on SPDs and includes a range of consultation methods. A 'statement of public participation' is requirement to be produced alongside an SPD detailing how the LPA consulted with the public, statutory consultees, etc. and how comments from them have been taken on board during the production of the SPD. The LPA has access to a Spatial Planning consultation database of groups, organisations, companies and individuals who have registered their interest to be notified about the production of Spatial Planning document in Torbay. Additional groups who may be particularly interested, were identified as part of the consultation process for direct contact during the consultation period. 4 weeks of public consultation (20 February – 20 March) has been carried out on a draft version of the SPD.</p>
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Section 2: Implications and Impact Assessment	
7.	<p>What are the financial and legal implications?</p> <p>There are no specific, further financial and resource implications of adopting the SPD. It is envisaged that the SPD will bring greater efficiency and clarity to the development management process in terms implementing policies contained within the Torbay Local Plan.</p> <p>The SPD will be adopted within the legal framework of the Town and Country Planning Regulations 2012. Once adopted the guidance contained within the SPD is capable of being a material consideration within the decision-making process for planning applications, therefore influencing development proposals and decisions.</p>
8.	<p>What are the risks?</p> <p>If the proposal is not implemented and the SPD is not adopted by the Council, then the opportunity to give material planning weight to the guidance contained within the document will not be taken. This report and accompanying proposed SPD outlines a number of potential benefits for health and wellbeing, through supporting the delivery of healthier outcomes in the built environment, which are being sought through this guidance.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable as this proposal does not relate to the procurement of services or the purchase or hire of goods.</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>The basis for the production of the SPD (action on the wider determinants of health) is supported by a range of evidence which indicates very strongly that health and wellbeing is significantly determined by environmental factors which can be influenced through the planning process. In producing this SPD, evidence from national sources such as the National Institute for Care and Excellence (NICE) and peer-reviewed journals, best practice guidance from organisations such as the Royal Town Planning Institute (RTPI) and Public Health England and local evidence such as the Joint Strategic Needs Assessment (JSNA) have helped to underpin the specific guidance contained within the SPD.</p>
11.	<p>What are key findings from the consultation you have carried out?</p> <p>During the consultation period on the SPD the Council received 8 formal written responses which have resulted in some minor amendments to the Healthy Torbay SPD, as set out in Appendix 1 (see 'yellow highlighting' as track changes). Most comments were in support. One objection was received in respect of guidance</p>

	<p>regarding A5 hot food takeaway uses. The updated document has taken on board some of those comments. Further detail on the comments received and how they were treated will be provided in a Public Participation statement when the Council publishes the final version of the adopted SPD. In addition, feedback from Council and partner groups such as the Overview and Scrutiny Board, the Health and Wellbeing Board and the Healthy Weights Steering Group was provided during the consultation period –these groups provided their support for the document.</p>
<p>12.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>Minor amendments to the consultation version of the SPD as set out in Appendix 1.</p>

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the potential to benefit the whole population. Guidance relating to Health Impact Assessment (HIA) is contained within the SPD and it is stated that HIA should consider the differential impacts on different population groups including older and younger people.		
	People with caring Responsibilities	The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the potential to benefit the whole population. Guidance relating to		

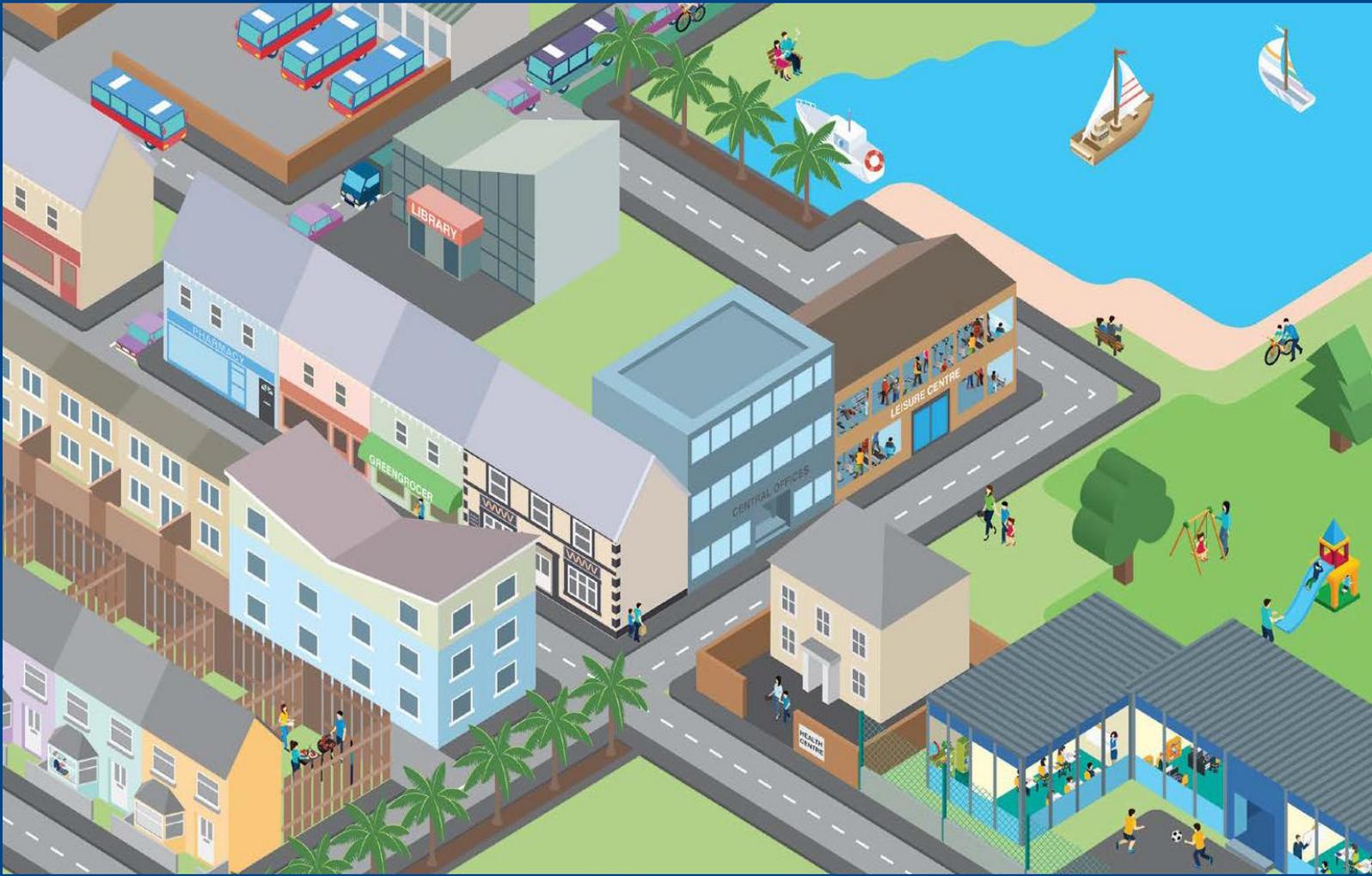
	Health Impact Assessment (HIA) is contained within the SPD and it is stated that HIA should consider the differential impacts on different population groups including older and younger people.		
People with a disability	The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the potential to benefit the whole population. Guidance relating to Health Impact Assessment (HIA) is contained within the SPD and it is stated that HIA should consider the differential impacts on different population groups including older and younger people.		
Women or men	The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the potential to benefit the whole population. Guidance relating to		

	Health Impact Assessment (HIA) is contained within the SPD and it is stated that HIA should consider the differential impacts on different population groups including older and younger people.		
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the potential to benefit the whole population. Guidance relating to Health Impact Assessment (HIA) is contained within the SPD and it is stated that HIA should consider the differential impacts on various population groups including age related groups.		
Religion or belief (including lack of belief)			No significant differential impact
People who are lesbian, gay or bisexual	The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the		

	<p>potential to benefit the whole population. Guidance relating to Health Impact Assessment (HIA) is contained within the SPD and it is stated that HIA should consider the differential impacts on different population groups including the LGBT community.</p>		
<p>People who are transgendered</p>	<p>The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the potential to benefit the whole population. Guidance relating to Health Impact Assessment (HIA) is contained within the SPD and it is stated that HIA should consider the differential impacts on different population groups including people who are transgendered.</p>		
<p>People who are in a marriage or civil partnership</p>	<p>The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the potential to benefit the whole</p>		

	<p>population. Guidance relating to Health Impact Assessment (HIA) is contained within the SPD and it is stated that HIA should consider the differential impacts on different population groups including different household units (including families).</p>		
<p>Women who are pregnant / on maternity leave</p>			<p>No significant differential impact</p>
<p>Socio-economic impacts (Including impact on child poverty issues and deprivation)</p>	<p>The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the potential to benefit the whole population. The SPD contains guidance which aims to reduce inequality in Torbay, heavily related to socio-economic circumstances and deprivation. For instance Community Investment Areas have been updated to reflect the latest data on deprivation and encourage positive planning interventions in these areas that will help to address factors in the built environment which can affect relative deprivation and</p>		

		associated health and economic impacts.		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The aim of the SPD is to facilitate positive action on the wider determinants of health and wellbeing in Torbay that relate to the built and natural environment. The planning system and the process of managing development proposals represents a major opportunity for the Council to take action on the wider determinants and this SPD will help facilitate that action.		
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	The Healthy Torbay SPD will become part of the Council's policy framework, sitting underneath and adding detail to the Torbay Local Plan which provides the overarching planning policy framework to deliver sustainable development in Torbay. The SPD also embraces corporate priorities. Where changes are made in Council wide policy, those with spatial implications, including all Council-led development, have to be in accordance with the policies of the adopted Torbay Local Plan. As a consequence, the development management process should help both to reinforce the positive impacts of development and ensure mitigation of any harmful effects.		
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	The Healthy Torbay SPD will become part of the Council's policy framework, sitting underneath and adding detail to the Torbay Local Plan which provides the overarching planning policy framework to deliver sustainable development in Torbay. The SPD also embraces corporate priorities. Where changes are made in Council wide policy, those with spatial implications, including all Council-led development, have to be in accordance with the policies of the adopted Torbay Local Plan. As a consequence, the development management process should help both to reinforce the positive impacts of development and ensure mitigation of any harmful effects.		



March 2017

Healthy Torbay

Supplementary Planning Document

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This Supplementary Planning Document is available....

on the Torbay Council Website:

www.torbay.gov.uk/strategicplanning

and at Torbay Council's Spatial Planning Office at:

2nd Floor, Electric House, Castle Circus, Torquay TQ1 3DR

If you would like any further information about this document or any aspect of the Local Plan please use the contact details below:

telephone: (01803) 208804

email: future.planning@torbay.gov.uk

Other links that will provide more detailed background information on the spatial planning system include:

National Planning Policy Framework www.gov.uk

The Planning Portal (www.planningportal.gov.uk) is the Government's online service for planning which includes advice and information on the plan-led system

To request this document in an alternative format or language, please contact the Future Planning Team on (01803) 208804

1. About the Healthy Torbay Supplementary Planning Document

1.1. Role and purpose of Supplementary Planning Documents (SPDs)

- 1.1.1. Supplementary Planning Documents (SPDs) can be produced by Local Planning Authorities (LPAs) to build upon and provide more detailed advice on the policies contained in a Local Plan. Specifically, they can add detail regarding any environmental, social, design and economic objectives which important regarding the development and use of land as indicated in a Local Plan. The requirements for producing SPDs are set out in Regulations 11 to 16 of the Town and Country Planning Regulations 2012. SPDs should be prepared only where necessary and in line with paragraph 153 of the National Planning Policy Framework (NPPF), i.e. they should help applicants to make successful planning applications and should not be used to add unnecessarily to the financial burdens on development.
- 1.1.2. Torbay has a number of adopted SPDs which help the authority to better determine planning applications in accordance with the Torbay Local Plan as well as providing clear advice to the development industry market regarding how to make successful planning applications. SPDs help to support an efficient development management process and encourage positive investment into Torbay through stimulating market confidence. Some examples of adopted SPDs in Torbay include the Torquay and Paignton Town Centre Masterplans SPDs, the Planning Contributions and Affordable Housing SPD and the Greenspace Strategy SPD.

1.2. What is the purpose of the Healthy Torbay SPD and who is it for?

- 1.2.1. The Healthy Torbay SPD focuses on issues related to matters of health and wellbeing and how they should be positively addressed through the development planning process in Torbay in the context of building upon and providing more detailed advice and guidance in the adopted Local Plan.
- 1.2.2. The purpose of the document is to help influence and guide development requiring planning permission in Torbay. It provides forward guidance to the development industry and landowners regarding how planning applications can be developed to be have the best chance of achieving planning permission (so they are in compliance with Local Plan policies relating to health and wellbeing). It also provides guidance to decision makers in Torbay so that there is a greater appreciation and understanding of what we mean by 'Healthy Torbay' in the context of spatial planning.

1.3. How this document should be used

1.3.1. The Healthy Torbay SPD is designed to support the policies contained in the Torbay Local Plan and be utilised in the development management process to deliver

- inform pre-application advice of regarding any potential public health-related issues and to be a material consideration where relevant to be taken into account in determining planning applications

- to provide information and guidance that can be used to support a positive Health Impact Assessment (HIA);
- to promote opportunities for healthier lifestyles, encourage healthier choices and reduce the demand on the NHS, health professionals, councils and individuals across Torbay;
- to inform the preparation of future plans, strategies, development briefs, and policy decisions;
- to provide an evidence base resource, responding to local needs by providing and supporting information and guidance; and
- to inform communities and provide guidance to aid with the preparation of Neighbourhood Plans.

1.4. The Healthy Torbay SPD – relationship to the Torbay Local Plan and national policy

1.4.1. Health is a cross-cutting issue across planning which permeates into many subject areas contained within the Local Plan. This is because the wider determinants of health have multiple dimensions across the economy, environment and society. Therefore, many of the Torbay Local Plan policies feature in some form within this SPD. Where relevant to guidance within this SPD, the policies are referred to within this document. Of particular importance to note are policies **SS11 Sustainable Communities** and **SC1 Healthy Bay** which provide the overarching context for much of the guidance as they recognise tackling wider determinants aspects of taking action to promote good health in Torbay.

1.4.2. The NPPF recognises the importance of the role of planning in enabling good population health and wellbeing. Health is recognised as being an integral aspect of sustainable development, ‘supporting strong, vibrant and healthy communities’. Furthermore, the role of ‘promoting health communities’ in the context of supporting ‘local strategies’ (wider than planning policy) places a responsibility on local authorities to articulate what the key factors and ‘asks’ of planning should be in their individual geographical areas of responsibility.

1.5. Public consultation and participation

1.5.1. A draft version of the Healthy Torbay SPD was made available for consultation for a four week period between Monday 20 February and Monday 20 March 2017. Details of the consultation, including the main issues raised and how those issues have been addressed are detailed in a supporting ‘Public Participation Statement’ separate to this document.

1.5.2. The process for SPD production and community participation in Torbay is explained in the Council’s *Statement of Community Involvement 2014*. The relevant stages are outlined in the flowchart below:

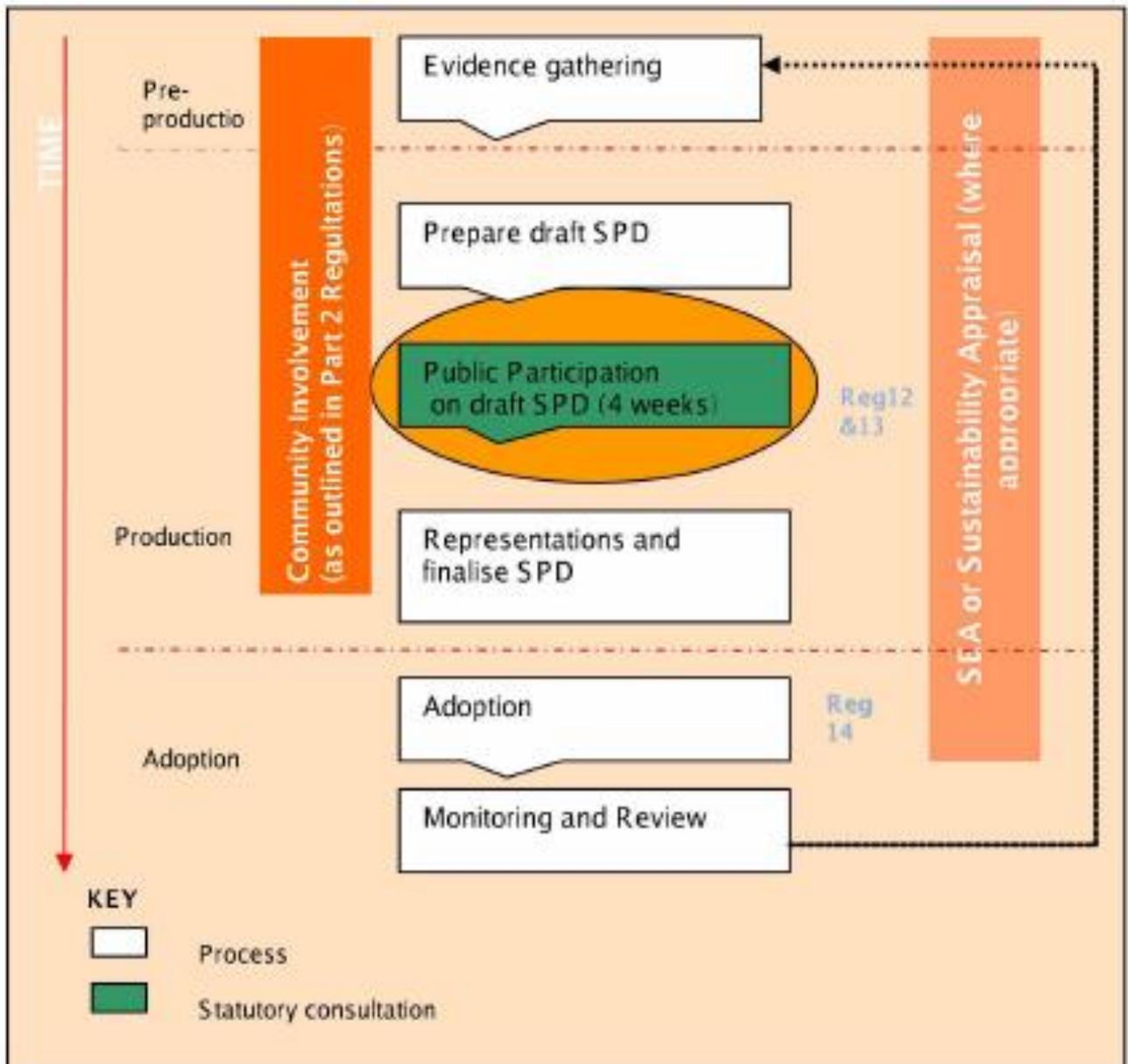


Figure 1: SPD production process in Torbay

2. The built & natural environment and how it affects health

2.1. What is a healthy place?

- 2.1.1. A 'healthy place' is a good place to grow up, live, work and grow old in. It is a living environment which supports people to live their lives in a state of good physical, mental and social well-being.

2.2. The wider determinants of health

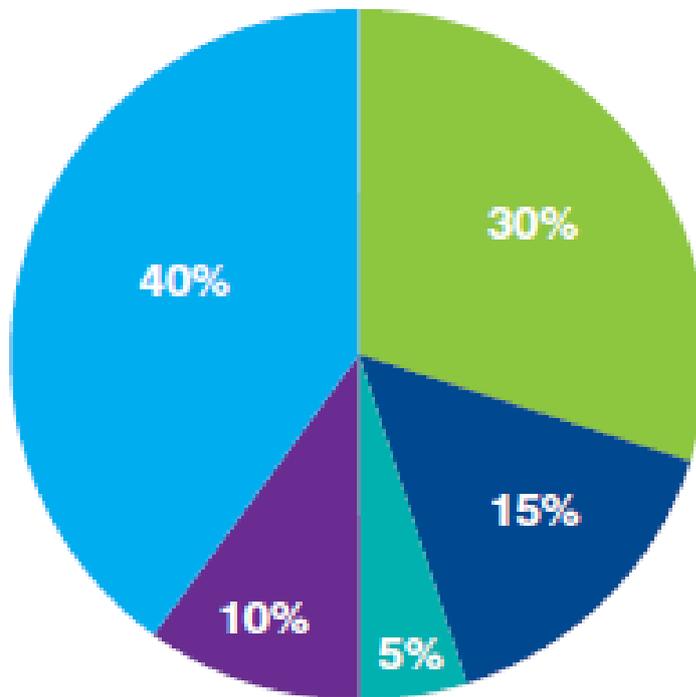
- 2.2.1. Creating and sustaining the conditions which contribute to a healthy place focuses on aspects of human health, disease and injury that are determined or influenced by factors in the environment (CDC, 2014). These factors are commonly referred to as 'the wider determinants of health'. This Healthy Torbay SPD is focused on how interventions made within the built environment, particularly the through development process managed through the planning system in Torbay, can impact on the wider determinants of health.

- 2.2.2. The wider determinants of health in the context of the built environment are neatly illustrated via the 'Health Map' (Barton and Grant, 2006). This diagram shows that being in a state of 'good health' is not just determined by age, sex and hereditary factors but actually it is important to recognise the complex causal factors which influence lifestyles. The Health Map shows the significance of 'environment' as being a significant determining factor of health and wellbeing.



Figure 2: 'The Health Map' (Barton and Grant, 2006)

2.2.3. There is a clear evidence base to suggest that ‘environmental exposure’ and ‘social circumstances’ play a significantly greater role in health outcomes than in comparison with ‘healthcare’. There is clear case for action in taking concerted action on the wider determinants of health.



Genetic predisposition
 Social circumstances
 Environmental exposure
 Healthcare
 Behaviour patterns

Source: Public Health England (2014). From evidence into action: opportunities to protect and improve the nation's health. Public Health England

Figure 3: The relative importance of factors which determine health (PHE, 2014 in Torbay Annual Public Health Report 2014)

2.3. How planning and development can affect health outcomes

2.3.1. Decisions taken on planning and development can directly influence the wider determinants of health. Development can influence a wide range of factors which can lead to impacts on health and wellbeing outcomes. The diagram below represents a simplified health pathway between changes to the built environment being implemented, a list of factors which might be associated or influenced by the change and a list of potential impacts that could be experienced in terms of public health

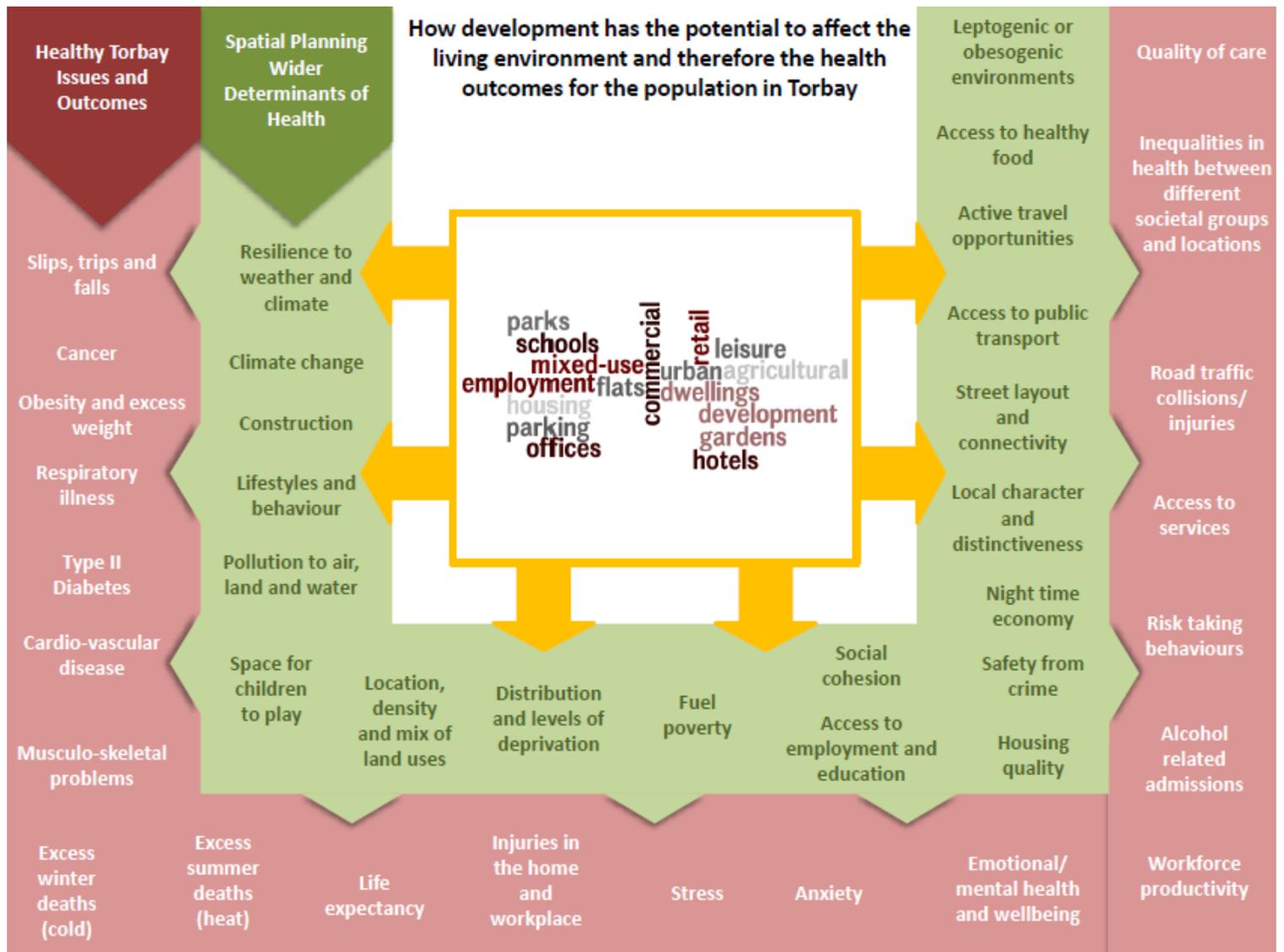


Figure 4: Effect of development on health

2.3.2. For instance, a commercial development might lead to an increase in jobs and employment prospects for those who are unemployed, which may lead to reducing socio-economic inequalities and improved health prospects for those affected persons. Equally, where the development is located, the types of jobs it provides and the opportunities for training targeted at particular segments of the population will also determine the magnitude of benefit that the development will have on inequality. A multitude of other factors relevant to transport, accessibility, urban design will also be relevant in contributing to health outcomes.

3. Healthy in Torbay

3.1. Where can I find information on **population** health in Torbay?

- 3.1.1.** There is a wealth of statistical information across a multitude of indicators related to health and wellbeing which is publicly available and provides an insight into the state of health in Torbay.
- 3.1.2.** At a national level, Public Health England publish the Public Health Outcomes Framework (PHOF) on a quarterly basis which collates a wide range of data from a range of sources and form part of the National Statistics. A huge number of indicators are provided across four domains: wider determinants of health, health improvement, health protection, and health care and premature mortality. Data can be searched for by local authority area **and** compared to regional and national averages in order to benchmark relative performance:
<http://www.phoutcomes.info/>
- 3.1.3.** The Torbay Public Health team produces a Joint Strategic Needs Assessment (JSNA) which looks at the current and future health care needs of the population to inform and guide public health and health commissioning planning. An interactive JSNA for Torbay can be found on our website: <http://southdevonandtorbay.info/>. This allows a range of datasets to be viewed at locality and ward level **within Torbay, including via illustrative maps**.
- 3.1.4.** These sources of data provide excellent resources for the understanding the context for health in Torbay and the local **planning** authority encourages applicants to utilise these resources when preparing planning applications, particularly when considering Health Impact Assessment (HIA).

TORBAY HEALTHCHECK

Below are a selection of statistics which relate to health and wellbeing in Torbay, all of which bear a causal relationship to environmental factors that can be influenced through planning.

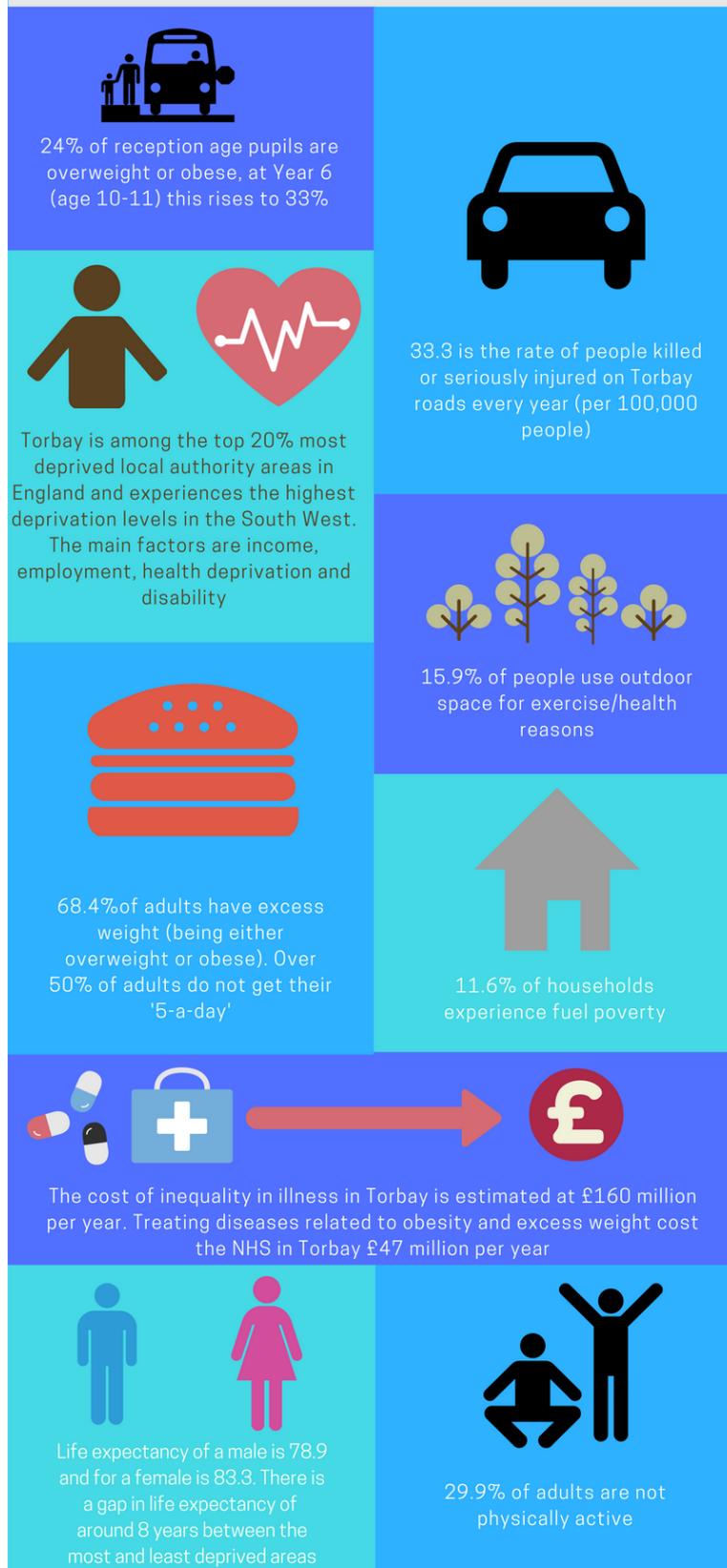


Figure 5: 'Torbay health check' - a snapshot of a selection of public health data in Torbay

4. Healthy food environment

4.1. Nutrition and health

4.1.2. Nutrition is an important factor in determining how healthy the lifestyle of a person is. In the UK, at a regional level within the South West and within Torbay, there is a significant public health problem stemming from the high amounts of calorie rich, energy dense food which is consumed on average across the population, across the life-course (children through to adults). This lifestyle trait is a key factor leading to significant levels of excess weight and obesity being manifest within the population.

4.2. Obesity and excess weight in Torbay

4.1.1. The prevalence of obesity and excess weight in Torbay has increased sharply over the years. It is estimated by the Department of Health that diseases related to obesity and excess weight cost the NHS £44 million in 2010.

4.1.2. Being overweight and obese shortens life expectancy and increases the risk of developing many diseases including coronary heart disease, type 2 diabetes, stroke and some cancers.

4.1.3. The proportion of children who are measured at Reception stage of school as being either overweight or obese is 24.2%. This figure rises to 33.5% at Year 6. Both of these figures are significantly worse than the regional average for the South West.

4.1.4. Among adults 66.8% are overweight (2 out of 3 people) of which 40% of these people are obese.

4.2. The relationship between excess weight, nutrition and hot food takeaways

4.2.1. The government-commissioned Foresight Report of 2007 examined the reasons for the rising and significant levels of obesity and concluded that there were a 'complex web' of factors involved ranging from unhealthy diets, low levels of physical activity as well as subtler causes such as societal influences and environmental factors which can make it difficult to make healthy choices.

4.2.2. Torbay has an adopted Healthy Weight Strategy which provides the foundation for a multi-agency approach to tackling obesity, facilitated by the Council and its partners. This approach supports national guidance which states that 'locally tailored strategies' should be mobilised to tackle rising obesity based on local evidence and in partnership.

4.2.3. There is evidence to suggest that the presence of hot food takeaways in high numbers has a relationship with increased levels of excess weight and obesity. A 2009 US study showed a positive correlation between obesity and concentration of large numbers of takeaways. Camden Council carried out a literature review of evidence and found that the evidence supported the view that although not the sole causal factor contributing to diet and obesity, the availability of fast food was a significant contributing factor.

4.3. Prevalence of hot food takeaways in Torbay

4.3.1. Evidence from Public Health England indicates that Torbay has approximately 160 ‘fast food’ outlets. This figure means that there are approximately 120.3 outlets per 100,000 population in Torbay, a figure which shows Torbay having the highest concentration of fast food outlets of any local authority in the South West region and in the highest 7% of local authorities in the whole of England (23rd out of a total of 324).

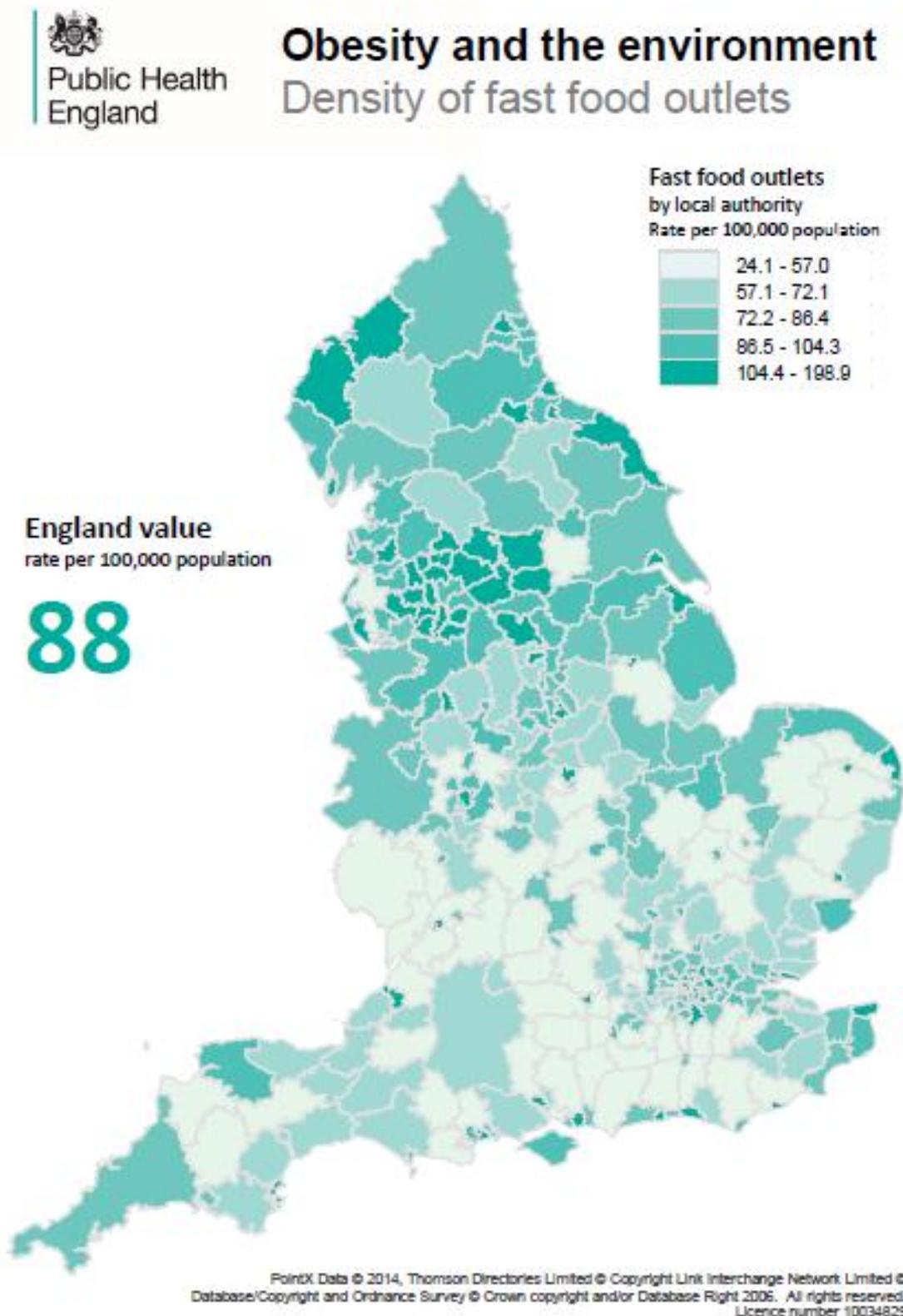


Figure 6: Density of fast food outlets across the UK

National Obesity Observatory (NOO):

Obesity and the environment – Density of fast food outlets report 2016

Fast food outlets

by local authority

Rate per 100,000 population

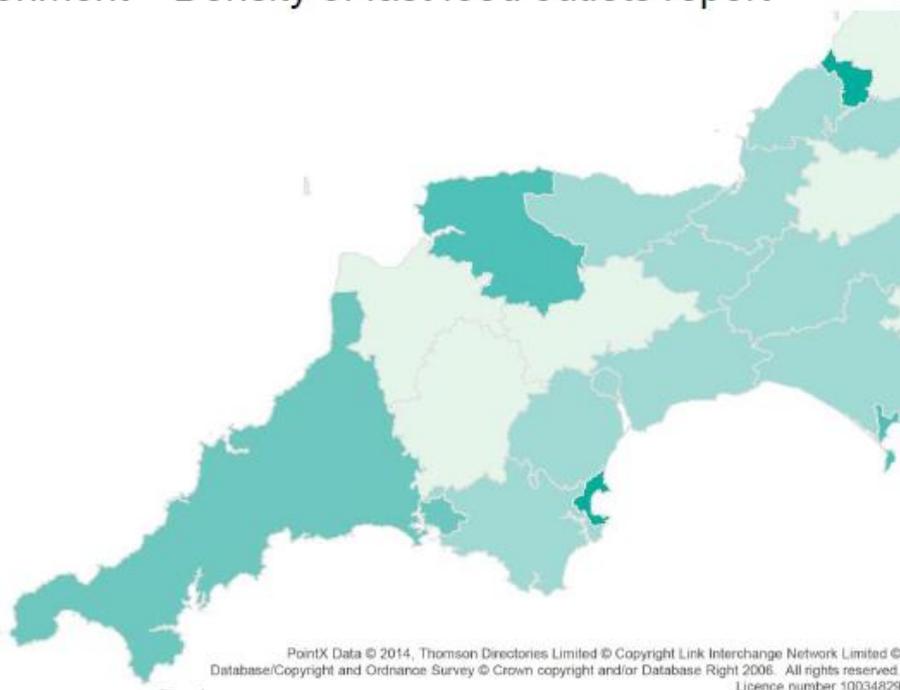
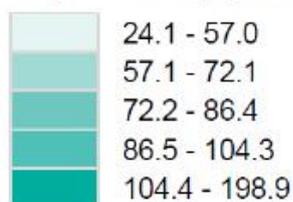


Figure 7: Density of fast food outlets in the South West

- 4.3.2.** Torbay Council has undertaken its own mapping and analysis of hot food takeaways within Torbay. Hot food takeaways have a specific classification under the Use Classes Order. That is to say they are classed as A5 uses ('Hot Food Takeaways') which can sell hot food for consumption off the premises. There are well over 100 premises which fall into the A5 category in Torbay. In addition, Torbay has a significant number of A3 Restaurants which have elements of hot food takeaway as part of their offer. When these A3 establishments are added to the A5 premises the number of places which hot food takeaway meals can be purchased in Torbay rises to well over 200.

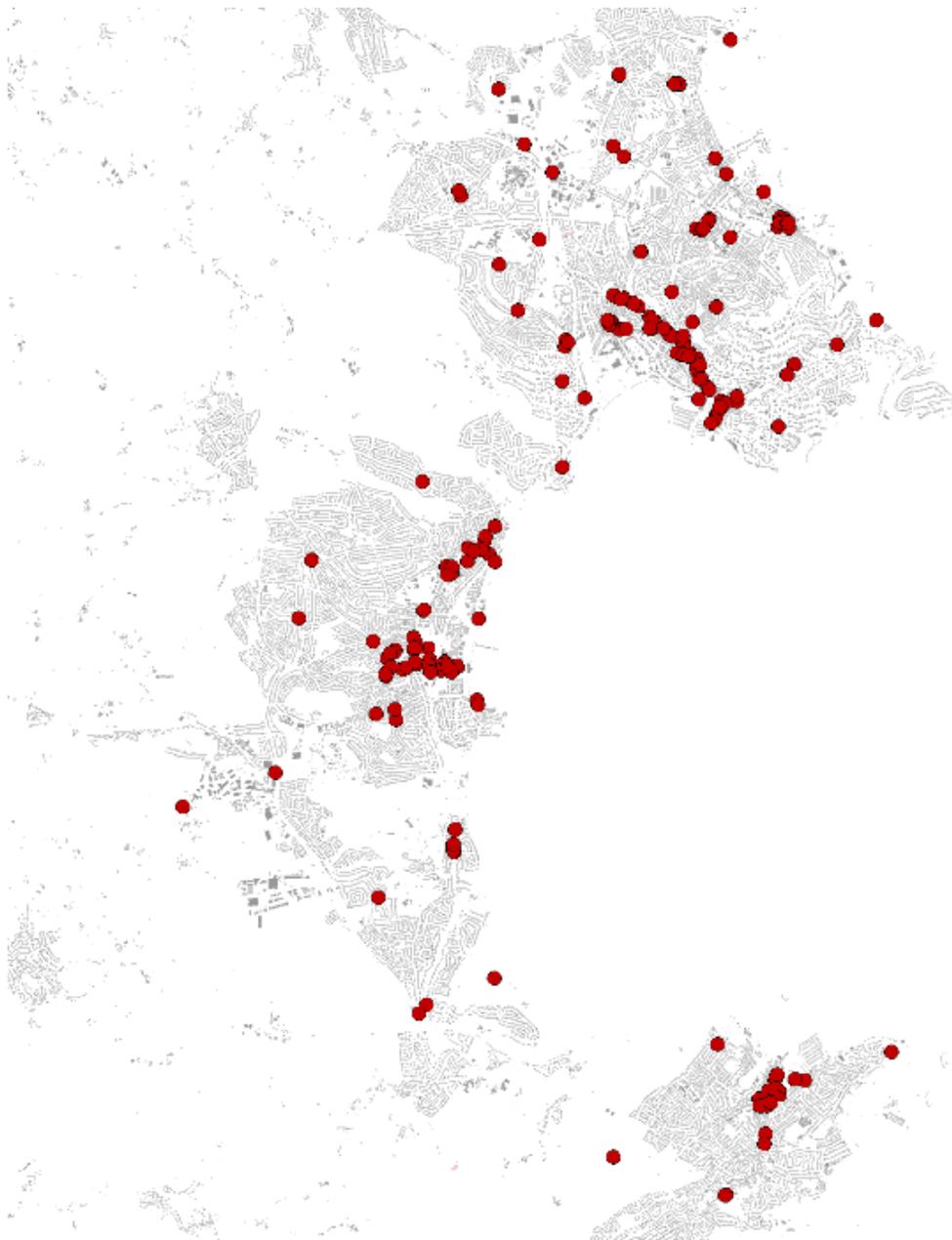


Figure 8: Illustration of existing fast food outlet distributions in Torbay

4.4. Torbay Local Plan policy context and SPD guidance

- 4.4.1. Policy SC1 (Healthy Bay) of the Torbay Local Plan provides that ‘all development should contribute to improving the health and wellbeing of the community’ including through ‘helping to deliver healthy lifestyles’. Also of relevance are policies TC1, TC2, TC3, TC4 and TC5 of the Local Plan in relation to town centres and retailing.
- 4.4.2. The guidance within this chapter relates to these policies with reference to dealing with planning applications which relate to development which provide for fast food elements (in relation to A5 and some A3 uses).

4.5. Guidance for managing planning applications which have an element of fast food in order to promote healthy food environments

- 4.5.1. Applications for new A5 hot food takeaways will be approved within existing town, district and local neighbourhood shopping centres (as identified in the Local Plan) where they do not harm the health and wellbeing of the community through impacting upon the delivery of healthy lifestyles. Outside of these centres, A5 uses should also be managed in accordance with Policy TC3 of the Local Plan with respect to retail development.
- 4.5.2. The New A5 facilities should will not lead to an over-concentration of A5 uses within any one individual centre. In particular, A5 uses should not overly dominate the streetscene the retail offer within district, local and neighbourhood shopping centres and encompass more than 10% of the retail frontage. so that they encompass more than 10% of the retail frontage.
- 4.5.3. The facility is more than 400 metres from an entrance to a secondary school, youth centre or leisure centre. Within 400 metres walking distance of secondary schools, applications for new A5 uses will not normally be acceptable unless it can be shown that the proposal would not negatively impact on healthy lifestyles or efforts to reduce health inequalities.
- 4.5.4. In accordance with Policy SC1 of the Torbay Local Plan, evidence should be submitted alongside a planning application for an A5 use (e.g. a proportionate Health Impact Assessment) outlining the measures taken to ensure that providing an A5 use will not lead to any worsening in the overall rate of hot food takeaway concentration and/or the opportunities to promote health lifestyles.
- 4.5.5. In relation to the above, planning applications in relation to existing and new A3 uses which intend to have an increase in or new element of A5 hot food takeaway use incorporated as part of their use, will also be considered in the light of the above guidance proportionate to the extent of the overall impact of the 'A5 aspect'.

5. Community Investment Areas

5.1. Community Investment Areas

- 5.1.1.** The Local Plan designates a number of areas within Torbay as 'Community Investment Areas'. These areas relate to areas of significant deprivation (defined as falling within the top 20% most deprived areas in England). Within these areas the Local Plan requires development proposals to take this into account.

5.2. Reducing inequalities through positive investment in the environment

- 5.2.1.** Development proposals should pay special attention to considering ways through which they will support healthier outcomes (including reducing levels of deprivation within these areas) – see Policy SC1
- 5.2.2.** Positive investment will be considered which has the potential to close the gap and reduce inequality within these areas in lieu of other planning gains which would normally be sought (e.g. affordable housing) – see **Local Plan** Policy SS11. Under these circumstances, evidence of the relative benefit of providing different planning gains instead of affordable housing should be provided.

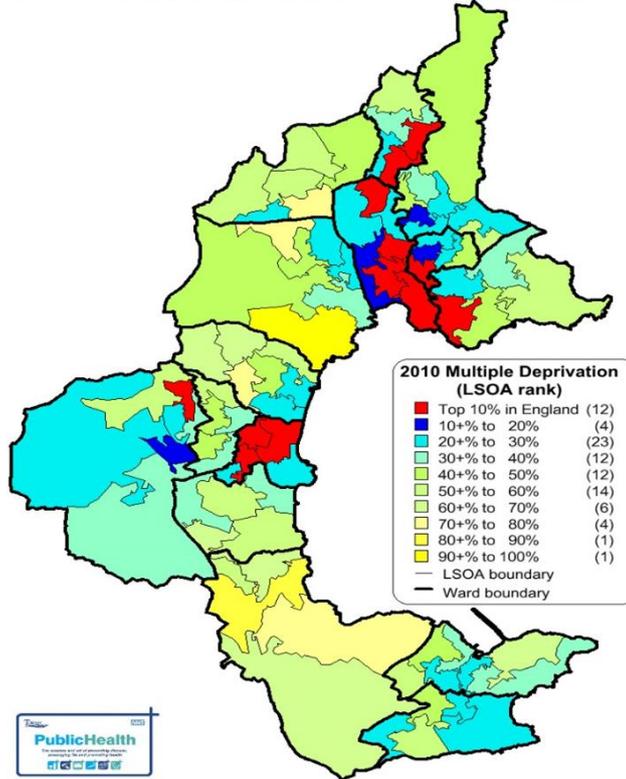
5.3. Providing a good standard of residential accommodation

- 5.3.1.** Small and medium sized homes will be retained. Change of use of these homes to Houses in Multiple Occupation (HMOs) or small flats will be resisted and guided in accordance with Policy SS11, DE1, DE2, DE3 and H4.

5.4. Index of Multiple Deprivation (IMD) 2015

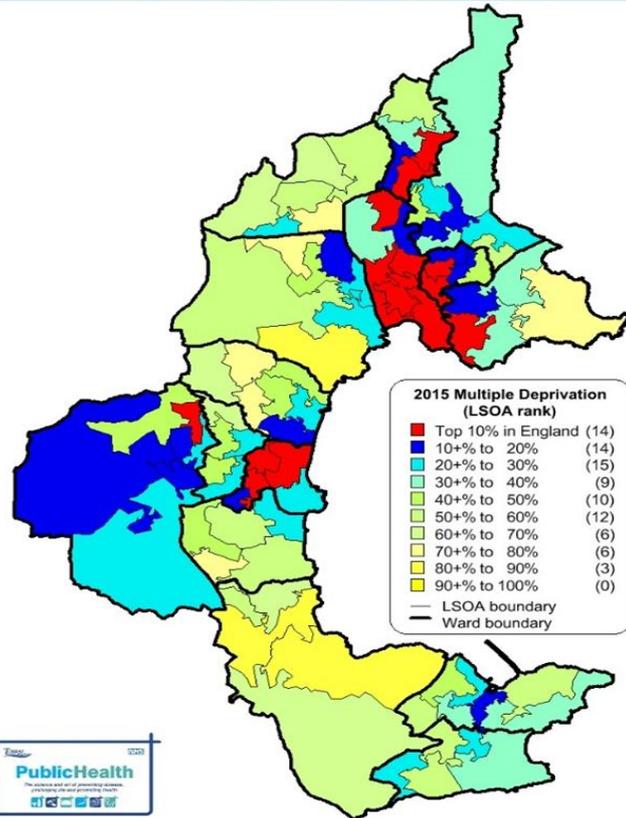
- 5.4.1.** The Torbay Local Plan based the boundaries for the Community Investment Areas on data from 2010. Since the adoption of the Local Plan, the IMD has been updated (2015). This shows a worsening in levels of deprivation in Torbay since 2010. The total population and area classed as falling within the top 20% most deprived has increased. In order to reflect this change, this SPD updated the boundaries which relates to Community Investment Areas so that the new boundaries reflect the latest data.

**THE ENGLISH INDICES OF DEPRIVATION 2010
RANK OF INDEX OF MULTIPLE DEPRIVATION**



Source: UK Department for Communities and Local Government, 2010
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**THE ENGLISH INDICES OF DEPRIVATION 2015
RANK OF INDEX OF MULTIPLE DEPRIVATION**



Source: UK Department for Communities and Local Government, 2015
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Figure 9: Changes in deprivation levels from 2010 to 2015 (with reference to top 20% most deprived)

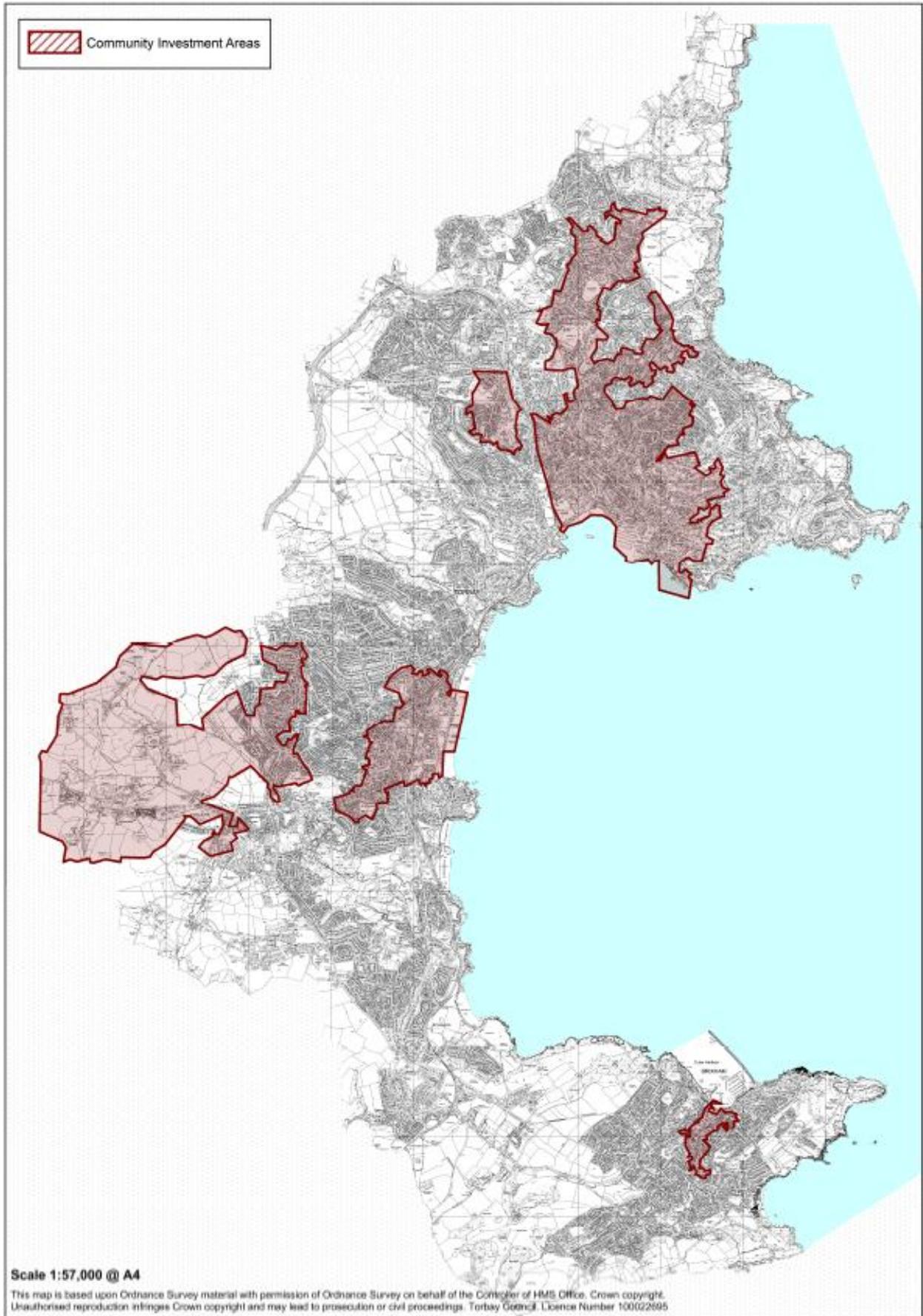


Figure 10: Map to show location of updated Community Investment Areas as reflecting the Lower Super Output Areas (LSOAs) falling within the top 20% ranked most deprived LSOAs in England. Note that this updates the CIA boundaries reflected in the Local Plan

5.5. Houses in Multiple Occupation (HMOs)

- 5.5.1. Proposals to form new HMOs are managed principally by Local Plan policy H4 as well as SS11, DE1, DE2 and DE3.

Policy H4 Houses in Multiple Occupation (HMOs)

The conversion of HMOs to self-contained dwellings will be encouraged and supported.

Applications for new buildings or sub-division of existing buildings into non-self-contained residential accommodation (HMOs) will only be permitted where the following criteria are met:

1. The property is located within easy reach of public transport and community facilities;
2. An acceptable standard of residential accommodation can be provided;
3. The scale and nature of the use would not harm neighbourhood amenity, for example by way of noise, general disturbance, litter, on-street parking or impact on visual amenity;
4. The proposal would not lead to an over-concentration of similar uses that could exacerbate existing social and economic deprivation or lead to a community becoming imbalanced;
5. The proposal would not adversely affect the character of holiday areas, particularly Core Tourism Investment Areas;
6. Adequate storage facilities can be provided for cycles, waste and recycling collection; and
7. There is supervision by a resident owner or manager, or an appropriate alternative level of supervision. The ongoing management will be secured through condition or s106 Planning Obligations where appropriate.

Figure 11: Policy H4 Houses in Multiple Occupations (HMOs) contained in the Torbay Local Plan

- 5.5.2. Point 4 of Policy H4 refers to HMOs being permitted where they would not lead to an over-concentration or exacerbate social and economic deprivation. In Torbay, we know that within our most deprived areas (Community Investment Areas) there tends to be a greater amount of smaller residential accommodation, including HMOs. Whilst these properties, properly managed and of a good design in an appropriate setting, can provide affordable, low cost accommodation to occupants, there has been an increase in the provision of these accommodation types which has the potential to lead to imbalanced communities and an overconcentration of these uses. This imbalance may worsen relative levels of deprivation and inequality within these areas compared to the rest of the Bay. Therefore, the presumption in Community Investment Areas (and Core Tourism Investment Areas) will be that HMOs will not be permitted (where they require planning permission).
- 5.5.3. HMO proposals will only be permitted where the accommodation represents a good standard of accommodation to enable occupants to live a healthy lifestyle (Policy SC1). This is particularly the case in terms of facilities available for communal activity, kitchen facilities to promote home cooking and adequate room sizes. Smaller rooms will be conditioned for single occupancy as part of the planning decision in order to manage issues of overcrowding.

6. Healthy Design

6.1. Torbay Healthy Planning Checklist

6.1.1. In considering development proposals, the following ‘Torbay Healthy Planning Checklist’ can be used by applicants to act as a prompt for issues related to health and wellbeing in Torbay which might apply to development proposals. The checklist is compatible with Torbay Local Plan policies and can be used in addition to support other assessments which the Council specifies to interpret good quality design such as ‘Building for Life’ (see Policy DE2 of the Local Plan).

6.1.2. Note that the checklist provides a series of questions which could be asked of development proposals. Depending on the nature of the development proposal, not all questions will be relevant. If an answer to a question is ‘yes’ this means a development proposal will have adequately considered the issue – the reasons for this should then be documented within the design and access statement or elsewhere within the planning application (or HIA if applicable). If an answer to a relevant question is ‘no’ then this may indicate that this is an issue which warrants further consideration in order to be compliant with Torbay Local Plan policies with respect to this issue.

6.1.3. The issues listed are not meant to be exhaustive in terms of the healthy planning considerations which might apply to a development proposal but are meant to provide a framework for guiding and embedding health principles into urban design. The issues are grouped around four themes: Travel Torbay, Healthy Homes, Healthy Places and Prosperous Bay.

Torbay Healthy Planning Checklist			
Travel Torbay (Sustainable Travel)			
Issue	Questions	Torbay Local Plan policy requirements/ standards	Importance to health and wellbeing in Torbay

Promoting active travel	<p>Will the proposal encourage and enable walking and cycling?</p> <p>Issues of relevance could include adequate cycle storage space and measures to promote modal shift as part of Travel Plans. Also consider the transport network (so that footpaths and cycle routes are direct and convenient)</p>	Policy TA1, TA2, TA3	Increasing the ability of people to undertake active travel increases mobility, physical activity and accessibility. In particular, enabling active travel offers one of the best ways of increasing overall levels of physical activity across the whole population. Modal shift towards active travel so that less trips are undertaken by car, improves air quality, road safety and congestion.
Road safety	<p>Does the proposal make it safer to undertake transport journeys?</p> <p>Consider all modes of travel where relevant. Applicable concerns could include traffic calming, pedestrian crossings, lighting, highway visibility and impact on existing/new routes.</p>	Policy TA1, TA2, TA3	Road safety measures can be crucial in reducing the likelihood of road traffic collisions, involving walkers, cyclists and vehicles. Increasing the standard of road safety can have positive impacts on increasing the attractiveness of active travel as a travel choice for people.
Public transport	<p>Is the development accessible via public transport? Are there opportunities to improve access?</p> <p>Consider existing routes, services and facilities.</p>	Policy TA1, TA2, TA3	Public transport is important for offering connections between where people live, work, and use services. Promoting public transport is a key component of the sustainable transport hierarchy.
Healthy Homes			
Issue	Questions	Policy requirements/ standards	Importance to health and wellbeing in Torbay

Healthy living	<p>Does the proposal provide adequate internal living spaces?</p> <p>Note the TLP standards, i.e. does it meet the National Space Standard? Is adequate space for waste and recycling storage provided? Are adequate kitchen facilities to encourage home food preparation provided?</p>	DE3, SC1, SS11	<p>Adequate living space is crucial in terms of the quality of life of occupants and affecting healthy lifestyle choices.</p> <p>Development proposals should support good quality living environments which in turn are more likely to promote better outcomes for public health.</p>
Accessible homes	<p>Does the proposal consider the needs of the disabled and those with particular accessibility needs?</p> <p>Consider the specific needs of the occupants and promote inclusive design. Note specific TLP accessibility requirement for larger housing developments.</p>	H6	<p>Promoting accessibility for all users will help to reduce inequalities in health.</p> <p>Torbay has an ageing population demographic which is likely to increase - enabling better access for these groups (including by supporting dwelling adaptations) will support independent living.</p>

Affordable housing and mixed communities	<p>Does the proposal provide affordable housing? Will it support mixed and balanced communities?</p> <p>Consider the contribution towards meeting housing need. Affordable housing should be integrated throughout larger development schemes and the design should be of the same standard as private accommodation so that communities are balanced.</p>	H2	Affordable housing (in various forms) can help provide socially inclusive communities and helps support the needs of people who are unable to access market accommodation due to affordability issues (e.g. young people in Torbay). Providing mixed and balanced communities reduces inequality and supports better social networks.
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Healthy Places

Issue	Questions	Policy requirements/ standards	Importance to health and wellbeing in Torbay
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Construction	<p>Does the proposal minimise the impact of construction on noise, air, land and water pollution?</p> <p>Is full opportunity taken to reduce waste production and maximise recycling?</p> <p>Are there opportunities for local labour to be utilised during construction, including training /education opportunities?</p>	SS2, SS14, SC3, W1, W2,	<p>There are a number of ways in which the construction phase of development can impact on health which need to be considered fully. Pollution and waste impacts are important in terms of directly impacting existing communities (physical and mental health). Supporting local labour and education offers a wealth of potential positive benefits on health and wellbeing.</p>
Pollution	<p>Is pollution to air, land and water minimised?</p> <p>Consider site layout, landscaping, direct mitigation measures, travel planning, etc.</p>	TA1, W1, DE1, DE3, ER2, ER3	<p>Air quality is an important wider determinant of health for respiratory conditions and cancer. Noise impacts can effect mental health and wellbeing.</p>
Open and green spaces/assets	<p>Does the proposal retain existing open and green spaces, support the management/ improvement of existing spaces and/or provide new spaces for the use of the local population?</p> <p>Consider access, quality and useability of spaces. Proposals for long-term management should be understood.</p> <p>Will the proposal contribute to preserving and enhancing green infrastructure assets such as street trees, living roofs, green walls, etc?</p>	SS8, SS9, C4	<p>Access to good quality open and green space is associated with positive impacts on health in terms of promoting physical activity, children's play and recreation, mental wellbeing, connecting with nature and reducing inequalities. Spaces should be well integrated into the public realm and meet the needs/demands of the local community.</p>

Biodiversity	<p>Does the proposal contribute to nature conservation and biodiversity?</p> <p>Overall net gains for biodiversity should be achieved through the planning process.</p>	SS8, SS9, NC1	Supporting biodiversity and ecology can help increase access to nature which supports mental health and wellbeing.
Local food growing	<p>Does the proposal provide opportunities for local food growing, for instance through the provision of allotments or suitable greenspace?</p> <p>Note Policy SC4 for specific requirements for allotments (on schemes of 30+ dwellings).</p>	SC4	Supporting local food growing opportunities supports physical activity, healthy nutrition, connecting with nature and social interaction
Flood risk	<p>Does the proposal ensure there is no increased risk of flooding (no net increase in surface run off) wither within or external to the site?</p>	ER1	<p>The direct impacts of flooding can be both physical and mental. The stress of cleaning up after flooding events and worrying about future risk can be acute.</p> <p>Torbay has been designated a Critical Drainage Area and therefore the importance of reducing flood risk through reducing surface water run-off is crucial. The impact of climate change must be taken into account in future-proofing the future health impacts from flooding on the population.</p>

Overheating	<p>Does the proposal take account of and respond to the impacts of overheating?</p> <p>Consider orientation, layout, the use of green infrastructure and the users of the development scheme.</p>	ES1	<p>Torbay experiences a warmer climate than the UK average. Climate change will mean that instances of summertime overheating will increase. This can cause detrimental health impacts for those in housing, workplaces or using outdoor environments (physical and mental). Older persons and very young persons are more susceptible to overheating effects.</p>
Prosperous Bay			
Issue	Questions	Policy requirements/ standards	Importance to health and wellbeing in Torbay

<p>Local employment and healthy workplaces</p>	<p>Does the proposal provide opportunities for or support the conditions needed to provide growth in local employment (jobs)?</p> <p>Consider both temporary construction and permanent end-use jobs.</p> <p>Will the proposal support healthy lifestyles for employees?</p>	<p>TC1, SS1, SS4, SS5, SC3</p>	<p>Growth in the number and quality of local jobs is important in supporting socio-economic benefits. Economic outcomes are closely linked to health outcomes and vice-versa.</p>
<p>Access to and impact on local health services</p>	<p>Has the impact on local health services been considered and addressed? (Primary, secondary and adult social care).</p>	<p>SC1, H6</p>	<p>Accessibility and quality of provision of health services has implication for the quality of care and treatment.</p>
<p>Access to local food</p>	<p>Is there opportunity to access a range of local food?</p> <p>Does the proposal avoid an over-concentration of hot food takeaways?</p> <p>Are there opportunities for allotments and/or community food growing?</p>	<p>SS11, SC1, Healthy Torbay SPD guidance</p>	<p>A proliferation of hot food takeaways can halve negative impacts on local nutrition and contribute to higher prevalence of obesity and excess weight.</p>

Public realm	<p>Does the design of public realm contribute to creating safe, inclusive and quality environments which encourage social interaction and healthy lifestyles?</p>	DE1, DE2, DE3, SC1	<p>Public realm/space is crucial in terms of affecting the sense of wellbeing, security and belonging. It is key in promoting physical activity and contributing to vibrant communities. Opportunities to inspire engagement in cultural activities (including arts) through careful design should be sought where possible.</p>
Education	<p>Has the impact on educational needs and offers been assessed?</p>	SC3	<p>Access to high quality education opportunities is associated with future earning potential, ability to enter the job market and self-esteem.</p>

7. Health Impact Assessment

7.1. What is Health Impact Assessment (HIA)?

- 7.1.1.** HIA is most commonly defined as “a combination of procedures, methods and tools by which a policy, programme or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population” (European Centre for Health Policy, 1999).
- 7.1.2.** HIA, applied for the purposes of development management in Torbay, is a process and tool for assessing both the potential positive and negative impacts of a proposal on health and wellbeing and suggests ways in which opportunities to improve health can be maximised and risks to health or negative impacts on health minimised.

7.2. Why carry out a Health Impact Assessment (HIA)?

- 7.2.1.** Spatial planning and development has the potential to impact upon a wide range of matters which can affect the health and wellbeing of the population in Torbay. Particularly in relation to the wider determinants of health, these impacts can be complex and there are often multiple factors in relation to a development proposal which can affect these determinants. It is important that for significant developments in Torbay that decisions taken on planning applications are fully informed of the impacts on population health and wellbeing that are likely to be created from the implementation of a development proposal. Moreover, HIA, applied early in the planning process can positively help inform the production of development proposals forming part of planning applications so that higher quality development, achieving better health outcomes, can be attained.
- 7.2.2.** Policy SC1 Healthy Bay of the Torbay Local Plan requires screening for HIA to be undertaken for planning applications which deliver 30 or more residential dwellings or 1,000 sq metres of foospace. Screening for HIA may also be required for developments below this threshold if there are good reasons to indicate that a proposal may give rise to a significant impact on health. Torbay Council encourages applicants to discuss this requirement with the local planning authority in the early stages of the production of planning applications (for instance at pre-application stage).

7.3. Relationship to other assessments (EIA, Design and Access Statements)

- 7.3.1.** Where applicants are required to undertake other assessments in addition to HIA as part of the submission of their planning application, it may make sense to combine those assessments. For instance, where development proposals require Environmental Impact Assessment (EIA) it may make sense to integrate health impacts into the methodology for the EIA. This provides advantages in terms of assessing impacts holistically, using the data sourced from different assessments to help inform each other and avoiding duplication of overlapping data. Where the need for EIA is detailed through a screening and scoping opinion of the local planning authority, the Council will also advise and discuss with the applicant of how the need for HIA (if relevant) can be best incorporated.

7.3.2. In cases where EIA is not required but HIA is required, the HIA should form a stand-alone assessment and separate submission document to the local authority as part of planning applications. It is not recommended that HIA forms part of the Design and Access Statement however the Design and Access Statement should draw on the outcomes of HIA (cross reference) where relevant to support how the design of development proposals has influenced the creation of proposals which contribute to the health and wellbeing of the community.

7.3.3. HIA is designed to support and inform the decision-making process, not replace it.

7.4. How to carry out HIA

7.4.1. There is no statutory framework for defining how HIA should be carried out, however the procedural process is now well established and the main steps are commonly recognised as the following:

1. Screening
2. Scoping
3. Appraisal
4. Developing and making recommendations
5. Ongoing monitoring and evaluation

These steps are further described within this section of this SPD. The process for conducting these steps is also illustrated via a flowchart called 'Developer's guide to process for undertaking HIA in Torbay' (Figure 7)

7.5. Screening

7.5.1. Screening is a preliminary assessment of what health impacts might arise from a development proposal and informs the decision of whether the proposal would benefit from further assessment. As a standalone exercise (even without further HIA) the exercise may prove to be useful in helping to gain a better understanding of how a proposal impacts on health and wellbeing and can inform the development of proposals that respond positively to addressing issues of health and wellbeing. To assist the screening task, a HIA Screening Matrix (Figure 8) is included as part of this chapter and should be used in conjunction with the 'health and wellbeing determinants checklist' (Figure 9). It is recommended that applicants use this matrix format to provide information as part of screening their development proposals for further HIA. Exhaustive detail is not necessary or indeed sometimes possible at this stage. However, it should be possible to complete the various sections in the matrix to provide a clearer idea of what the main issues/effects are likely to be. It can also be useful in determining what potential effects any more detailed appraisal should focus on (i.e. used to inform later scoping if necessary).

7.5.2. Once the HIA Screening assessment has been completed it should be sent to the Council for their comment and review. If, on balance, the proposal would appear to benefit from a more detailed HIA, then a fuller appraisal will be requested to be conducted.

7.6. Scoping

7.6.1. Once the decision to undertake a more detailed HIA is taken, the next stage of the process is to scope the significant likely impacts. This stage of the HIA process aims to understand the key

issues which should be focused on as part of the detailed HIA and ensure that they are addressed in sufficient detail. Impacts and health issues which are unlikely to be significant can be 'scoped out'.

- 7.6.2.** To assist this stage, applicants are encouraged to utilise the 'Torbay Healthy Planning Checklist' (see Healthy Urban Design section of this SPD).
- 7.6.3.** As well as looking at the impacts, it is important that the applicant and the local authority is clear on the methodology for the HIA and sources of data to be used. With regards to data, the local planning authority will seek to signpost applicants to sources of available local health data contained in documents such as the Joint Strategic Needs Assessment, etc. Any new data required to understand the health impacts of a particular health issue will be limited to that which is relevant and proportionate to the development proposal.
- 7.6.4.** The local planning authority will agree the scope of the HIA in discussion with the applicant prior to the HIA being undertaken. It may be necessary to involve local stakeholders in the scoping stage of the HIA, indeed this is positively encouraged as part of the community consultation and engagement process. The form of engagement can take many forms and may include focus groups, questionnaires, public meetings, etc.

7.7. Appraisal

- 7.7.1.** The aim of the appraisal is to analyse all of the potential health impacts using the evidence which was identified as part of the scoping stage. Evidence can be quantitative, qualitative or a mixture of both but it is important that any gaps or uncertainties in the evidence base with regards to a particular issue are documented as part of the assessment. The development proposal should be examined closely with all the key elements of the scheme and their relationship to the wider determinants of health recorded.
- 7.7.2.** The assessment should build on the information gathered at the screening and scoping stages. Significant impacts which were identified earlier should be investigated in more detail and there should also be scope within the assessment to consider any unidentified impacts that were not considered earlier. To do this, the appraisal should be systematic and transparent about how the impacts were identified. The use of a checklist, building and expanding on the Torbay Healthy Planning Checklist and HIA Screening Matrix Template, to act as an aide memoir may be helpful in this regard.

7.8. Developing and making recommendations

- 7.8.1.** Recommendations should aim to eliminate/or minimise the potential negative impacts of a proposal which are identified as part of the appraisal and create or maximise positive impacts, where there is realistic opportunity to do so.
- 7.8.2.** It is important to provide a coherent and holistic set of recommendations which relate to the proposal as a whole. It is likely that individual recommendations relating to tackling a specific impact may themselves impact upon a different feature of the development (e.g. a recommendation for significantly reduced car parking whilst potentially stimulating modal shift may impact upon the economic viability of a commercial building – both can be considered health impacts). This therefore requires coming to a view on which recommendations should/could be

taken forward in order to deliver the maximum overall benefits for health and support the deliverability of the scheme.

- 7.8.3.** Note that as part of making recommendations (and the appraisal) itself the local authority expects that clear evidence of community engagement is provided as part of the report. The local authority places significant importance on community intelligence informing HIA.

7.9. Ongoing monitoring and evaluation

- 7.9.1.** It will often be necessary that future monitoring is carried out regarding a development proposal in order to check the health impacts arising. Indeed, recommendations on the nature of monitoring are expected to be included as part of the recommendations. Any monitoring should be proportionate to the development proposal.

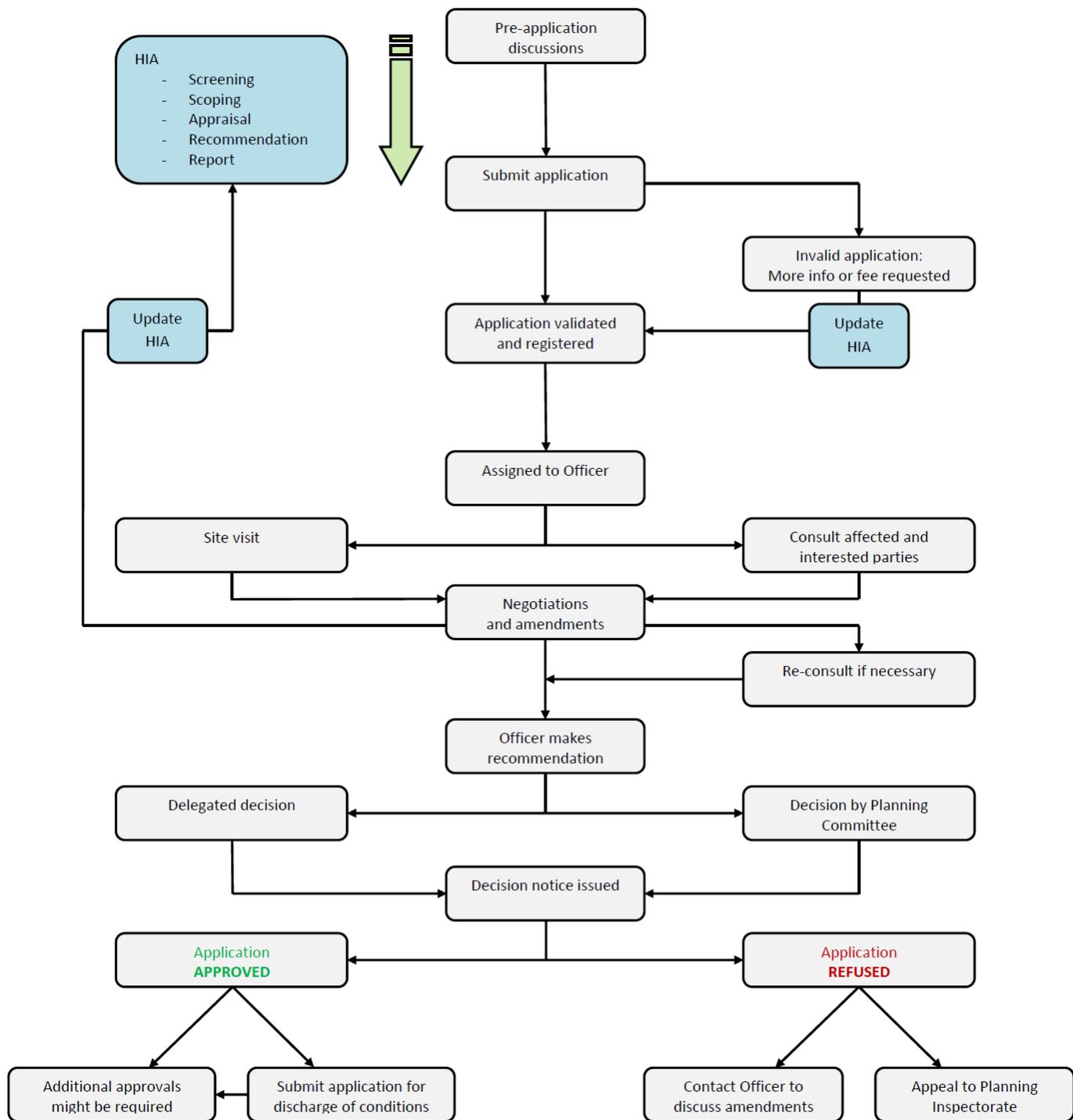


Figure 12: Planning application process and the relationship to HIA

Developer's guide to process for undertaking HIA in Torbay

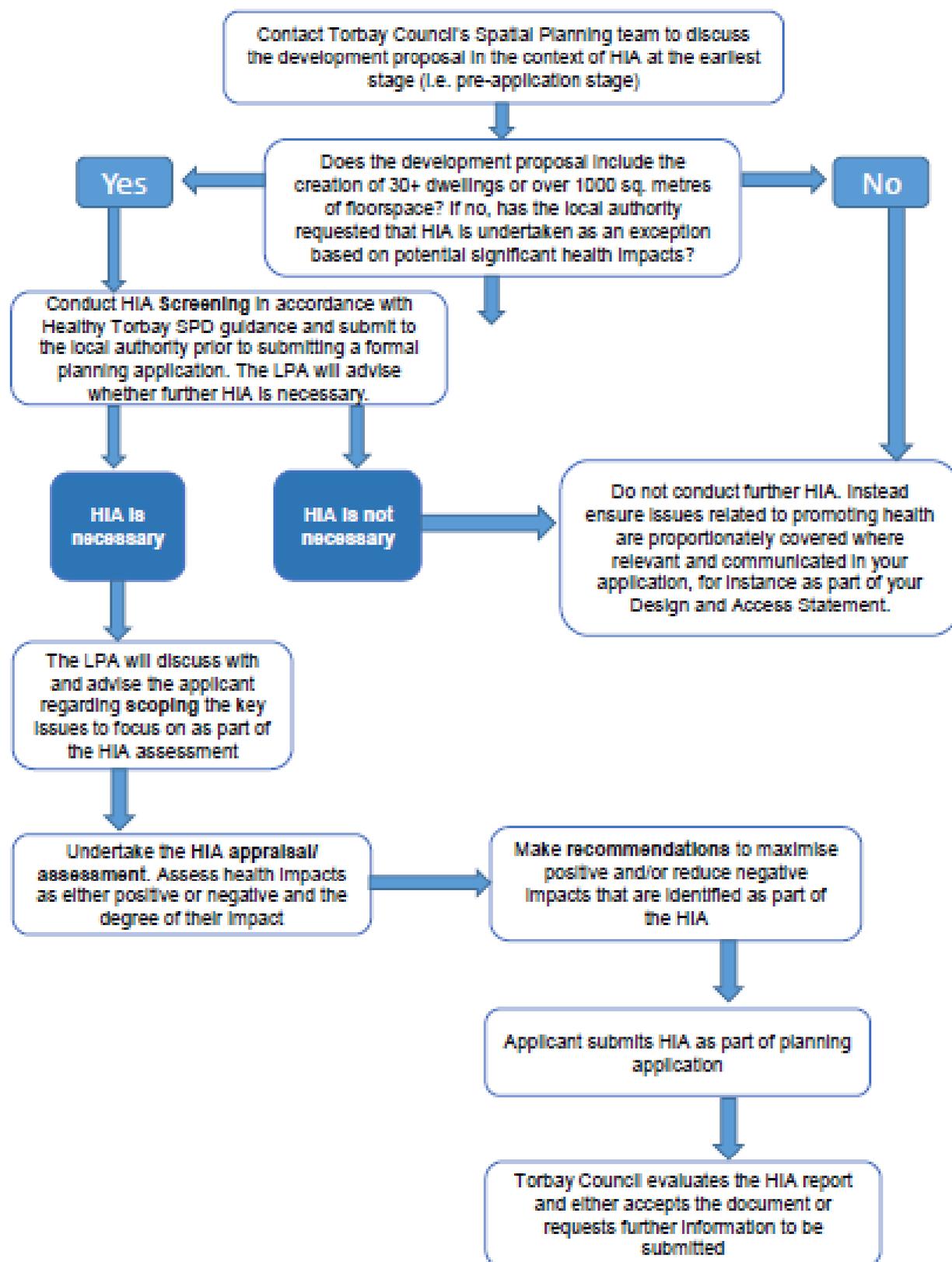


Figure 13: Developer's quick-guide to process for undertaking HIA in Torbay

Health and wellbeing determinants	List health impacts identified	Positive or negative	Population groups affected	Is this impact significant?	Justification and reasoning
Individual lifestyles					
Social and community influences					
Living and Environmental conditions					
Economic conditions					
Access and quality of services					
Any other direct or indirect effects on health					

Figure 14: HIA Screening Matrix Template

WIDER DETERMINANTS	
Lifestyles	<ul style="list-style-type: none"> • Diet and nutrition • Opportunities for physical exercise • Use of alcohol, cigarettes, non-prescribed drugs • Sexual activity • Other risk-taking activity
Social and community influences on health	<ul style="list-style-type: none"> • Family organisation and roles • Citizen power and influence • Social support and social networks • Social cohesion / inclusion • Crime and community safety
Living/environmental conditions affecting health	<ul style="list-style-type: none"> • Built environment • Neighbourhood design • Walking and Cycling routes (active travel) • Housing • Indoor environment • Noise (from traffic, industry, neighbourhood) • Air quality and pollution • Attractiveness of area • Natural Environment (access to green and open space) • Smell/odour/nuisance • Waste disposal • Road hazards • Accidental Injury and hazards • Quality and safety of play areas • Contaminated Land
Economic conditions affecting health	<ul style="list-style-type: none"> • Unemployment • Income • Economic inactivity • Type of employment • Workplace conditions • Economic Development
Access and quality of services	<ul style="list-style-type: none"> • Health and Medical services • Adult and Social Care services • Leisure and recreation • Shops and commercial services • Healthy Food • Public amenities • Public Transport • Education and training • Information technology
POPULATION GROUPS (Vulnerable or disadvantaged)	
Note that the target groups you identify as vulnerable or disadvantaged will depend on the	

<p>characteristics of the local population and the nature of the proposal itself. The most disadvantaged and/or vulnerable groups are those which will exhibit a number of characteristics, for example children in living poverty. This list is therefore just a guide and you may like to focus on groups that have multiple disadvantages.</p> <p>You will also want to assess the impact on the general adult population and/or assess the impact separately on men and women. Please note that this list is a guide and is not exhaustive.</p>	
Age related groups	<ul style="list-style-type: none"> • Children and young people • Older people
Income related groups	<ul style="list-style-type: none"> • People on low income • Economically inactive • Unemployed • People who are unable to work due to ill health
Groups who suffer discrimination or other social disadvantage	<ul style="list-style-type: none"> • People with disabilities • Long term chronically ill • Refugee groups • Travellers • Single parent families • LGBT community • Ethnic minority groups • Homeless
Geographical issues	<ul style="list-style-type: none"> • People living in areas known to exhibit poor economic and/or health indicators (e.g. deprived areas in the top 20% of rank for deprivation – ‘Community Investment Areas’) • People living in isolated/rural areas • People unable to access services and facilities

Figure 15: HIA Health and wellbeing wider determinants and population group checklist (to assist with completing the 'HIA Screening Matrix Template')

8. Supporting new models of care

8.1. Health and care facilities

8.1.1. The local authority supports the delivery and management of facilities relating to providing health and care in line with the aims and plans of the Integrated Care Organisation in Torbay. The local authority will work with its partners in at Torbay and South Devon NHS Foundation Trust (TSDFT) and the South Devon and Torbay Clinical Commissioning Group to support proposals which deliver and support health and wellbeing in Torbay. This includes primary services, secondary services and adult social care.

8.2. New Models of Care

8.2.1. Delivering new models of care in Torbay is a shared aim of public sector health partners (forming part of the Torbay Healthy and Wellbeing Board) in the Bay. It means focusing on the health and wellbeing of the local population, preventing ill health and improving the quality of care and support, working in partnership with communities. Care will be increasingly centred around people and the communities in which they live



Figure 16: Vision for care and support (taken from A Market Position Statement for Torbay for Adult Social Care and Support and Children's Services 2016)

8.3. Managing development proposals for health and care facilities

8.3.1. In making decision on development proposals which relate to health and care facilities, the local authority will consult and engage with its partners to ensure that development proposals align with and support the delivery of a Healthy Torbay. Where relevant these partners will engage in the development process to offer advice and input into development proposals. Applicants should pay particular attention to relevant guidance such as the local authorities Market Position Statement for Torbay for Adult Social Care and Support and Children’s Services 2016 and the South Devon and Torbay Local Estates Strategy (and any future updated versions).

Bibliography

- Barton, H. and Grant, M. (2006) A health map for the local human habitat, *The Journal for the Royal Society for the Promotion of Health*, 126 (6). pp. 252-253. ISSN 1466-4240 Available from: <http://eprints.uwe.ac.uk/7863>
- Centers for Disease Control and Prevention (2014) CDC – Healthy places – About Healthy Places [online] Available at: <https://www.cdc.gov/healthyplaces/about.htm> [Accessed 10 Jan 2017]
- DCLG (2012) *The National Planning Policy Framework*
- European Centre for Health Policy (1999) *Health Impact Assessment: Main concepts and suggested approach (Gothenburg Consensus)*, Brussels: European Centre for Health Policy
- Landscape Institute (2013) *Public Health and Landscape: Creating Healthy Places*, Landscape Institute Position Statement
- NICE (2008) *Physical activity and the environment*, Public health guideline [PH8], London: NICE
- NICE (2012) *Physical activity: walking and cycling*, Public health guideline 41 [PH41], London: NICE
- PHE (2013) *Healthy people, healthy places briefing, Obesity and the environment: increasing physical activity and active travel*, London
- PHE (2014) *Healthy people, healthy places briefing, Obesity and the environment: regulating the growth of fast food outlets*, London
- Preamble to the Constitution of the World Health Organization as adopted by the International Health Conference, New York, 19-22 June, 1946; signed on 22 July 1946 by the representatives of 61 States (Official Records of the World Health Organization, no. 2, p. 100) and entered into force on 7 April 1948
- Suhrcke, M. et al (2005) *The contribution of health to the European Union*, Office for Official Publications of the European Communities: Luxembourg
- The All-Party Parliamentary Health Group and the Health Foundation (2016) *A Healthier Life For All The Case for Cross-Government Action*
- TCPA (2014) *Reuniting health with planning*, *The Journal of the Town and Country Planning Association*, Volume 83, Number 11
- TCPA (2014) *Planning healthy-weight environments – a TCPA reuniting health with planning project*, TCPA
- TCPA (2016) *Building the foundations: Tackling obesity through planning and development*
- Torbay Council (2016) *Torbay Local Plan: A Landscape for Success The Plan for Torbay 2012-2030, Spatial Planning*
- Torbay Council (2015) *Public Health Annual Report 2015 Working together to address deprivation, Public Health*
- Torbay Council and South Devon and Torbay Clinical Commissioning Group (2016) *A Market Position Statement for Adult Social Care and Support and Children;s Services in Torbay 2016+*
- Waddel, G. and Burton, K. (2006) *Is Work Good for your Health and Well-being?*, Norwich: TSO

Record of Decision

Healthy Torbay Supplementary Planning Document

Decision Taker

Mayor on 29 March 2017

Decision

That the Council be recommended:

- (i) that, following consideration of representations made on the Draft Healthy Torbay Supplementary Planning Document (SPD), subject to paragraph 4.1.1 be amended to read “New A5 facilities should not lead to an over-concentration of A5 uses within any one individual centre. In particular, A5 uses should not overly dominate the retail offer within district, local and neighbourhood shopping centres so that they encompass more than 10% of the retail frontage.”, the SPD be adopted, with minor modifications as set out in Appendix 1 to the submitted report; and
- (ii) that the Executive Head of Business Services and Director of Public Health, in consultation with the Executive Lead for Planning, Transport and Housing and the Executive Lead for Health and Wellbeing and Corporate Services be given delegated powers to make minor amendments to the Healthy Torbay Supplementary Planning Document to ensure legibility and clarity.

Reason for the Decision

There is a significant evidence base which strongly concludes that health and wellbeing is considerably influenced by environmental, social and economic factors (referred to as ‘the wider determinants of health’). The Policy will enable decisions taken through the planning system, which influence how our built and natural environment changes through development, to be influenced by the wider determinants of health.

Implementation

The recommendations will be considered at the Council meeting on 6 April 2017.

Information

The submitted report set out the final draft Healthy Torbay Supplementary Planning Document (SPD), which had been produced in order to provide spatial planning guidance (for use in determining planning applications by the Local Planning Authority) on a number of matters relating to health and wellbeing in Torbay.

The Healthy Torbay SPD articulates the relationship between spatial planning and public health in Torbay, i.e. that public health outcomes are intrinsically linked to the built and natural environment. The SPD then adds further guidance relating to a number of over-arching policies which seek to promote health that are contained within the Torbay Local Plan.

At the meeting Andrew Gunther, Senior Planner and Public Health Officer circulated a revised officer recommendation proposing that paragraph 4.1.1 of the Healthy Torbay Supplementary Planning Document be amended in respect of guidance promoting healthy food environments,

as recommended by the cross-partnership Torbay Healthy Weights Steering Group. This was to provide clarity that new hot food takeaways within district, local and neighbourhood centres will be restricted where they would lead to more than 10% of the total existing retail frontage consisting of hot food takeaways.

The Mayor considered the recommendations of the Policy Development and Decision Group (Joint Operations Team) made on 29 March 2017 and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the submitted report but were not discussed at the meeting.

Is this a Key Decision?

Yes – Reference Number: I028445

Does the call-in procedure apply?

No

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

None

Published

29 March 2017

Signed: _____
Mayor of Torbay

Date: 29 March 2017



Meeting: Council **Date:** 6 April 2017

Wards Affected: All wards

Report Title: Transformation Project - Town Centre Regeneration

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately

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

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

1. Proposal and Introduction

- 1.1 Town Centre Regeneration is one of the Council's most important transformation projects. It has two key objectives:
- To deliver and enable significant and successful regeneration of Torbay's town centres, as a key part of Torbay's overall growth and place making agenda
 - To generate income to support the Council's budget in order to deliver local services.
- 1.2 The first of these objectives is likely to take up to 10 years and includes the development of key sites, the redevelopment and re-use of parts of Torquay and Paignton town centres and, very importantly, improvements to the quality of public realm, buildings and streetscape. Together these make up a comprehensive and significant town centre regeneration programme. Successful regeneration is far less likely if any of these three elements is not included in the programme.
- 1.3 The second objective is to help provide more certainty over the Council's budget position, specifically in relation to the revenue budget, over the next three years.
- 1.4 The proposed Transformation Strategy for Torbay's Town Centres blends those two key objectives and will form part of the Council's Policy Framework. This will ensure that town centre regeneration work can move forward with clarity, certainty, pace and consistency.

- 1.5 Based on initial business case development and soft marketing testing work, the first phase of Town Centre Regeneration could deliver the following outcomes:

Item	Benefit
1. Development construction value	Over £130 million
2. Over 500 new homes	<p>More people living in and higher footfall in town centres</p> <p>New Homes Bonus of £600,000 per annum over next 4 years</p> <p>£750,000 per annum in rates</p>
3. Over 10,000 sq mts of commercial space	<p>More people working in and higher footfall in town centres</p> <p>Increased income to the Council</p>
4. Over 1200 jobs, including permanent and construction jobs	Increased footfall and spend in the economy and in town centres.
5. Revenue income to the Council	Significant uplift in revenue income over the next 10 years, from Upton Place, Harbour View and Paignton Harbour.

- 1.6 This report sets out the proposed Transformation Strategy for Torbay's Town Centres which will form part of the Policy Framework as an appendix to the Council's Economic Strategy. The Strategy includes a range of actions aimed at instilling confidence in regeneration, investment and development. It also includes a Townscape Investment Initiative aimed at improving the public realm within Torbay's town centres.

- 1.7 This report also seeks agreement to instruct the Town Centres Regeneration Programme Board to develop full business cases to deliver the Town Centres Transformation Programme and requests resources be made available to progress the delivery of the Programme, at pace and scale.

2. Reason for Proposal

- 2.1 The proposals will help transform Torbay's town centres. This transformation is part of a wider place making agenda, which includes change and growth in Torbay and in the wider sub-region, including Exeter and Plymouth.
- 2.2 It is important for the Council to continue to move forward at pace to secure delivery of development. Momentum on site and project delivery is crucial to success.
- 2.3 The proposed delivery approach will secure the best outcomes for the towns as well as the best outcomes for the Council and community. It provides the best means for the Council to secure high quality outcomes, but does not fix outcomes for each site at this stage and therefore retains the flexibility to secure wider benefits for the Council and community.

2.4 The proposed approach reduces the risks of lack of private sector investment or pace in the first phase of delivery. The proposals respond to very clear feedback from investors engaged as part of the soft market testing process.

2.5 The proposed strategy, which is likely to take around 10 years to deliver, will span Council administrations and ensure consistency across those administrations.

3. Recommendation(s) / Proposed Decision

3.1 That the “Transformation Strategy for Torbay’s Town Centres”, which includes the actions to deliver Phase 1 of the Town Centres Regeneration Programme, including direct delivery of development by the Council, and is set out in Appendix 1 to this report, be agreed and adopted as a Policy Framework document as an Appendix to the Council’s Economic Strategy.

3.2 That, in accordance with the “Transformation Strategy for Torbay’s Town Centres”, the Town Centres Regeneration Programme Board be requested to pursue a range of actions as described within the Strategy, including the development of full business cases, for the following priority projects on Council-owned land:

- (i) Harbour View – between The Terrace and Museum Road, Torquay
- (ii) Paignton Harbour
- (iii) Upton Place (behind the Town Hall), Torquay
- (iv) Victoria Centre, Paignton
- (v) Lower Union Lane and the linkage to Union Street, Torquay
- (vi) Brixham Town Centre

3.3 That the Town Centres Regeneration Programme Board be requested to continue to work with the owner of Crossways, Paignton and potential investors to secure an appropriate and accelerated redevelopment of the site in support of regeneration in accordance with the Strategy.

3.4 That the Town Centres Regeneration Programme Board be requested to continue to work with Network Rail and Stagecoach, as other land owners, and with Great Western Railway and investors to secure delivery of a new Paignton Civic Hub, focused around the bus/rail stations and the library in Paignton, in accordance with the Strategy.

3.5 That, having developed a full business case for each Town Centre regeneration site, including but not limited to those identified in 3.2, 3.3 and 3.4, the Town Centres Regeneration Programme Board should seek a decision from the Council to proceed as and when appropriate.

3.6 That the Council supports, in principle, the following priority public realm projects and requests that the Town Centres Regeneration Programme Board develop full business cases for projects and present them to Council for a decision to proceed as and when appropriate:

- (i) Castle Circus, Torquay
- (ii) GPO roundabout, Torquay
- (iii) Cary Parade / The Strand, Torquay
- (iv) Market Street junction with Union Street, Torquay
- (v) Between the former BHS store and Union Square, Torquay
- (vi) Station Square, Paignton
- (vii) Between Victoria Street / Torbay Road, Paignton
- (viii) Junction of Palace Avenue, Totnes Road and Victoria Street, Paignton

- 3.8 That an allocation from the Council's overarching 2016/2017 Transformation Budget (and any agreed rolled over to 2017/2018) be earmarked for Town Centre Regeneration to be determined by the Chief Executive to support up to four additional FTEs and to meet professional and other costs associated with delivering the town centre regeneration programme at pace and scale.
- 3.9 That the Chief Executive, in consultation with the Chief Financial Officer and the Executive Head of Business Services, consider reprioritising existing regeneration resources in order to prioritise town centre regeneration.
- 3.10 That any revenue surplus generated from the Town Centres Regeneration Programme be earmarked to fund a Town Centre Investment Fund with any capital receipts from the Programme being allocated by the Council in accordance with the Budget and Policy Framework.
- 3.11 That the Constitution and Budget and Policy Framework be amended to reflect that any disposal of assets required to facilitate the Town Centre Regeneration Programme will be a Council function.

Appendices

Appendix 1: Proposed "Transformation Strategy for Torbay's Town Centres"

Section 1: Background Information

1.	What is the proposal / issue? 1.1 Notwithstanding the Council's bold ambitions for town centre transformation set out in its adopted Masterplans, recent soft market testing of regeneration sites and options has revealed that the investment market and development industry remains unsure about the Council's commitment to regeneration. 1.2 There is also concern from developers and investors about whether the time is right and whether Torbay is the right place for investment. The recent decision on the Torquay Pavilion redevelopment will help address that uncertainty. 1.3 To increase confidence in Torbay as a place to invest, it is proposed that the Council adopts a "Transformation Strategy for Torbay's Town Centres" which will ensure that town centre regeneration work can move forward with clarity, certainty, pace and consistency. The Strategy will form an appendix to the Economic Strategy and, as such, will form part of the Council's Policy Framework. 1.4 The Transformation Strategy will support delivery of the Economic Strategy, the Local Plan, the Culture Strategy and the Destination Management Plan. 1.5 In addition a proactive, positive marketing campaign, which is shared by a range of organisations, communities and people across Torbay, will help create a confident, optimistic environment.
2.	What is the current situation? 2.1 Significant progress has been made over the last 15 months, following Council resolution to adopt the Town Centre Masterplans in June 2015. This led to the establishment of the Town Centre Regeneration Programme Board (previously the Masterplan Programme Board), the appointment of Montagu Evans to provide advice to help deliver the Masterplans and the appointment of a Regeneration Programme Director. 2.2 Progress to date includes: <ul style="list-style-type: none">• A clear vision for each town• Identification of priority sites for delivery of Phase 1 regeneration, based on sites identified in adopted masterplans• Viability assessment of indicative development proposals for priority sites• Soft market testing, with a range of investors and developers• Identification of targeted public realm and key building frontage investment

	<ul style="list-style-type: none"> • Initial financial modelling, focusing on revenue income for the Council
<p>3.</p>	<p>What options have been considered?</p> <p>3.1 The Town Centre Regeneration Project Board has undertaken viability assessments and soft market testing which have been used to inform outline business cases. The Board has also recognised the need for pace and scale in the delivery of town centre regeneration.</p> <p>3.2 This has led to the identification of a package of regeneration and place making actions and activities, as Phase 1 of the Town Centres Regeneration Strategy, which will build confidence in longer term regeneration.</p> <p>3.3 The Town Centre Regeneration Programme Board has explored a number of delivery mechanisms, including sale of sites, joint venture partnerships for packages of sites and development partnerships for individual sites.</p> <p>3.4 The Council's preferred means of delivery, for most of its own sites, is direct delivery by the Council. The Council will lead on delivery, using prudential borrowing and appointing contractors to undertake the work. This will ensure that the Council retains more control over the pace of development, the timing of delivery and is not beholden to a third party for delivery. For these reasons, in adopting the proposed Strategy, the Council is being asked to agree the principle of Council funding the delivery of development, noting that Council will be presented with, and asked to make a separate decision on, the proposed development and financing of each site as it comes forward. It is anticipated that, subject to resourcing of the town centre regeneration programme, business cases for the Harbour View, Paignton Harbour, Upton Place and Lower Union Lane Multi-Storey Car Park will be presented to Council by end Summer 2017; business cases for Victoria Centre and Brixham Town Centre will be presented by Christmas 2017.</p> <p>3.5 The Council will – where necessary – seek to ensure that it is securing best value and best outcomes for sites via formal market testing, unless there is an evident market demand which is clearly in the best interests of the Council to satisfy. This testing is likely to involve marketing the site to a select number of national and/or local development companies, who have the expertise, experience and financial backing to deliver the project. The Council may choose to work with a development partner, especially if the result of market testing shows that a development partner:</p> <ul style="list-style-type: none"> • can overcome the risks associated with direct delivery by the Council, • can overcome the risks associated with third party delivery, • has the experience and expertise to deliver a high quality outcome, on time and on budget, and

	<ul style="list-style-type: none"> • can provide a better financial return to the Council than if the Council undertook the project itself. <p>3.6 Legal and procurement advice will be taken as to the appropriate procurement process to be undertaken.</p> <p>3.7 The Council will use contractual and Section 106 arrangements to secure local skills development, local employment and the use of apprentices.</p>
<p>4.</p>	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</p> <p>4.1 Town Centre Regeneration supports the ambition of creating a Prosperous and Healthy Torbay with the creation of vibrant and attractive town centres identified as a specific action in the Delivery Plan for “Working towards a more prosperous Torbay”.</p>
<p>5.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>5.1 The proposals within the Strategy will affect everyone in Torbay. By implementing the Strategy, the Council is seeking to create a prosperous and healthy Torbay which will have a positive impact on all communities.</p>
<p>6.</p>	<p>How will you propose to consult?</p> <p>6.1 The proposals within the Strategy flow from the adopted Town Centre Masterplans for Torquay and Paignton, and the concept plan produced by the community for Brixham Town Centre. There has been a huge amount of community and business engagement on all those plans.</p> <p>6.2 The proposals have also been tested with investors, existing retailers, businesses, agents and community groups in Torbay. They have given the proposals very strong support.</p> <p>3.3 There is also widespread support for a co-ordinated marketing campaign to promote opportunities and investment in Torbay. As firm proposals emerge for each site these will be subject to further engagement and consultation, specifically in the build up to and as part of the formal planning process.</p>

Section 2: Implications and Impact Assessment

7. What are the financial and legal implications?

Financial Implications

- 7.1 The report to Council in June 2015 advised that around 2.5 FTE, including a Planning Officer and Development Surveyor, would support the delivery of the Town Centres Regeneration Programme. Unfortunately, it has not been possible to provide this level of resource due to the Council's wider budget pressures.
- 7.2 Whilst some staff resource and funding has been committed to the programme it is not sufficient to move delivery forward at the required pace and scale.
- 7.3 In mid-October 2016 a Regeneration Programme Director was appointed to provide a dedicated resource to try to accelerate delivery of the programme and this resource was funded by the Council's Transformation Fund.
- 7.4 Delivery of the Town Centres Regeneration Programme is at present not part of the Council's core contract with the TDA. The TDA time to support delivery of the programme will total £31,000 at end March 2017. This time has been provided by a range of officers, alongside other work. Only one officer – the Regeneration Programme Director – is dedicated full time to programme delivery.
- 7.5 The current funding situation will need to change if the programme is to deliver successful outcomes, at pace and at scale.
- 7.6 It is estimated that up to four additional FTEs, in addition to the Regeneration Programme Director, will be required over the next three years to deliver Phase 1 of the Regeneration Programme. These FTEs are likely to comprise two development surveyors, with proven regeneration skills and experience; a project manager to support the Programme Director; and a construction expert, capable of ensuring financially robust, deliverable development proposals. Furthermore, resources will be required to meet professional fees and other preparation costs associated with bringing forward regeneration sites.
- 7.7 It is proposed that an allocation from the Council's overarching 2016/2017 Transformation Budget (and any agreed rolled over to 2017/2018) be earmarked for Town Centre Regeneration to be allocated by the Chief Executive towards the costs identified in 7.6 above. Further, that the Chief Executive, in consultation with the Chief Financial Officer and the Executive Head – Business Services, consider reprioritising existing regeneration resources in order to prioritise town centre regeneration.

	<p style="text-align: center;"><u>Legal Implications</u></p> <p>7.8 The legal implications of implementing the Transformation Strategy for Torbay's Town Centres will be considered as each full business case is prepared ahead of consideration by the Council.</p>
<p>8.</p>	<p>What are the risks?</p> <p>8.1 The risk associated with not adopting the Transformation Strategy for Torbay's Town Centres is that the Council is not able to ensure that town centre regeneration work can move forward with clarity, certainty, pace and consistency. If this work is not progressed, the Council will not meet its ambitions in its Corporate Plan or deliver a key element of its transformation programme.</p> <p>8.2 In addition, under-investment in town centre regeneration or the lack of successful delivery of town centre regeneration will have a significant negative impact on the visitor economy, on growth and place making and is likely to encourage residents to shop in other towns and cities.</p> <p>8.3 The main risk to the delivery of the Transformation Strategy for Torbay's Town Centres is a lack of resources. This is addressed by recommendations 3.7 and 3.8 at the start of this report.</p> <p>8.4 The risks associated with the delivery of each of the projects within the Strategy will be assessed and articulated in the development of the full business case.</p>
<p>9.</p>	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable.</p>

Equality Impacts

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

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



Fit
for
the
future

creating a prosperous and healthy Torbay

April 2017

Transformation Strategy for
Torbay's Town Centres

Appendix to the Torbay Economic Strategy

1 Introduction

Nothing says more about a town than its centre. It is the place that brings people together from across all its neighbourhoods, as well as from overseas, nearby cities, towns and villages. The centre is a town's heart and will be the part of town that most residents and visitors will know. Rightly or wrongly, it will be the place that determines the view of many people of the town in its entirety. Put simply, town centres matter.

Torbay's town centres are evidently in decline and must change. Torquay and Paignton town centres are, arguably, on the 'critical list' and require immediate attention to turn around their decline. Brixham is showing some signs of under-investment, but not to the same scale as Torquay or Paignton. There is clear evidence of declining footfall and spend, of under-investment in buildings and of a poor experience for people visiting the town centres.

In order to arrest the decline of Torbay's town centres there needs to be much more emphasis on, and investment in, consumer experience. For example, consumers need clear signage to and information about car parking; car parks themselves need to be part of a much better consumer experience; consumers need to understand, implicitly, how a town centre works; there needs to be more on offer in the town centres including leisure, food, events – a greater, much more attractive and vibrant mix of uses; the character and history of a place needs to shine through; digital information is and will become increasingly important to the consumer.

This strategy sets out a phased approach to town centre regeneration. It seeks, firstly, to build market confidence, not least through Council investment. Confidence will lead to greater investment by the private sector in major transformation projects. Confidence and investment will lead to regeneration of other parts of Torbay's town centres and will have wider socio-economic benefits. This phasing is not linear and there will be some blurring or overlap between these key phases.

The Council has previously agreed a number of framework documents that headline the need for growth, change and town centre regeneration. Documents such as Torbay's Economic Strategy, the Destination Management Plan, the Local Plan and Masterplans for Torquay and Paignton Town Centres, and the Culture Strategy provide a broad framework for delivery over the next few years and reference the need for town centre regeneration.

These documents describe the outcomes of successful place making with this Strategy providing a sharp focus for ongoing regeneration work with the emphasis on place making, coupled with high quality development, which delivers a range of benefits to Torbay and will drive further investment.

2 Overarching approach

The following paragraphs are not intended to be prescriptive. They are based on the adopted Masterplans and provide a clear guide as to the future look and feel of Torbay's town centres. The maps provide an illustration of the nature and activities within the Torquay and Paignton Regeneration Zones.

2.1 Torquay

In Torquay, the approach to regeneration is more focused on supporting market delivery; providing a more aspirational retail offer at the lower end of the high street and around the harbour; providing more of a leisure and retail offer from Market Street to the lower end of the Fleet Street; retaining some of the larger retail space to the upper end of Union Street, but encouraging more homes, office space and leisure space; more residents and workers in the town centre; more visitors in the town centre; improved townscape and access; better quality / more accessible parking.

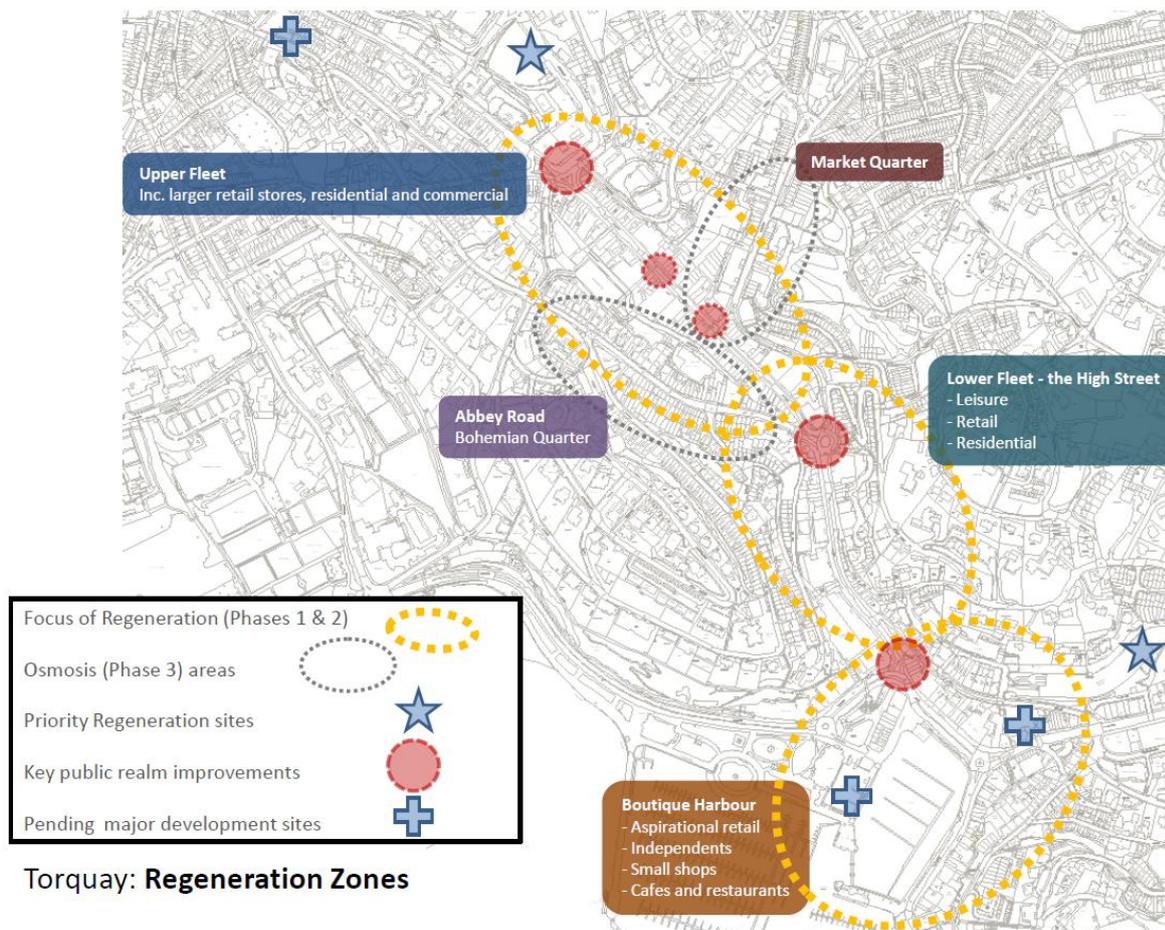
The River Fleet has played a significant role in Torquay's history, but is now hidden beneath buildings and streets. Its identity has been lost. The regeneration of the town centre provides an opportunity to recognise its role, through wayfinding, place marketing, culture, public space improvements etc. It is not intended to expose the underground river, but to raise awareness of its presence and role. It could, once again, provide a role in connecting the community with the coast. This connection, along Union Street/Fleet Street, will be enhanced by removal of a lot of the existing street clutter (such as signs that have no function), improvements to public realm and to building frontages. This will ensure the town centre is more legible, easier to understand and navigate, which will make a significant improvement to consumer experience

The upper end of Union Street, between Market Street and the Town Hall, needs to become more diverse and vibrant, with less small retail space. The market is already promoting that sort of diversity, as occupation by WBW Solicitors helps to demonstrate. This area should continue to provide space to meet the needs of larger stores, such as at Union Square, Boots, the former BHS, but otherwise the Council will incentivise and enable more residential, office space, leisure, cafes and restaurants. In line with the civic nature of this area, the Council will also encourage and enable use of buildings and space for civic uses – which could include a library service and public health provision for example. The character and liveliness of this area will be enhanced by the presence of students and by improved quality of car parking at Lower Union Lane. The Council will support the presence, expansion and value of language schools in this area. These types of uses should encourage more footfall, more spend and ensure this “Upper Fleet” area becomes an area in which people want to spend time. The Lower Union Lane area provides opportunities for comprehensive redevelopment, over the longer term.

The largely pedestrianised area between Market Street and Fleet Walk – the “Lower Fleet” area - will provide the retail focus, particularly towards the lower end, but this will be better blended with an improved leisure offer, living and working space and new retail opportunities. The area around Pimlico provides opportunities for comprehensive redevelopment, that could include more leisure uses (such as a cinema), and for re-use of upper floors for residential purposes.

The Harbour area, one of Torbay's unique selling points, will see more aspirational and/or independent retailers – those not yet present in Torquay. The Council may have to purchase property to provide space, at the right time, to those retailers, as part of a package of incentives for investment. The Harbour will have a high quality food and drink offer and a good leisure offer. This will be encouraged and complemented by high quality public space.

Abbey Road and Market Street will benefit from this investment, better consumer experience and increased patronage.



2.2 Paignton

In Paignton, given the lack of market investment a more interventionist approach is proposed, but with much the same outcomes as Torquay - more people living and working in town centre, which may involve loss of some secondary retail space; improve public realm and physical fabric, especially around the rail and bus station area and main road / pedestrian junctions; better connecting the community with the coast, the town centre and harbour.

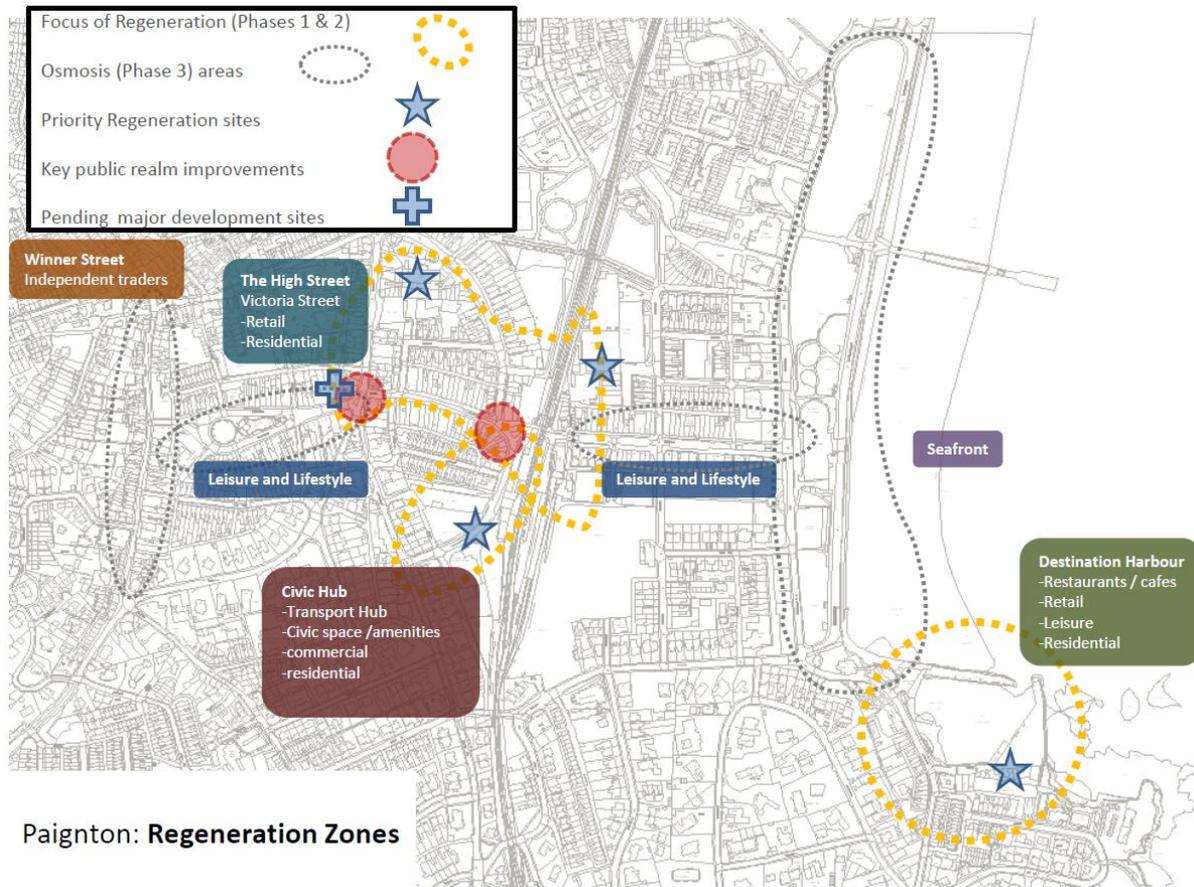
As with Torquay, a key outcome of regeneration will be connecting the community with the coast – better linking Winner Street with the sea front and the Harbour. Improvements to the public realm, especially at key junctions, and improvements to building frontages will restore some of the historic character of Paignton, improving consumer experiences. This will ensure the town centre is more legible, with easier movement around the town and people will be encouraged to enjoy the whole town centre experience – from the Esplanade to Winner Street.

A new civic heart to the town will be created, logically, between the two stations and the library. This will include residential and commercial space and new civic facilities such as health provision. This will complement the refurbishment of the old Paignton Cinema and the steam railway operation. It will enhance the linkage between Torbay Road and Victoria Street.

Paignton Harbour will become more of a destination, not a hidden jewel, whilst also retaining its charm. Existing leisure activities will be complemented by more people living in the area and a better café/restaurant offer.

The redevelopment of Crossways, in the short term, and of the Victoria Centre, probably over the longer term, will add more vitality and vibrancy to the town centre.

Winner Street will benefit from increased footfall and investment, but may well need further funding and support.



2.3 Brixham

The Town Centre Car Park site in Brixham is a recent addition to the town centres regeneration programme. This is timely, in part because the community has produced a major mixed use scheme, including retail, residential, hotel, commercial space, which needs further work to deliver it, but also in part because Fore Street is showing signs of under-investment.

A mixed use development on the Town Centre Car Park site will complement the harbour and existing High Street. It will encourage movement across the town, between Middle Street and Fore Street, and will also provide high quality public space. An essential part of the redevelopment will be car parking, probably in greater quantity than the number of spaces already on site. The development could include food retail, residential, a hotel and other commercial space. Given the previous difficulty delivering development on the site a more innovative approach may be needed, especially if the community and Council want to see development happening in the first phase of regeneration.

2.4 Public Realm

Successful town centre regeneration will not be delivered only by development on priority sites. Experience from other places, such as Bournemouth, and from soft market testing shows that investment in public realm improvements, wayfinding (for drivers and pedestrians), key building frontages and other infrastructure improvements are essential to delivering a wider place making agenda.

Good place making, coupled with high quality development, will deliver community benefits and will increase property values. It will help drive further investment.

Soft market testing has revealed that a number of existing stakeholders and potential retailers consider that the current state of town centres is a deterrent to investment. Public realm improvements are essential to attracting investment. These should also help resolve pockets of social issues in town centres which, unless resolved, will continue to deter investment.

3 Phasing

The approach described below will deliver the outcomes for each town described within this Strategy, but should not be considered as linear. There will be some overlap between phases and further engagement with investors and developers may result in some proposals coming forward earlier or later than expected.

3.1 Phase 1: Confidence

Torbay Council, working with partners, will lead and enable delivery of a number of projects, to show confidence in its town centre regeneration programme and to build confidence in investors and developers. This phase will also give the Council more confidence in its budget position and necessarily makes use of Council-owned land to better ensure pace and scale. This phase of delivery is crucial to the second phase, including, for example, land assembly activity that allows Phase 2 to move forward quickly. Without this phase, phase 2 is far less likely to happen.

3.2 Phase 2: Investment

The Council and TDA will enable and support significant private sector investment that will deliver substantial town centre regeneration and support economic and housing growth in Torbay. The scale and pace of delivery in Phase 2 will be greater than in Phase 1, subject to successful delivery of Phase 1 and key activities, such as land assembly, being resourced. Similarly, resource will be needed to ensure that enabling mechanisms needed for Phase 3 – such as development briefs, Local Development Orders, infrastructure funding – are in place.

3.3 Phase 3: Osmosis

Confidence and investment will result in regeneration of those areas on the edge of town centres – Market Street and Abbey Road in Torquay; Winner Street and the Esplanade in Paignton; Oxen Cove, Freshwater and the Harbour in Brixham. The Council should enable that to happen, through a range of its regulatory functions. Additionally, the use of local labour, skills, apprentices, development companies and associated services as a result of Phases 1 and 2 will have wider beneficial socio-economic impacts on Torbay.

4 Phase 1 of the Town Centres Regeneration Programme

This section identifies the priority sites for Phase 1 of the Town Centres Regeneration Programme. A summary is provided for each site with the delivery actions having been identified following the completion of outline business cases for each site. In each case, the Council will be presented with, and asked to make a decision on, the detail of proposed development, delivery and financing mechanisms for each site.

4.1 Upton Place – behind the Town Hall, Torquay

Summary

This site has been the subject of, and gained planning permission for, redevelopment proposals including significant office/commercial space. The use of this site by a large format food retail store has also been explored. Subsequently the site has been identified for various forms of development in the Local Plan, in the Torbay Town Centre Masterplan and in the emerging Torquay Neighbourhood Plan.

A mixed residential and commercial development on the site has been the subject of soft market testing. Whilst this gained some market interest, there is an opportunity to secure even better outcomes, for the town centre as well as for the economy, through the delivery of student accommodation and/or a Health and Wellbeing Hub on the site.

Delivery Actions

The Council will seek, as the top priority, to deliver student accommodation, for up to 300 full time students, on the site to meet local demand, subject to securing a 'pre-let' arrangement. The Council will seek to deliver the accommodation in time for the September 2019 academic year.

The Council will seek, as a second priority, to provide a health and wellbeing hub (up to 2500 sq. metres) on the site, subject to confirmation by Torbay and South Devon NHS Foundation Trust of tenants and funding for that space. This could be in addition to student accommodation and would be subject to a further assessment of parking and revenue impact.

If a health and wellbeing hub is not able to be delivered, the Council will consider the delivery of a second phase of student accommodation (assuming the first phase comes forward), subject to demand, confirmation of a pre-let arrangement and an assessment of parking and revenue impact.

The Council will direct deliver each of the new buildings using its prudential borrowing ability, retaining the freehold of the land and offering leases to occupiers.

If none of the above options are able to be delivered, the Council will pursue a mixed use development on the site, including residential (approx. 85 units) and commercial space (approx. 500 sq. metres). This option would be tested via a formal marketing process with a select number of investors / developers, with the Council helping to de-risk the development (e.g. by use of a planning development brief). The Council would direct deliver a residential and commercial scheme, unless the marketing process revealed that better outcomes could be achieved via a development partnership arrangement.

The Council will include, in any option for residential or student accommodation on the site, the use of some space in Upton Park for use by the residents / students. This is likely to be the redundant

basketball court, but may include other parts of the Park. This will enhance the use and safety of the Park.

4.2 Harbour View – between The Terrace and Museum Road, Torquay

Summary

This site has been the subject of previous development proposals. The Local Plan identifies development potential around the periphery of this site.

The Harbour (Terrace) Car Park is currently used, in part, to support the operation of hotel businesses in the town. Around 40 car parking spaces are 'block booked' by Shearings and the use of a further 60 spaces has been requested by THAT Group to support the Hilton Hotel on Torwood Street. These spaces should remain available to hoteliers following any development on the car park site and should continue to provide valuable revenue income to the Council.

A number of development options are being explored for this site. For the purpose of soft market testing a development of 39 apartments, located to the top end of the car park (the Museum Road end), was assessed. That option has received a significant amount of interest from investors and developers, especially given the success of other developments around the Harbour area (such as Corbyn Sands and Abbey Sands)

Delivery Actions

The Council will seek to deliver a development at the northern end of the Harbour (Terrace) Car Park, within Phase 1 of the Town Centre Regeneration Programme.

The Council will continue to explore options for development of the site, which is most likely to include residential or hotel accommodation, and will produce a development brief for the site to support market testing and timely delivery of development.

The Council will direct deliver that development, subject to formal market testing in April 2017 with select number of national and/or local developers.

4.3 Lower Union Lane and linkage to Union Street, Torquay

Summary

Lower Union Lane Multi Storey Car Park (MSCP) contains 632 parking spaces. The adjoining surface level shoppers car park contains 32 spaces. Together they generate just over £370,000 income to the Council. The MSCP is, on average, just over 50% full. The shoppers car park is 75% full, on average. Each space within the MSCP is used, on average, around 360 times per annum. Each space within the shoppers car park is used more than 2300 times per annum, showing a more frequent turnover of spaces than the MSCP.

The MSCP is tired, unattractive and feels unsafe. This is preventing greater use of the car park. However, the car park is in a good location, has good access to Union Street and larger shops. It is very accessible and has good capacity. Better wayfinding information (e.g. about the location of and capacity of the car park) is required to improve use of the car park. It is estimated that the Council will need to invest around £450,000 in repairs to this car park, within the next 10 years.

There is increasing demand for reserved spaces within the MSCP, from existing and prospective businesses located on or close to Union Street. Refurbishment of the MSCP and the availability of reserved spaces is, for example, important to the re-use of the former BHS building. Improvements to

the car park are needed to overcome perceptions of personal safety before those businesses will commit to 'block booking'.

There is a need to ensure the car park:

- Has a clear role and function as the car park of choice for visitors to the upper end of Torquay Town Centre.
- Is safe, attractive and well used, which in turn reduces annual costs to the Council and increases income.
- Supports regeneration of the upper end of Torquay Town Centre, supporting business relocation and growth and supporting redevelopment (e.g. of the former BHS store).
- Has sufficient capacity to meet growth demands, including demand from displaced parking as a result of development on other car parks.

Refurbishment of the MSCP, and potentially additional capacity at the shoppers car park, needs to be undertaken as part of Phase 1 of the regeneration programme.

It is likely that the business case for refurbishment will be improved by the displacement of car parking from Town Hall Car Park and Harbour (Terrace) Car Park, leading to an increased use of the Lower Union Lane Multi Storey Car Park.

Delivery Actions

The Council will refurbish the Lower Union Lane Multi Storey Car Park, subject to there being a business case to show that investment (estimated at £4-5m) can be justified.

The Council will explore funding options for the refurbishment work, including prudential borrowing.

The refurbishment will include work to improve the covered walkway between the car park and Union Street, alongside the former BHS building. The refurbishment may also include public realm improvements, better linking Union Square with Lower Union Lane Multi Storey Car Park.

The refurbishment work may also include the creation of additional car parking capacity at the Shoppers Car Park and/or on the leased land to the east of the multi-storey car park, subject to completion of a business case that justifies the investment.

4.4 Paignton Harbour

Summary

The site being promoted for a mixed use development, of residential and commercial space, is to the southern side of the Harbour. It is a site currently occupied by a number of businesses, the Harbour Master's office, and a number of clubs, including Paignton Sailing Club and Sea Scouts. The site is immediately to the north of Roundham Car Park. The development would not result in the loss of any car parking spaces.

A number of development options are being explored for this site. For the purpose of soft market testing a development of 30 apartments and 770 square metres of commercial spaces (shops/restaurants) was promoted and assessed. That option has received a significant amount of interest from investors and developers, due to its location and potential.

Delivery Actions

The Council will seek to deliver a mixed use development, comprising commercial space (including shops and restaurants) and residential units.

The Council will work with existing tenants / leaseholders to better assess their requirements and to help unlock the development potential of this area.

The Council will direct deliver that development, subject to formal market testing in April 2017, with select number of national and/or local developers, and will produce a development brief for the site support market testing and timely delivery of development.

If market testing reveals a better, higher quality scheme that delivers better returns to the Council and a greater contribution to the Town Centre Investment Fund, then the Council may pursue that development option via a development partnership arrangement.

The Council will retain the freehold interest in the commercial space and will benefit from revenue for leased space.

4.5 Paignton Civic Hub – Bus/Rail Stations

Summary

This is area around and between the train and bus stations and the library. The intention is to create a new civic space, repositioned bus station, train station enhancement and new commercial and residential space. This links to improved public realm proposals for the area around Victoria Street/Level Crossing/Torbay Road and to the restoration and reuse of Paignton Picture House.

The land is owned by a combination of Torbay Council, Network Rail and Stagecoach. Network Rail and Stagecoach have agreed, in principle, to the broad proposals behind a new Paignton Civic Hub. Stagecoach's ability to move forward with this redevelopment is very much dependent on successful relocation of its depot in Torquay, to allow space for overnight parking and repair of buses that currently takes place in Paignton. Similarly, Network Rail's desire to move forward on refurbishment of Paignton Station and development of land to the rear is dependent on securing a good financial return and finding alternative space for customer parking.

A Growth Deal bid for around £5 million was submitted in 2016, via the Heart of the South West Local Enterprise Partnership (LEP), to kick start the proposed transport improvements for this area. Whilst the proposal received the support of the LEP, and was one of the highest ranking transport schemes, the level of funding from Government to the LEP for Growth Deal 3 projects is less than required to fund this project. Consequently this project will not receive Growth Deal 3 funding. Nonetheless, the co-location of bus and train stations, centred around a more legible civic space, is extremely important to the successful regeneration of Paignton.

Great Western Car Park is located to the centre of this site and is one of Paignton's busiest car parks. It has just 68 spaces, its mean occupancy is 48 and there are 96 days on which it is more than 75% full.

The land to the rear of Paignton Library is one of the options for the delivery of a Health and Wellbeing Hub, to ensure health service provision remains in Paignton Town Centre. A proposal has been provided to the Torbay and South Devon NHS Foundation Trust and further instruction/information is awaited.

Delivery Actions

The Council will seek, as a top priority, to provide a health and wellbeing hub (up to 2500 sq. metres) on the site, subject to confirmation by Torbay and South Devon NHS Foundation Trust of tenants and funding for that space, and subject to a further assessment of parking and revenue impact. The opportunity of sharing services and space with existing services in Paignton Library and Information Centre will be investigated as part of this proposal. The intention is to deliver a Health and Wellbeing Hub by mid-2018, subject to the provisions set out here.

If the Health and Wellbeing Hub does not come forward the Council will seek a residential and/or commercial development on the car park to the rear of Paignton Library and, working with Network Rail and Great Western Railway (GWR), on the Network Rail car park between the library and railway line.

The Council will work with Stagecoach to enable a relocation of its depot in Torquay to unlock the potential of the Paignton site. It will also work with Stagecoach to secure a financially viable solution to a re-orientation of the bus station in Paignton, including the use of Council land and the delivery of commercial and/or residential space. The Council will look to conclude this work within 12 months and seek, with partners, to deliver the project by mid-2019.

The Council will work with Network Rail and GWR to bring forward an improved railway station, including the land immediately adjacent to it, and redevelopment of Network Rail's land to the rear of the station, which is currently used for business and parking purposes. This work is likely to include an assessment of options for the use of Network Rail owned land at Goodrington. The Council will seek, with partners, to provide a clear way forward for this proposal within 12 months and the project to be delivered by mid-2019.

In order to bring forward further phases of delivery, the Council will continue to seek funding for transport and townscape improvements, to maximise the role of this area as a transport and civic hub for Paignton. It will also continue to work with local businesses, business representative organisations and with agents to establish demand and pre-lets for commercial space.

4.6 Brixham Town Centre

Summary

The successful regeneration of this site is crucial to the future of Brixham.

The existing car park is the Council's busiest car park. In 2014/15 almost 275,000 tickets were sold, generating over £400,000 income. Each space generates around £2,230 and is used over 1500 times each year. Consequently it is important to retain or improve the number of parking spaces on site, not only to support the town centre but to enable (if required) delivery of other development proposals, such as at Oxen Cove and Freshwater Quarry, and to ensure revenue income to the Council.

A number of attempts have been made to develop the site, most recently a mixed use development that included Tesco and a 340 space multi-storey car park. This gained planning permission, but was not delivered.

The Brixham community has, very commendably, produced concept proposals for the redevelopment of the site. This is reflected in the emerging Brixham Peninsula Neighbourhood Plan (Policy J6) and the Brixham Town Centre Masterplan that forms part of the Neighbourhood Plan. The community is extremely keen to see development of the site.

The ingredients of the concept plan include a hotel, retail, housing, transport hub, public space, car parking (a greater number of spaces than existing), high quality design and connectivity.

The Council has, via the Town Centre Regeneration Programme Board, undertaken a viability assessment of the community's concept plan. That assessment, whilst acknowledging demand for some of the ingredients of the Masterplan, shows that the development is not viable as it stands. It is estimated, following a property market review and development appraisal, that a funding gap of around £8.5 million exists. That is largely due to the construction of a multi-storey car park, the work proposed for the bus station, public realm work and the need to deal with flood risk issues.

The viability assessment comments that the funding gap is likely to be reduced if the Council undertakes the development itself or if a development partner retains car parking income. The latter option is unlikely to be acceptable to the Council.

Delivery Actions

The Council will use the community's masterplan, and specifically the ingredients of the masterplan, to develop a viable development proposal, including marketing of the site and generating interest from investors and funding organisations.

The Council will work with community representatives on the production of development options and a viable development proposal.

The Council will continue to work with the Environment Agency and other organisations to secure funding for flood alleviation measures in Brixham, to reduce this risk of tidal and fluvial flooding. This will help reduce the cost of flooding infrastructure on the town centre car park site.

The Council will work with Western Power Distribution (WPD) to ensure that the WPD land within the town centre car park can form part of a comprehensive regeneration project.

The Council will work with the owners of the 'church' land, between Market Street and Union Lane, to assess the potential of a comprehensive regeneration scheme.

Following the production of a viable development proposal, the Council will seek to deliver a mixed use development of the site. This is likely to be dependent upon securing pre-lets, for example from hotel and retail operators, and use of innovative development and/or delivery mechanisms to secure a successful scheme, as quickly as possible.

Additional car parking, in excess of the number of spaces currently on site, will be required to serve the town centre and, potentially, to enable (if required) delivery of other development proposals, such as at Oxen Cove and Freshwater Quarry, and to ensure revenue income to the Council.

4.7 Victoria Centre, Paignton

Summary

Various options are being considered for this site, which includes the two existing car parks and Lidl foodstore. The options being tested include:

- Comprehensive redevelopment, including demolition of existing car parks, construction of up to 200 apartments and a new surface level car park.
- Partial redevelopment, which includes space for food retail (30,000 square feet; 130 parking spaces) and apartments.

- Refurbishment of the 'newer' of the two car parks, to ensure the car park is safe, attractive and well used, which in turn reduces annual costs to the Council and increases income.
- Retention of the newer of the two car parks and re-use of the older car park, for a range of different uses.
- Demolition of the older of the two car parks and its replacement with residential development.

The site is subject to a number of lease requirements, legal rights and constraints, making it more difficult to deliver a comprehensive redevelopment scheme – certainly in the short term – than other town centre regeneration sites.

Delivery Actions

The Council will continue to work with Lidl to establish its long term position for the site and, should Lidl wish to relocate, the Council will use its best endeavours to secure an alternative location within the town centre.

The Council will seek to acquire land that it considers necessary to deliver a comprehensive, viable and deliverable development scheme.

The Council will review leases and legal rights, to explore the potential to unlock the site.

On completion of the work to establish a business case for refurbishment of the newer of the two car parks at Victoria Square, the Council will consider the business case to decide whether it is prudent to invest in refurbishment of the car park. This will include consideration of improved signage / wayfinding to this and other key car parks in and around the town.

The Council will continue to work with Network Rail and GWR to establish whether car parking space at Victoria Centre can be used by rail passengers, to help unlock the potential of land owned by Network Rail at Paignton Station.

The Council will, as a first preference, seek to direct deliver a development on the site, subject to the production of a business case to support prudential borrowing.

The Council will continue to promote and market the site, working with investors and developers, to establish market interest either in a comprehensive redevelopment of the whole site or partial redevelopment, for example utilising the site of the older of the two car parks. If there is market interest, and the Council decides not to lead on development of the site, the Council will seek a development partnership arrangement with an investor/developer.

4.8 Crossways

Summary

A successful redevelopment or refurbishment outcome for Crossways remains one of the top regeneration priorities for the Council. Crossways is under-occupied, is suffering from a lack of investment and located on the edge of the central part of Paignton. Its successful re-use or redevelopment is important to the success of Paignton town centre.

The Council is working closely with the landowner and a development partner to bring forward a redevelopment proposal for the site. This could result in submission of a formal pre-planning application enquiry in early summer 2017 and a planning application by the end of summer 2017.

The Council should continue to support a private sector led solution for this site and, only if this fails, should the Council consider how it can use its powers to bring about redevelopment.

The significant costs associated with negotiated acquisition and redevelopment of the site, and the associated viability issues, do not support – at this time – the Council’s acquisition of Crossways. Notwithstanding the need to negotiate purchase, there is not yet a viable, deliverable development solution with a planning permission and developer in place to deliver it.

Delivery Actions

The Council continues to work with the land owner’s representatives and investors to enable successful redevelopment or refurbishment of the site.

The Council will continue to investigate viable, deliverable redevelopment and refurbishment options. If private sector solutions fail to materialise, then those options may come forward, subject to viability.

5 Townscape Investment Initiative

5.1 Introduction

There is a need for significant investment in, and improvement of, the physical fabric of the town centres. This is particularly the case for important elements of the streetscene, around key junctions for example, and key building frontages on high streets. This investment will be branded as the Townscape Investment Initiative.

The need for townscape investment has been very clearly demonstrated by:

- Feedback from the soft market testing work during which potential investors made it very clear that improvements in the physical appearance of the town centres was necessary before they would invest.
- Feedback from the sorts of high end, boutique or independent retailers not currently present in the town centres, who have also made it clear that, amongst other requirements, they are unlikely to take up space in the town centres until townscape investments are underway or completed.
- Responses to consultation on the Destination Management Plan, which make it clear that if Torbay is to attract more visitors, more investment and improve its tourism offer, there needs to be significant improvements to the townscape.
- Complaints from local residents, businesses and visitors about the appearance of the town centres, buildings and the streetscape.
- The economic benefits that other places, such as Blackpool, Bournemouth, Basingstoke, Bromley and Worcester, have seen as a result of townscape investment initiatives. It is difficult to show quantitative economic outcomes as a result of townscape investment, although a number of studies have been undertaken. However, it can be shown that townscape improvements, led by the public sector, have led to further private sector investment, reduced retail vacancy rates, increased footfall and better consumer experience.

Delivery of prioritised, targeted townscape improvements will be in accordance with Council policies including the Masterplans, the Urban Design Guide, the Local Plan, the Cultural Strategy and the Economic Strategy. Improvements would also be consistent with previous investment, such as that at Torquay Harbour.

5.2 Approach

A two pronged approach is proposed:

- Targeted investment in improved public realm, at key junctions / nodes on high streets
- Targeted investment in key building frontages along high streets.

The emphasis, for public realm improvements, is on the creation of shared space. This is space shared by public transport, cars, cyclists and pedestrians and is an approach that has and continues to work well in towns and cities across the country. It will include the removal of a lot of clutter, (including unnecessary signs), a reduction in vehicle speeds and a more consistent/harmonious use of materials. It will help provide more accessible and legible town centres, for all forms of transport; it will increase footfall and time spent by people in town centres.

The improvement of key building frontages will bring about substantial improvement to the appearance of the town centre. It will increase investor confidence in the towns and improve consumer and visitor experience.

The Council has a limited amount of resource to commit to townscape improvements. It must use this resource wisely, focusing on those projects that will have most impact on town centre regeneration. It also needs to work with landowners, and to share costs, to get the best returns on investment

In terms of public realm improvements the likely focus for investment follows the adopted Torquay and Paignton Town Centre Masterplans.

In Torquay, a targeted approach will result in improvements to:

- Castle Circus
- GPO roundabout
- Cary Parade/The Strand
- Market Street junction with Union Street
- The area between the former BHS store and Union Square

In Paignton, a targeted approach will result in improvements to:

- Station Square and the area between Victoria Street/Torbay Road
- The junction of Palace Avenue, Totnes Road and Victoria Street

These prioritised public realm improvements are shown in red on the plans on pages 4 and 5 of this Strategy.

In terms of building frontage improvements, there will be a focus on key buildings (i.e. those that are most visible and have the potential to contribute most to a high quality street scene). It is likely to include buildings that have historic and/or architectural value and those that are showing signs of significant neglect. It could also include groups of buildings, which together add value to the street scene and include features (such as canopies) that, if repaired, would significantly improve the street scene.

5.3 Timing

It is important that investment in townscape improvements occurs early in the regeneration programme, to help build investor, visitor and consumer confidence in the town centres. However, given the time it takes to plan and deliver public realm enhancements, the townscape investment initiative needs to progress quickly.

5.4 Town Centre Regeneration Fund

The Council will seek to establish a Town Centre Regeneration Fund to meet the capital and revenue costs associated with the delivery of the Townscape Investment Initiative and, if funds allow, to pump-prime less viable sites.

Any revenue surplus generated from the Town Centres Regeneration Programme be earmarked to the Town Centre Investment Fund. In addition, as full business cases are developed as part of the Townscape Investment Initiative, consideration will be given as to whether other sources of capital funding can be prioritised to deliver the schemes.



Meeting: Council

Date: 6 April 2017

Wards Affected: All Wards

Report Title: International Holocaust Remembrance Alliance Working Definition of Anti-Semitism

Is the decision a key decision? No

When does the decision need to be implemented? immediately

Executive Lead Contact Details: Councillor Derek Mills, Executive Lead for Health and Wellbeing and Corporate Services, (01803) 843412, Derek.mills@torbay.gov.uk

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

1. Proposal and Introduction

- 1.1 In December 2016, the Government formally adopted the International Holocaust Remembrance Alliance Working Definition of Anti-Semitism as set out in Appendix 2. The definition, although legally non-binding is an important tool for public bodies to understand how anti-Semitism manifests itself in the 21st century, as it gives examples of the kind of behaviours which depending on circumstances could constitute anti-Semitism.
- 1.2 The Government is encouraging local authorities to formally adopt the definition and consider its application in their own authorities.
- 1.3 The Council's Policy Framework includes the Equalities Objectives which was adopted in order to meet the General Duty of the Public Sector Equality Duty.

2. Reason for Proposal

- 2.1 To enable the Council to adopt the definition of Anti-Semitism and incorporate it within its Equalities Objectives which supports the Council's Public Sector Equality Duty.

3. Recommendation(s) / Proposed Decision

- 3.1 That the following be incorporated into the introduction of the Council's Equality Objectives:

"Subsequent to these equalities objectives being agreed and published the Government has adopted International Holocaust Remembrance Alliance Working Definition of Anti-Semitism and has requested the Council to consider adopting this and how it could be applied by the Council.

The Council has agreed to adopt the following working definition of Anti-Semitism:

“Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

However, the Council actively supports and promotes the aims of the Public Sector Equality Duty in relation to all communities living in Torbay regardless of their faith.”

Background

<http://www.torbay.gov.uk/council/policies/corporate/equalities/> - Equality Objectives

Appendix 1 Letter from Government on Adoption of the IHRA Working Definition of Anti-Semitism

Appendix 2 IHRA Definition of Anti-Semitism



Department for
Communities and
Local Government

Local Authority Leaders

The Rt Hon Sajid Javid MP
*Secretary of State for Communities and Local
Government*

***Department for Communities and Local
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30 January 2017

Dear Leader,

Adoption of the IHRA working definition of anti-Semitism

In December 2016, the Government formally adopted the International Holocaust Remembrance Alliance working definition of anti-Semitism; the first European Union country to do so.

The definition, although legally non-binding, is an important tool for public bodies to understand how anti-Semitism manifests itself in the 21st century, as it gives examples of the kind of behaviours which depending on the circumstances could constitute anti-Semitism. The full text of the definition can be found at:

https://www.holocaustremembrance.com/sites/default/files/press_release_document_antisemitism.pdf

We are well aware that anti-Semitism continues to be a problem in this country. It is therefore right that, as a Government, we are able to demonstrate the seriousness with which we take it, as for all forms of hate crime. Anti-Semitism must be understood for what it is – an attack on the identity of people who live, contribute and are valued in our society. In light of this, I would like to take this opportunity to strongly encourage you to formally adopt the definition and consider its application in your own authority.

THE RT HON SAJID JAVID MP



Romanian
Chairmanship
2016

Bucharest, 26 May 2016

In the spirit of the Stockholm Declaration that states: “With humanity still scarred by ...antisemitism and xenophobia the international community shares a solemn responsibility to fight those evils” the committee on Antisemitism and Holocaust Denial called the IHRA Plenary in Budapest 2015 to adopt the following working definition of antisemitism.

On 26 May 2016, the Plenary in Bucharest decided to:

Adopt the following non-legally binding working definition of antisemitism:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

To guide IHRA in its work, the following examples may serve as illustrations:

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).

- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

Criminal acts are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.

Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.