

Wednesday, 2 December 2020

Meeting of the Council – Revised Agenda

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held remotely via Zoom (the links to the meeting are set out below) on **Thursday, 3 December 2020** commencing at **5.30 pm**

<https://us02web.zoom.us/j/88613750382?pwd=NkZLL1pXVWFySllxYTF5Z2FDUFFQdz09>

Meeting ID: 886 1375 0382

Passcode: 909906

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Meeting ID: 886 1375 0382

Passcode: 909906

The items to be discussed at this meeting are attached.

Yours sincerely,



Anne-Marie Bond
Interim 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.)

Together Torbay will thrive

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June Gurry, Town Hall, Castle Circus, Torquay, TQ1 3DR

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

Meeting of the Council

Revised Agenda

1. Opening of meeting

2. Apologies for absence

3. Declarations of interests

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

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

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

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

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

4. Communications

To receive any communications or announcements from the:

- i) Civic Mayor – this will include a presentation by YES Brixham;
- ii) Leader of the Council (including an update on the Heart of the South West Joint Committee);
- iii) Overview and Scrutiny Co-ordinator; and
- iv) Interim Chief Executive.

5. Members' questions

To respond to the submitted questions asked under Standing Order A12.

(Pages 5 - 7)

6. Council Tax Base 2021/2022

To consider a report on the above.

(Pages 8 - 14)

7. **Proposed Council Tax Support Scheme 2021/22** (Pages 15 - 33)
To consider a report and recommendation of the Cabinet, which seeks agreement of the Council Tax Support Scheme for 2021/22.
8. **Licensing Act 2003 - Licensing Statement of Principles 2021 to 2026** (Pages 34 - 105)
To consider a report and recommendations of the Cabinet, which seek approval of the Licensing Statement of Principles 2021 to 2026.
9. **Proposed use of land at Garfield Road, Paignton** (Pages 106 - 160)
To consider a report on the above.
10. **Appointment of Overview and Scrutiny Lead Member**
To appoint the Overview and Scrutiny Lead Member for Place.
11. **Appointment of Vice-Chair of Overview and Scrutiny Board**
To appoint the Vice-Chairman of the Overview and Scrutiny Board for the remainder of the Municipal Year.
12. **Statutory Officer Appointment - Director of Public Health** (Pages 161 - 162)
To confirm Lincoln Sargeant be appointed as the statutory Director of Public Health with effect from 1 February 2021.
13. **Treasury Management Mid-Year Review 2020/21** (Pages 163 - 176)
To note a report that sets out the treasury management decisions made during the first part of 2020/21
14. **Summary of decision taken by the Cabinet in accordance with Standing Order E15 - Access to Information (Special Urgency)** (Pages 177 - 179)
To note a report that set out details of decisions which were not included in the Forward Plan.

Instructions for the press and public for joining the meeting

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

Joining a Meeting

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

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

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

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

Speaking at a Meeting

If you are registered to speak at the meeting and when it is your turn to address the Meeting, the Chairman will invite you to speak giving the Host the instruction to unmute your microphone and switch your video on (where appropriate) therefore please pause for a couple of seconds to ensure your microphone is on.

Upon the conclusion of your speech/time limit, the Host will mute your microphone and turn off your video.

Meeting Etiquette for Registered Speakers - things to consider when speaking at public meetings on video

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

Agenda Item 5

Meeting of the Council, Thursday, 3 December 2020

Questions Under Standing Order A12

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.

First Round

<p>Question (1) by Councillor O'Dwyer to the Cabinet Member for Finance (Councillor Cowell)</p>	<p>In order to assist Members during the budget setting period, could Councillor Cowell please provide full details of our current investments and regeneration portfolio? Providing a breakdown of all assets individually including:</p> <ul style="list-style-type: none">• the date the asset was purchased and or loan agreed,• Whether the asset is currently in construction or built• whether there are any outstanding loan amounts;• the date and amount of the last independent validated valuation, tenant, income and any outstanding rental payments or write offs.
<p>Question (2) by Councillor Chris Lewis to the Leader of the Council (Councillor Steve Darling)</p>	<p>At the Community Conference held on the 30th September there were in the region of 115 participants. Can the Leader of the Council please provide the following information:-</p> <p>How many BAME were invited and how many attended? How many LGBT were invited and how many attended? How many young people were invited and how many attended? How many schools were invited and how many attended? How many religious organisations were invited and how many attended? How many individuals (not representing organisations) were invited and how many attended? How many looked after children were invited and how many attended? How many organisation were invited and how many attended?</p>
<p>Question (3) by Councillor Barbara Lewis to the Cabinet Member Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>The Partnership have declared that they wish Torbay to be the Premier Resort in the United Kingdom. Can the Portfolio Holder for Infrastructure, Environment and Culture please provide an update on when the lights on Paignton Seafront will be repaired and returned to their former glory?</p>
<p>Question (4) by Councillor Foster to the Civic Mayor (Councillor Douglas-Dunbar)</p>	<p>When abusive or hurtful comments are said by a councillor about other councillors, at a Council meeting. Can the Civic Mayor share with colleagues how she will deal with such incidents?</p>

Question (5) by Councillor Bye to the Cabinet Member for Corporate and Community Services (Councillor Carter)	Could you please provide me with the number of prosecutions for fly tipping over the last eighteen months?
Question (6) by Councillor David Thomas to the Leader of the Council (Councillor Steve Darling)	Many of us are delighted that the Torwood Street development is nearing completion. I recall visiting London with my deputy Cllr. Alan Tyerman to speak in some detail with the main financial backer of this scheme. Do the administration acknowledge the determination of certain Conservative members in enabling this scheme to get off the ground?
Question (7) by Councillor Hill to the Cabinet Member for Finance (Councillor Cowell)	How much has the Council's borrowing or commitment to borrow increased over the last eighteen months?

Second Round

Question (8) by Councillor O'Dwyer to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)	<p>Under the Public Sector Equality Duty which all local councils are obligated to follow. There are two duties one being the general duty, the other being the specific duty. All public bodies have general duties which states that in the exercise of their functions, public authorities must have due regard to the need to:</p> <ol style="list-style-type: none"> 1. Eliminate unlawful discrimination, harassment and victimisation and any other conduct that is unlawful under the Equality Act. 2. Advance equality of opportunity. 3. Foster good relations. <p>Assessing the impact on equality of policies and practices is an important part of complying with the general duty. Case law indicated that assessments should be done before a decision is made.</p> <p>Across Torbay how many raised public pavements or locations on a public pavement do we have that are currently impassable for those in a wheel chair.</p> <p>In addition, and based upon this could you also provide the assessments for these locations or the policy that currently precludes action to help those less able pavement users?</p>
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<p>Question (9) by Councillor Foster to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>To help increase the very poor recycling rates we have here in Torbay and to help achieve a budget proposal saving of circa £500k, when a waste bin in one of our many parks, open spaces and sea side venues is damaged and needs replacing, could they be replaced with suitable recycling bins? For example a 'Dual Bin' similar to those used by neighbouring authorities.</p>
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Third Round

<p>Question (10) by Councillor O'Dwyer to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>Please can the Cabinet Member for Infrastructure, Environment and Culture provide a monthly breakdown for the period from January 2020 until present day of the number of missed bin collections, contacts, compliments and complaints and the number of, and costs of agency workers employed in connection with the collection of waste.</p>
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Meeting: Council

Date: 3 December 2020

Wards Affected: All Wards

Report Title: Council Tax Base 2021/22

Is the decision a key decision? Yes

When does the decision need to be implemented?

Executive Lead Contact Details: Councillor Darren Cowell, Cabinet Member for Finance, Darren.Cowell@torbay.gov.uk

Supporting Officer Contact Details: Martin Phillips, Chief Finance Officer, 01803 207285, Martin.Phillips@torbay.gov.uk

1. Purpose of Report

- 1.1 The Council is required to determine its Tax Base for Council Tax purposes for 2021/22 during the period 1 December 2020 to 31 January 2021 and the level of Council Tax subsequently set must use this base figure. A Tax Base calculation is provided in Appendix 1 for an appropriate decision to be made.
- 1.2 The Council, as a billing authority, is required to calculate a separate Tax Base for the Brixham Town Council area. A Tax Base calculation for the area is provided in Appendix 2 for an appropriate decision to be made.

2. Reason for Proposal and its benefits

- 2.1 The calculation of the Council Tax Base for both Torbay and Brixham Town Council is a statutory requirement in the budget setting process.

For more detailed information on this proposal please refer to the supporting information.

3. Recommendation(s) / Proposed Decision

- 3.1 **To increase the Council Tax (Long Term) Empty Homes Premium for those properties that have been empty for more than 10 years from 200% to 300% from 1st April 2021.**
- 3.2 **That the calculation of the Torbay Council Tax Base for the year 2021/22 be approved as shown in Appendix 1.**
- 3.3 **That the calculation of the Brixham Town Council Tax Base for the year 2021/22 be approved as shown in Appendix 2.**

- 3.4 That, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as its Council Tax base for the year 2021/22 should be 45,464.53. (Dependant on approval of 3.2).**
- 3.5 That, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as the Council Tax base for Brixham Town Council for the year 2021/22 should be 6,115.06. (Dependant on approval of 3.3).**
- 3.6 That, in consultation with Cabinet Member for Finance and the Interim Chief Executive, the Chief Finance Officer by authorised to change the taxbase if there are any significant changes in collection fund forecasts linked to collection rates or local government finance settlement or central government legislation before the end of January 2021.**

Appendices

Appendix 1	The calculation of Torbay Council Tax Base 2021/22
Appendix 2	The calculation of Brixham Town Council Tax Base 2021/22

Supporting Information

1. Position

Taxbase

- 1.1 The Council is required by the 31st January to establish a base figure for the purpose of setting the level of Council Tax each year – the “Tax Base”. The calculation of this figure is prescribed by the Local Authorities (Calculation of Tax Base) (England) Regulations 2012.
- 1.2 The Regulations require this calculation to be made between 1st December 2020 and 31st January 2021 and for this figure to be notified to precepting authorities by the 31st January 2021. For the year commencing 1st April 2021 these will be the major precepting authorities of Police and Crime Commissioner for Devon and Cornwall, Devon and Somerset Fire and Rescue Authority and as a local precepting authority, Brixham Town Council.
- 1.3 Torbay Council, together with Police and Crime Commissioner for Devon and Cornwall, Devon and Somerset Fire and Rescue Authority and Brixham Town Council are required to use the tax base calculated by Torbay Council, as the billing authority, to determine their basic amounts of Council Tax for 2021/22.
- 1.4 The calculation of the tax base is prescribed by statute. It reflects the aggregate of the “relevant amounts” for each valuation band (including the impact from Council Tax Support Scheme) multiplied by the anticipated collection rate for the year. The calculation for the Council’s tax base is shown in Appendix 1 and the calculation for Brixham Town Council is shown in Appendix 2.
- 1.5 The calculation of the relevant amount begins with the actual number of dwellings on the “relevant date”. For 2021/22 this is the 30th November 2020 and this is the date that must be used. This number is adjusted to make allowance for estimated variations to the list in the course of the year and for the impact of allowed discounts to certain classes of dwellings.
- 1.6 The impact of the Council Tax Support Scheme including the impact of the exceptional hardship scheme, which is linked to claimants, is converted to an equivalent number of dwellings per band by dividing the estimated cost per band of the reductions divided by the estimated Council Tax for that band.
- 1.7 As a result of the economic impact of COVID-19 the number of claims for Council Tax Support have increased and this increase is reflected in the tax base calculation which lowers the tax base and therefore reduces the total income from council tax for the Council and the precepting bodies.
- 1.8 These are then converted into Band “D” equivalents to produce the “relevant” amounts prescribed by the Regulations.
- 1.9 The billing authority then estimates its Council Tax Collection Rate, which is the percentage of 2021/22 Council Tax demands which it predicts will be paid into the Collection Fund during 2021/22. The in year Collection rate estimated for 2021/22

is 95.0% and this is reflected in the Tax Base calculation. Any tax collected in excess of 95.0% for the billing year 2021/22 and prior years will be reflected in the annual Collection Fund surplus.

- 1.10 The Partnership's draft budget proposals included an estimated 2% reduction in the collection rate for Council tax in 2021/22 due to the ongoing economic impact of COVID-19. The recent news of a vaccine may however help the economic recovery. The taxbase includes a 1% reduction in the collection rate in 2021/22 and the council will also allocate a contingency in its 2021/22 budget equal to a 1% of collection. If required this contingency can be used to fund any collection fund deficit lower than a 95% in year collection rate.
- 1.11 The calculated Council's tax base for 2021/22 of 45,464.53 compares with the 2019/20 tax base of 46,274.88, a 1.8% decrease. This decrease reflects the reduced collection rate and the level and value of claims under the Council Tax Support Scheme.
- 1.12 For the calculation of the council tax due to Brixham Town Council a Tax Base must be determined by Torbay Council, as the billing authority. The tax base for Brixham Town Council is and the calculation is shown in Appendix 2.
- 1.13 The calculated Brixham Town Council's tax base for 2021/22 of 6,115.06 compares with the 2019/20 tax base of 6,261.12 a 2.3% decrease.

2 Technical Adjustments

- 2.1 Within the taxbase calculation there are a number of exemptions and discounts for certain categories of dwellings. Some of these are set by central government and some the Council has discretion over. Separate to the Council Tax Support Scheme there is 1 change within the 2021/22 calculation compared to the 2020/21 calculation.
- 2.2 The 'Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018' permits Councils to increase the Council Tax (Long Term) Empty Homes Premium for those properties that have been empty for a period of time. The Act permits increases in the premium to 200% from April 2020 and 300% from April 2021 subject to the parameters in the Act linked to the period the property has been empty – the higher premium rates can apply if empty for more than 5 and 10 years. Therefore the recommendation is for to increase the Council Tax (Long Term) Empty Homes Premium in line with the legislation for those properties that have been empty for more than 10 years from 200% to 300% from 1st April 2021.

“For financial years beginning on or after 1 April 2021 the “relevant maximum” is—

(a) in respect of any dwelling where the period mentioned in subsection (8) ending on the relevant day is less than 5 years, 100;

(b) in respect of any dwelling where the period mentioned in subsection (8) ending on the relevant day is at least 5 years but less than 10 years, 200;

(c) in respect of any dwelling where the period mentioned in subsection (8) ending on the relevant day is at least 10 years, 300

Note: a 300% increase is on the usual band council tax value, so a council tax demand of £1,000 would be £4,000 after applying a 300% premium.

3. Possibilities and Options

- 3.1 The taxbase has to be set by end of January 2021. The Council meeting on 3 December is the only Council meeting scheduled for this period therefore the taxbase is being presented for approval at that meeting. However directly linked to the ongoing impact of COVID-19 there could be significant changes relating to the collection fund from changes in government legislation or guidance or from the local government finance settlement (expected late December 2020) or changes in forecast collection rates in 2021/22 by end of January. Any changes will be included in the final budget proposals presented to Council in February 2021.
- 3.2 As a result of the above it is recommended that, in consultation with Cabinet Member for Finance and the Interim Chief Executive, the Chief Finance Officer be authorised to change the taxbase if there are any significant changes in collection fund forecasts linked to collection rates or local government finance settlement or central government legislation or guidance before the end of January 2021.

4. Fair Decision Making

- 4.1 Not applicable

5. Public Services (Social Value) Act 2012

- 5.1 Not applicable

6. Risks

- 6.1 If taxbase not approved by end of January 2021 then the Council is unable to set a budget and this will impact on other precepting bodies.

CALCULATION OF COUNCIL TAXBASE - 2021/22

Appendix 1

30th November 2020 - "Relevant date"

TORBAY COUNCIL		TAX BASE CALCULATION								2021/2022			
		BAND A <small>with disabled relief</small>	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL		
(H)	CHARGEABLE DWELLINGS FOR BAND	14.00	13,438.00	17,495.00	16,577.00	10,360.00	5,187.00	2,340.00	1,218.00	112.00	66,741.00		
(Q)	Total Discounts	2.00	2,268.30	1,849.85	1,399.25	751.00	315.00	140.00	72.75	7.25	6,805.40		
(E)	Long Term Empty Premium	-	158.00	77.00	52.00	20.00	18.00	6.00	5.00	2.00	338.00		
(J)	Total Adjustments	0.00	0.00	0.00	0.00	200.00	0.00	0.00	0.00	0.00	200.00		
(Z)	Local Council Tax Scheme Reductions	0.00	3,252.60	2,725.15	1,597.08	697.08	106.37	27.76	7.15	1.50	8,414.68		
	TOTAL DWELLINGS	12.00	8,075.10	12,997.00	13,632.67	9,131.92	4,783.63	2,178.24	1,143.10	105.25	52,058.92		
(F)		$\frac{5}{9}$	$\frac{6}{9}$	$\frac{7}{9}$	$\frac{8}{9}$	$\frac{9}{9}$	$\frac{11}{9}$	$\frac{13}{9}$	$\frac{15}{9}$	$\frac{18}{9}$			
(G)	Ratio to Band D												
(A)	RELEVANT AMOUNTS' for 2021/2022	((H-Q+E+J)-Z) x (F divided by G)		6.70	5,383.40	10,108.80	12,117.90	9,131.90	5,846.70	3,146.30	1,905.20	210.50	47,857.40
		[Section 4 (1) of The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012]											
(B)	COLLECTION RATE												95.0%
		[Section 3 (1) of The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012]											
	TAX BASE - (A) x (B)												45,464.53

CALCULATION OF COUNCIL TAXBASE - 2021/22

Appendix 2

30th November 2020 - "Relevant date"

Brixham Town Council		TAX BASE CALCULATION								2021/2022			
		BAND A <small>with disabled relief</small>	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL		
(H)	CHARGEABLE DWELLINGS FOR BAND	6.00	1,364.00	2,209.00	2,435.00	1,586.00	709.00	329.00	100.00	3.00	8,741.00		
(Q)	Total Discounts	1.25	215.85	226.65	195.50	105.00	43.75	18.25	7.50	0.50	814.25		
(E)	Long Term Empty Premium	-	22.00	9.00	4.00	1.00	1.00	2.00	1.00	-	40.00		
(J)	Total Adjustments	0.00	0.00	0.00	0.00	26.00	0.00	0.00	0.00	0.00	26.00		
(Z)	Local Council Tax Scheme Reductions	0.00	338.03	354.09	233.63	90.65	16.65	2.92	0.00	0.00	1,035.97		
	TOTAL DWELLINGS	4.75	832.12	1,637.26	2,009.87	1,417.35	649.60	309.83	93.50	2.50	6,956.78		
(F)		$\frac{5}{9}$	$\frac{6}{9}$	$\frac{7}{9}$	$\frac{8}{9}$	$\frac{9}{9}$	$\frac{11}{9}$	$\frac{13}{9}$	$\frac{15}{9}$	$\frac{18}{9}$			
(G)	Ratio to Band D												
(A)	RELEVANT AMOUNTS' for 2021/2022	((H-Q+E+J)-Z) x (F divided by G)		2.60	554.70	1,273.40	1,786.60	1,417.30	794.00	447.50	155.80	5.00	6,436.90
		[Section 4 (1) of The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012]											
(B)	COLLECTION RATE												95.0%
		[Section 3 (1) of The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012]											
	TAX BASE - (A) x (B)												6,115.06

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Meeting: Cabinet
Council

Date: 17 November 2020
3 December 2020

Wards Affected: All Wards

Report Title: Proposed Council Tax Support Scheme 2021/22

Cabinet Member Contact Details: Councillor Christine Carter – Cabinet Member for Corporate and Community Services, Email: christine.carter@torbay.gov.uk

Director/Assistant Director Contact Details: Tara Harris, Assistant Director of Community & Customer Service. Email: Tara.harris@torbay.gov.uk

1. Purpose of Report

- 1.1 This report provides members with the background of the current scheme and recommendations for the 2020/21 local Council Tax Support scheme.
- 1.2 Schedule 1A of the Local Government Finance Act 2012 requires local authorities to annually review their local scheme.

NB: Pension Age households are not affected. The DWP retain control of the regulations applied for local authorities to pay Council Tax Support to pension age customers. As pension age claims are protected by legislation, these proposed changes will only affect claims from those of working age:

2. Reason for Proposal and its benefits

- 2.1 The Council has a statutory duty to provide a local Council Tax Support Scheme for working-age households within its area. Pension age households are subject to statutory provisions determined on a national basis that must be incorporated within each authority's local scheme

The Council must approve the final scheme by 11 March 2021 for operation by 1 April 2021. The scheme cannot be changed mid-financial year.

- 2.2 It is proposed that Personal Allowances and Premiums are uprated from 1 April 2021 in line with the prescribed Pensioner scheme and national working-age benefits, which are both set by the Government. Failure to make these changes would result in a cut in entitlement should there be an increase in household income.
- 2.3 It is proposed that seven technical amendment proposals are accepted to align the working age scheme with changes that have already been implemented by Central Government within the prescribed requirements for pension age claimants of

Council Tax Support. A 6 week public consultation concluded 18 October 2020, supporting approval of all seven proposals with 115 declarations of agreement as opposed to 33 declarations of disagreement.

3. Recommendation(s) / Proposed Decision

That Cabinet recommends to Council:

- 3.1 that the Council Tax Support Scheme for 2021/2022 be approved;
- 3.2 that Council notes the scheme includes the standard annual uprating of the personal allowances and premiums. That these values take into account the statutory inflationary increase in personal allowances used to calculate entitlement to Council Tax Support. That Council further notes that the Council Tax Support Scheme for 2021/2022 has been aligned with the Governments amended prescribed requirements for pensioners that came into force on 11 February 2020.
- 3.3 That Personal Allowances and Premiums, used to calculate Council Tax Support, are uprated from 1 April 2021 in line with the prescribed Pensioner scheme and national working-age benefits, which are both set by the Government;
- 3.4 That the Chief Finance Officer be given delegated authority, in consultation with the Cabinet Member for Corporate and Community Services, to make any further adjustments required to the Exceptional Hardship Policy and fund.

Appendices

Appendix 1: Current scheme - <https://www.torbay.gov.uk/media/13908/council-tax-reduction-scheme-2020-21.pdf>

Appendix 2: Online public consultation which concluded 18 October 2020. This consisted of seven technical amendment proposals to align the working age scheme with changes that have already been implemented by Central Government within the prescribed requirements for pension age claimants of Council Tax Support.

The assessed results concluded approval of all seven proposals with 115 declarations of agreement as opposed to 33 declarations of disagreement.

Background Documents

None

Supporting Information

1. Introduction

- 1.1 The current Council Tax Support scheme was approved by members at Full Council in December 2016.
- 1.2 For each financial year, the Council must consider whether to revise its scheme or to replace it with a replacement scheme. It must make any revision to its scheme, or any replacement scheme, no later than 11 March for the subsequent financial year.
- 1.3 Entitlement to Council Tax Support is based on a means test, by taking into consideration a person's income and comparing this with any personal allowances, premiums and disregards to which they may be entitled.
- 1.4 The current scheme needs to be updated to take into account the inflationary increase in the personal allowances used to calculate entitlement to Council Tax Support - these allowances represent a household's basic living needs.
- 1.5 This will ensure the scheme is compliant with the Prescribed Requirements for all local schemes, determined by the Department for Communities and Local Government and also aligned to national working-age benefits, determined by the Department for Work and Pensions.
- 1.6 For people of working age, the current scheme has the following key elements:
 - All awards are based on 70% of the Council Tax charge for the property. This means that the maximum a working age household can receive is 70% of the Council Tax due. These households have to pay a minimum of 30% of the Council Tax due;
 - No entitlement if working age households have savings over £6,000;
 - Restrict working age households to the equivalent of a Band D property charge and apply the 70% restriction detailed above;
 - A hardship fund is provided for within the scheme and is available to households should they be experiencing hardship as a result of their Council Tax Support award.
- 1.7 Under the current scheme pensioners are protected and the level of entitlement for them must remain. Protection will be achieved by keeping in place the existing national rules, with eligibility and rates defined in the Prescribed Pensioners Scheme.

1.8 The components used to calculate Council Tax Support consist of the following:

- **Personal Allowances** - the basic amounts of money the government says a claimant needs to live on. The level depends on the claimant's age and whether they are part of a couple. There are additional allowances for dependent children.
- **Premiums** - additional amounts added to the personal allowance because of claimant's personal circumstances. The government recognises that it is more expensive to live with a family or if someone has a disability or caring responsibilities. Extra amounts are added to income based benefits to account for this.
- **Disregards** - the amount of earnings not taken into account when calculating entitlement to benefits. There are standard earnings disregards for singles, couples and lone parents. People in certain groups, such as carers and people with disabilities are eligible for a higher disregard.
- **Non Dependant Deductions** - the amount that is deducted for other people who are 18 or over and live in the household. The deduction rates for non-dependants are set according to their income, as it is assumed that they can make a financial contribution to the household.

2. Options under consideration

2.1 It was the intention to introduce an income banded Council Tax Support scheme from April 2021. This was after the proposed implementation from April 2020 was unfortunately paused due to delays in receiving software and the absence of the required reassurances that all system integration work and testing would be completed prior to our deadline for annual Council Tax billing.

2.2 Unfortunately, with the onset of COVID 19 in early March 2020 and the fundamental impacts this had on the local economy, it was decided to not progress with plans to introduce a banded Council Tax support scheme for 2021/2022.

The justification to support this decision was:

- Customer profiling during a period of such fundamental change, was not considered to be a suitable stable environment for evaluating the basis to model a new scheme format.
- The spend for Council Tax Support would be highly complex and increasing difficult to forecast, considering the evolving impacts of the pandemic. This could include a potential rapid increase in the number of claims over an undeterminable period until the economy was able to be stabilised and revitalised.
- There was a potential that the government would provide additional funding to local authorities and therefore we would not know what figure we would be trying to balance to.
- It would be necessary to undertake a complex 12 week consultation during the summer, when at that point in March, it was not possible to estimate how long the

restrictions of COVID19 would be prevalent. Further periods of lockdown and other freedom of movement restrictions would negatively impact on obtaining comprehensive responses.

- None of the other Devon local authorities who were also planning to introduce a banded scheme from April 2021 (in line with Torbay) have further progressed this work stream due to the economic uncertainties encountered from the impacts of COVID19. This local approach also supports the national trend to pause.

3. Financial Opportunities and Implications

- 3.1 The Council's requirement to review its Council Tax Support scheme annually must consider both the application of the scheme itself and to take into account the financial implications of its administration.

Financial Implications

This report is integral to the revenue budget and Council Tax setting process for 2020-21. The financial and resource implications and underlying assumptions are dealt with in that report.

4. Legal Implications

- 4.1 Schedule 1A of the Local Government Finance Act 2012 requires local authorities to consider whether to revise or to replace its scheme each year. Any revisions or a replacement scheme must have been considered and agreed no later than 11 March 2020 for operation from 1 April 2020.

5. Engagement and Consultation

- 5.1 There are no requirements to undertake a public consultation should the scheme remain unchanged
- 5.2 An online 6 week public consultation concluded on 18 October 2020, canvassing on seven technical proposed amendments to align the working age scheme from April 2021 with changes that have already been implemented by Central Government within the prescribed requirements for pension age claimants of Council Tax Support. See appendix 2

The assessed results from this public consultation overwhelmingly concluded approval of all seven proposals with 115 declarations of agreement as opposed to 33 declarations of disagreement. (Results detailed within appendix 2.)

6. Purchasing or Hiring of Goods and/or Services

- 6.1 The purchasing or hiring of good and/or services is not relevant for this report.

7. Tackling Climate Change

- 7.1 Tackling climate change is not relevant for this report.

8. **Associated Risks**

8.1 The scheme that will be adopted for 2021/22 is the same as the scheme that was adopted for 2020/21. The reasons for this are it:

- is based on the previous scheme and involves no additional new risk;
- does not disproportionately affect any particular group – disabled persons, single parents, etc;
- presents a very low risk of legal challenge.
- Torbay's most vulnerable groups will continue to be protected as the scheme will retain the current scheme characteristics
- the continuation of the hardship scheme will also help cushion the effect of the changes and should mitigate any adverse impacts where possible.

Equality Impacts

9.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	If Personal Allowances and Premiums were not uprated in line with the prescribed pensioner scheme and national working-age benefits residents would effectively have a cut in their entitlement should their income increase.		
	People with caring Responsibilities			Protection for those receiving a carers allowance is in line with the old Council Tax Benefit scheme.
	People with a disability			Protection for disabled people is in line with the old Council Tax Benefit scheme. Disability benefits, such as Disability Living Allowance, will continue to be fully disregarded as well as the associated personal allowances and premiums that are currently awarded to people with disabilities.
	Women or men			Although this information is recorded, there is no adverse impact on the grounds of gender. Torbay's scheme is open to

			applications from persons of any gender and there are no aspects of the scheme which impact in any way on the availability of support to claimants based solely on gender.
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact
Religion or belief (including lack of belief)			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
People who are lesbian, gay or bisexual			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme. This information is not collected as part of the administration of the Council Tax Support Scheme however there is

			no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
People who are transgendered			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
People who are in a marriage or civil partnership			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
Women who are pregnant / on maternity leave			There is no differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact

	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact
10..	Cumulative Council Impact (proposed changes elsewhere which might worsen the impacts identified above)	Not applicable for this proposal.		
11.	Cumulative Community Impacts (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)	Not applicable for this proposal.		

Council Tax Support Scheme Consultation 2021/2022

Background information

Each year the Council has to decide whether to change the Council Tax Support Scheme for working age residents. This consultation is in respect of Torbay's proposed Council Tax Support Scheme from 1st April 2021.

What is Council Tax Support?

Council Tax Support is a means tested discount administered by local authorities. It provides a discount for people who are unemployed, on a low income or unable to work, meaning they have help towards paying their Council Tax charge.

Residents who are of **working age** (by this we mean people who have not yet reached state pension age) can receive a maximum reduction of 70% of their total Council Tax charge. Therefore everybody of working age who receives Council Tax Support must contribute at least 30% towards their Council Tax bill.

What is this consultation about?

The Council Tax Support Scheme is approved by the Council every December to take effect from 1st April the following year.

In reaction to the impacts of Corona virus, Central Government introduced a number of financial enhancements and initiatives to help support people during periods of reduced opportunities to work. We want to ensure that the Council Tax Support Scheme offers an increased level of flexibility to positively support residents.

TORBAY

COUNCIL

Will less money be available within the new proposed Council Tax Support Scheme?

No. The Council is not looking to spend less money on Council Tax Support. The amount of money available for the Council Tax Support Scheme would not be reduced.

Who could be affected by the outcome of this consultation?

Residents who are of working age that currently receive Council Tax Support and working age residents who may apply in the future may be affected by the outcome of this consultation.

However, residents of pension age will not be affected as they are protected by Central Government legislation. These proposed changes will only affect claims from those of working age.

The closing date for this consultation is midnight on 18 October 2020 We will consider carefully what residents tell us when making a final decision on the 2021/22 Scheme. Full results from the consultation will be available on the Council's website.

If approved, the new Scheme will start on 1st April 2021.

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TORBAY COUNCIL

Proposals for the 2021/2022 Local Council Tax Support Scheme

Are you currently receiving Council Tax Support?

- Yes No

Proposal 1

The Council will have discretion to increase the levels of income that claimants of Council Tax Support are allowed to receive where there are exceptional circumstances, such as the Corona virus pandemic.

This discretion would be applied where failure to do so could result in working age applicants generally receiving less Council Tax Support due to increases they have received in Government benefits or tax credits.

Q1 Do you agree that this discretion should be included in the new Scheme?

- Strongly Agree Agree Don't Know Disagree Strongly Disagree

Proposal 2

In April 2017 the Bereavement Allowance and Bereavement Payments Scheme was replaced with Bereavement Support payments. Since these payments have been introduced they have been ignored as income but the Scheme had not been updated to include this.

This change will update the proposed Scheme so that Bereavement Support payments will continue to not be counted as an income within the calculation of Council Tax Support.

Q2 Do you agree with this proposal?

- Strongly Agree Agree Don't Know Disagree Strongly Disagree

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Proposal 3

Payments made to financially compensate people under the Windrush Compensation Scheme (including urgent and exceptional payments made in advance of the Scheme being operational) or from the "We Love Manchester" or "London Emergency" funds will be disregarded when calculating an applicant's income and capital for Council Tax Support.

This change has already been made by Central Government for pension age claimants of Council Tax Support and we wish to make the same change for working age customers as well.

Q3 Do you agree with this proposal?

- Strongly Agree Agree Don't Know Disagree Strongly Disagree

Proposal 4

Payment of early years assistance to be disregarded when calculating an applicant's income and capital for Council Tax Support.

This change has already been made by Central Government for pension age claimants of Council Tax Support and we wish to make the same change for working age customers.

Q4 Do you agree with this proposal?

- Strongly Agree Agree Don't Know Disagree Strongly Disagree

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Proposal 5

Payments of funeral expense assistance will be disregarded when calculating an applicant's income and capital for Council Tax Support.

This change has already been made by Central Government for pension age claimants of Council Tax Support and we wish to make the same change for working age customers.

Q5 Do you agree with this proposal?

Strongly Agree

Agree

Don't Know

Disagree

Strongly Disagree

Proposal 6

Payments of arrears of maternity allowance or payments made as compensation for non-payment of maternity allowance to be disregarded when calculating an applicant's capital for Council Tax Support.

This change has already been made by Central Government for pension age claimants of Council Tax Support and we wish to make the same change for working age customers.

Q6 Do you agree with this proposal?

Strongly Agree

Agree

Don't Know

Disagree

Strongly Disagree

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Proposal 7

For those residents receiving payments relating to the Grenfell Tower fire, the council will disregard these payments when calculating an applicant's income and capital for Council Tax Support.

These include payments made out of certain charitable funds, support payment made by the council of the Royal Borough of Kensington and Chelsea, and payment made under the Grenfell Tower Residents' Discretionary Fund. This change has already been made by Central Government for pension age claimants of Council Tax Support and we wish to make this change for working age customers as well.

Q7 Do you agree with this proposal?

Strongly Agree

Agree

Don't Know

Disagree

Strongly Disagree

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Outcomes of consultation ended 18 October 2020

	Strongly agree	Agreee	Neither	Disagree	Strongly disagree	Total Responses
Prop 1	8	8	2	3	6	27
Prop 2	11	8	4	1	3	27
Prop 3	12	7	1	3	4	27
Prop 4	12	7	2	3	3	27
Prop 5	16	8	1	1	0	26
Prop 6	13	6	3	1	3	26
Prop 7	11	7	3	2	4	27
Totals	77	38	11	11	22	
	115			33		

Record of Decisions

Proposed Council Tax Support Scheme 2021/22

Decision Taker

Cabinet on 17 November 2020.

Decision

That Cabinet recommends to Council:

- i) that the Council Tax Support Scheme for 2021/2022 be approved;
- ii) that Council notes the scheme includes the standard annual uprating of the personal allowances and premiums. That these values take into account the statutory inflationary increase in personal allowances used to calculate entitlement to Council Tax Support. That Council further notes that the Council Tax Support Scheme for 2021/2022 has been aligned with the Governments amended prescribed requirements for pensioners that came into force on 11 February 2020.
- iii) that Personal Allowances and Premiums, used to calculate Council Tax Support, are uprated from 1 April 2021 in line with the prescribed Pensioner scheme and national working-age benefits, which are both set by the Government; and
- iv) that the Chief Finance Officer be given delegated authority, in consultation with the Cabinet Member for Corporate and Community Services, to make any further adjustments required to the Exceptional Hardship Policy and fund.

Reason for the Decision

The Council has a statutory duty to provide a local Council Tax Support Scheme for working-age households within its area. Pension age households are subject to statutory provisions determined on a national basis that must be incorporated within each authority's local scheme.

Implementation

The recommendations of the Cabinet will be considered at the Council meeting on 3 December 2020.

Information

The current Council Tax Support scheme was approved by members at Full Council in December 2016. Prior to the start of each financial year, the Council must consider whether to revise its scheme or to replace it with a replacement scheme. It must make any revision to its scheme, or any replacement scheme, no later than 11 March for the subsequent financial year.

The current scheme needs to be updated to take into account the inflationary increase in the personal allowances used to calculate entitlement to Council Tax Support - these allowances represent a households basic living needs.

This will ensure the scheme is compliant with the Prescribed Requirements for all local schemes, determined by the Department for Communities and Local Government and also

aligned to national working-age benefits, determined by the Department for Work and Pensions.

Councillor Carter proposed and Councillor Cowell seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

The Council had intended to introduce an income banded Council Tax Support Scheme from April 2021. This was after the proposed implementation from April 2020 was unfortunately paused due to delays in receiving software and the absence of the required reassurances that all system integration work and testing would be completed prior to our deadline for annual Council Tax billing.

Unfortunately, with the onset of COVID 19 in early March 2020 and the fundamental impacts this had on the local economy, it was decided to not progress with plans to introduce a banded Council Tax support scheme for 2021/2022.

Is this a Key Decision?

No

Does the call-in procedure apply?

No

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

None.

Published

20 November 2020

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Meeting: Cabinet
Council

Date: 17 November 2020
3 December 2020

Wards Affected: All

Report Title: Licensing Act 2003 – Licensing Statement of Principles 2021 to 2026

Implementation Date: 7th January 2021

Cabinet Member Contact Details: Councillor Christine Carter, Cabinet Member for Corporate and Community Services, Christine.Carter@torbay.gov.uk

Director/Assistant Director Contact Details: Tara Harris, Assistant Director Community and Customer Services, tara.harris@torbay.gov.uk

1. Purpose of Report

- 1.1 In accordance with Section 5 of the Licensing Act 2003, the Council is required every 5 years, to review, consult and republish its Licensing Statement of Principles (The Statement). The current Statement was published on 7th January 2016 and therefore, it has been reviewed and consulted upon and must be re-published, on or before 7th January 2021.
- 1.2 In addition, the Council's Cumulative Impact Policy (CIP), following a change in legislation, no longer forms part of the Statement and must now be a standalone Policy. This has also been revised and consulted upon and is required to be republished on or before 7th January 2021.

2. Reason for Proposal and its benefits

- 2.1 This proposal is made in order to meet a statutory obligation as prescribed under Section 5 (1) Licensing Act 2003, which requires that the Licensing Authority publish a Statement and review and re-publish the same, at least every 5 years.
- 2.2 Whilst this is a statutory requirement and many aspects are required by law, there is a discretion within the Licensing Act for a Licensing Authority to design its Statement around the local area and emerging issues. The Statement therefore includes many of the recommendations of Evening and Night Time Economy Solutions Ltd Report, along with consideration to the views of consultees. This ensures that the Policy not only meets its statutory requirements but also considers and supports business aspirations to thrive and therefore helping to address poverty and inequality. It also supports a diverse Evening and Night Time Economy which supports arts and culture.
- 2.3 The Statement includes the statutory Licensing Objectives, which seek to Protect Children from Harm and the wider community from the Crime and Disorder, Public Nuisance and to ensure Public Safety.

3. Recommendation(s) / Proposed Decision

That Cabinet recommends to Council:

- 3.1 That the Licensing Statement of Principles 2021 to 2026, for publication with effect from 7th January 2021 be approved; and
- 3.2 That the Cumulative Impact Policy 2021 to 2024, for publication with effect from 7th January 2021 be approved.

Appendices

- Appendix 1: Supporting Information and Impact Assessment
- Appendix 2: Licensing Statement of Principles 2021 to 2026
- Appendix 3: Cumulative Impact Policy 2021 to 2024
- Appendix 4: Summary of consultation responses and outline of response

Background Documents

Licensing Act 2003

<http://www.legislation.gov.uk/ukpga/2003/17/contents>

Licensing Statement of Principles 2016 to 2021

<https://www.torbay.gov.uk/media/2993/licensing-statement-of-principles-2016-final.pdf>

Statutory Guidance issued under section 182 Licensing Act 2003

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Appendix 1: Supporting Information

1. Introduction

- 1.1 The Statement identifies how the Council will perform its role as Licensing Authority in relation to the licensing process for the sale and supply of alcohol, regulated entertainment and late night refreshments. It has been instrumental in directing applicants and licensing decisions over the last 5 years, and is now being reviewed following changes in legislation, statutory guidance and developments in best practice, in addition to a statutory obligation to review and re-publish.
- 1.2 The Council is not required to identify a Cumulative Impact Policy (CIP) area, however, it may do so in areas where there is increased crime and/or disorder that is caused by the cumulative effect of a number of licensed premises in the one area. The Council has therefore, adopted such a Policy for the area around the harbour side in Torquay and through Fleet Street and the Castle Circus areas. The size of this area has been reduced where no cumulative impact can any longer be identified.
- 1.3 The Act generally carries a rebuttable presumption to grant an application for a new or a variation to a Premises Licence. The effect of a CIP is that any such application received in the area of a CIP, will instead carry a rebuttable presumption to refuse. This places the onus upon the applicant to illustrate how they would adequately promote the licensing objectives as part of their operation were the application to be granted. The CIP, has been amended to only apply a rebuttable presumption to refuse for 'vertical drinking establishments', late Night Refreshment and 'Off Licences', in the revised CIP area.
- 1.4 A recent change in legislation requires that the CIP stands alone from the main Statement and must be kept under review a maximum of every 3 years.

2. Options under consideration

- 2.1 As the Statement is a statutory requirement, no other options have been considered.
- 2.2 Whilst there is an option in maintaining a CIP, it was not considered appropriate to withdraw it altogether based on current evidence. However, the current CIP has been amended to omit some areas where evidence suggests that there is no longer a requirement for it. This is the appropriate action in the absence of evidence of need in order to ensure that business is not unduly hindered and that the Council is safeguarded against legal challenge.

3. Financial Opportunities and Implications

- 3.1 There are no financial opportunities or implications arising from the change to the Statement or the CIP, save for minimal consultation costs, which were met from existing budgets.

4. Legal Implications

- 4.1 Any legal implications would arise only through a failure to fulfil the obligation to review and revise the Statement on time, as failure to do so could result in legal

challenge through Judicial Review, which could prove costly both in terms of financial impact and damage to reputation.

5. Engagement and Consultation

5.1 There is a statutory requirement to consult as laid out in Section 5 (3) of the Act, this extends to identification of those that must be consulted. The requirement is a broad one, which has been adhered to as part of the review process. The required consultees are:

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

5.2 In addition to the above, the Statement and the CIP were considered by Licensing Committee on 11th August 2020. Recommendations from Licensing Committee were considered in line with the consultation responses and incorporated into the amended document.

5.3 Two other responses were received in respect of the Statement and two with regard to the CIP. Where appropriate, these were considered and an amendment to the Statement has been made, the responses and the action taken are outlined in Appendix 4

6. Purchasing or Hiring of Goods and/or Services

6.1 This proposal does not require the purchase or hire of goods or services.

7. Tackling Climate Change

7.1 There is no aspect of this Statement that will impact negatively or positively on climate.

8. Associated Risks

8.1 The risks are more associated with any failure to review and re-publish the Statement in time as the effect would be that the Council would have no Statement in place, which effectively would prevent lawful discharge of functions under the

Licensing Act 2003, which may lead to legal challenge against the Council and financial penalties being incurred.

- 8.2 The risks associated with agreeing the Statement are minimal as it has been reviewed in line with regulatory requirements, which include full consultation and consideration of any comments that are received.

Equality Impacts

<p>9.</p>	<p>Identify the potential positive and negative impacts on specific groups</p>		
<p>The Policy is a review of an existing Policy and therefore there is no change to impact of specific groups. Where there exists any potential for impact, this would generally be through the application process where there is the safeguard that any responsible authority or 'other person' may make representation. The four licensing objectives are also designed to ensure consideration of any impacts.</p>			
	<p>Positive Impact</p>	<p>Negative Impact & Mitigating Actions</p>	<p>Neutral Impact</p>
<p>Older or younger people</p>	<p>x</p>		
<p>People with caring Responsibilities</p>			<p>X</p>
<p>People with a disability</p>			<p>X</p>
<p>Women or men</p>			<p>X</p>
<p>People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i></p>			<p>X</p>
<p>Religion or belief (including lack of belief)</p>			<p>X</p>
<p>People who are lesbian, gay or bisexual</p>			<p>X</p>
<p>People who are transgendered</p>			<p>x</p>

	People who are in a marriage or civil partnership			X
	Women who are pregnant / on maternity leave			X
	Socio-economic impacts (Including impact on child poverty issues and deprivation)			X
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	X		
10..	Cumulative Council Impact (proposed changes elsewhere which might worsen the impacts identified above)	None		
11.	Cumulative Community Impacts (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)	None		

Torbay Council's Statement of Principles 2021-2026

Licensing Act 2003

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The 'Licensing Statement of Principles 2021-2026 was ratified and adopted by Full Council on XXXXXXXXXX

Torbay Council's Statement of Principles 2021-2026

Introduction

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

This document is Torbay Council's "Statement of Principles", made under Section 5 of the Licensing Act 2003, and has effect for the period of 7 January 2021 to 6 January 2026.

Torbay, also known as The English Riviera, is a popular, well-established holiday destination situated on the South Devon Coast, on the South West peninsular of England. It has a population of over 135,000 which can increase to over 200,000 in the summer months.

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

It offers 22 miles of beautiful coastline and is only one of seven places in the entire UK that has been designated a UNESCO (United Nations Educational, Scientific and Cultural Organisation) Global Geopark.

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

www.torbay.gov.uk

MAP of TORBAY



**If you require this document in another format please call
01803 208025 or email licensing@torbay.gov.uk.**

STATEMENT OF PRINCIPLES

This Statement of Principles (hereinafter referred to as 'the Policy') applies to the regulation of the following licensable activities at premises, vessels and members' clubs:

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

This fifth Statement is made following consultation with:

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

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

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

- 1.1 The purpose of this Policy is to outline the approach that Torbay Licensing Authority (hereinafter referred to as 'the Authority') will take to implement the Act. The Policy provides guidance for Applicants, Residents and Responsible Authorities under the Act. Responsible Authorities include the Council's Licensing Team, Health and Safety, Environmental Health, Planning, Trading Standards and Children's Services as well as the Police, Public Health, the Fire Authority and the Home Office.
- 1.2 This Policy, along with current national guidance issued by the Secretary of State and primary legislation, as set out in the Act, forms the basis on which licensing decisions are made and how licensed premises are likely to be permitted to operate.
- 1.3 The Act also outlines five key aims to support and promote good practice. These are:
- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.
 - Giving the police and licensing authorities the powers they need to manage and police the night-time economy effectively and take action against those premises that are causing problems.
 - Recognising the important role which pubs and other licensed premises play in our local communities, minimising the regulatory burden on business, encouraging innovation and supporting responsible premises.
 - Providing a regulatory framework for late night refreshment, and regulated entertainment which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area.
 - Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.
- 1.4 The Authority acknowledges the important role which pubs and other licensed premises play in both tourism and in local communities. The Authority therefore believes that providing licensed premises operate as compliant, well-regulated businesses and that their management act responsibly in promoting the licensing objectives, they make a positive contribution towards building local communities and supporting cultural development and Torbay's tourism offer. It is also important to appreciate that alcohol does play an important and inherent role within the leisure and entertainment industry.

- 1.5 The Authority equally recognises, however, that negative impacts will occur if good management practices are not followed by licensed premises. These can include anti-social behaviour, nuisance and disturbance caused to local residents, sometimes together with serious crime and disorder problems. Alcohol, in particular, is an important contributing factor to all of these issues. Alcohol-related violence, disorder and rowdiness impact on our community, public health and the public purse through the demands made upon hospital attendances and admissions; additional policing; additional street cleaning and the criminal justice system. The Authority does not consider that it is reasonable for local residents and compliant businesses to suffer because of a small number of irresponsible, poorly managed operators.
- 1.6 This Policy, therefore, seeks to provide a necessary balance between providing a platform upon which compliant, well-regulated businesses may operate and contribute towards a successful business and night-time economy, and ensuring that the quality of life of those who live and work in the Bay are protected through our robust licensing procedures. We believe these aims are achievable, if all parties concerned work together.
- 1.7 The Authority, has a duty under the Act to carry out it's licensing functions with a view to promoting the four Licensing Objectives set out below:
- **The Prevention of Crime and Disorder;**
 - **Public Safety;**
 - **The Prevention of Public Nuisance; and**
 - **The Protection of Children from Harm.**
- 1.8 The Authority will treat each Licensing Objective with equal importance.
- 1.9 While this Policy sets out a general approach to making licensing decisions, the Authority accords with the provisions in the Act. The Policy does not undermine the right of any individual to apply under the terms of the Act for a variety of permissions and the Authority will consider each application on its individual merits.
- 1.10 This Policy does not override the right of any person to make Representations on an application or to seek a Review of a licence or certificate, where a provision has been made for them to do so in the Act.
- 1.11 Where an application is made and there are no relevant Representations, the application will be granted subject only to conditions reflecting the operating schedule and any mandatory conditions. Where there are relevant Representations, the Licensing Authority, will grant the application unless it is necessary to refuse it or to modify it, by imposing a condition(s) in order to

promote one or more the Licensing Objectives. Conditions imposed will be appropriate and proportionate.

- 1.12 In recognition of its responsibilities under Section 17 of the Crime and Disorder Act 1998, and within the strategic aims of the Safer Communities Torbay Strategic Assessment, the Authority will work together with businesses, charities and partner agencies to prevent crime and disorder in Torbay.
- 1.13 The Authority recognises its responsibilities to individuals under the European Convention on Human Rights, set out by the Human Rights Act 1998, and its statutory role as a Licensing Authority to fulfil the duties and responsibilities vested in it.
- 1.14 The Authority is also aware of its responsibilities to individuals under the Equality Act 2010, to have regard to the elimination of unlawful discrimination and its duty to promote equality of opportunity regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This Act replaces previous legislation (such as the Race Relation Act 1976, Disability Discrimination Act 1995).
- 1.15 The Authority is committed to achieving good outcomes for children, young people and their families. Children of all ages need to be kept safe from harm and safeguarding is about making sure that they are protected from all kinds of harm, not only physical and sexual but also psychological, emotional and moral harm. Where there is an actual or perceived risk of harm, it is important that appropriate steps are taken by the Authority to keep children safe. The Authority will have regard to any such risk when considering applications and seek to promote the Licensing Objectives.
- 1.16 The Authority is aware that effective licensing can only be achieved by recognising the value of collective contributions. The Authority strongly supports inclusivity and partnership working with the Police and other Responsible Authorities, local businesses, performers, local people, professionals involved in child protection and all others who can contribute positively to the successful promotion of the four Licensing Objectives. The Authority encourages membership of local schemes such as NiteNet, Best Bar None, Pub watch and StoreNet and values the contribution such schemes make to the fulfilment of the Licensing Objectives. An example of good partnership working is the twice yearly Licensing Forums, whose collective aim is to work with and support businesses in the Bay.
- 1.17 The Authority considers that its decisions can be a key factor in the control of anti-social behavior. Whilst the Authority will not use licensing conditions to

control anti-social behaviour by individuals once they are away from the licensable premises or place and beyond the direct control of the licensee, where there is a causal link between the behavior complained of and patrons of a licensed premises, it is expected that the Premises Licence Holder will take immediate steps to mitigate such impact within the vicinity of their premises.

Premises Licence Holders will be required to demonstrate that they have taken and intend to take appropriate action in this respect. Any conditions attached to licences will be within the control of the Premises Licence Holder and will primarily focus on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in lawful activity in the area concerned.

1.18 The Authority will not adopt blanket Policies of zoning to fix the trading hours of licensed premises. However, where it is necessary to promote one or more of the Licensing Objectives, the Authority will attach conditions to the premises licence to control a premises' trading hours. Such conditions will be imposed where there is supporting evidence to demonstrate that it is appropriate to do so. Appendix 4 of this Policy gives examples of the impact that certain types of premises may have on the surrounding area. Where representations are received, the Authority will refer to this Appendix and therefore Applicants are encouraged to use this to assist them in understanding the operating hours and the types of conditions they need to cover in their operating schedule.

1.19 The Authority is satisfied, having been advised by and provided with supporting data from Devon and Cornwall Police, that the night time economy is on occasions subject to crime and disorder problems which can lead to noise disturbance in some residential and commercial accommodation areas. Therefore the Authority has written a Special Saturation Policy, otherwise known as a Cumulative Impact Policy, which is now separated from this Policy, but needs to be read in conjunction with it. Where an application for a new licence, or variation of an existing licence falls within the Special Saturation Policy designated areas, there exists a rebuttable presumption that such applications would normally be refused, where a representation is received and it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in the area. The Special Saturation Policy will predominantly apply to 'vertical drinking establishments', 'Off Licences' and late night refreshment premises and not normally to business which are food orientated. The Authority actively encourages food orientated businesses in these designated areas. The Special Saturation Policy designated areas can be found on the Council webpage [XXXXXX](#)

1.20 Premises which are permitted to provide sales of alcohol for consumption off the premises, may be subject to conditions that limit trading hours and restrict types

and maximum quantities of alcohol where either the premises or the area in which the premises intends to trade, are known to be a focus for disorder and disturbance. A decision to impose such conditions will be subject to a relevant Representation being received and where there is supporting evidence to demonstrate that it is appropriate to do so.

- 1.21 In the case of age classifications for films, the Policy of the Authority is to follow the recommendations of the British Board of Film Classification for most purposes, whilst retaining the right to allocate a classification of its own to a particular film or to modify the advisory information proposed for use in connection with that film or the mechanism proposed for communicating that information.
- 1.22 In general, all premises which are the subject of a licensing application should have the benefit of planning permission or be deemed permitted development. Licensing and Planning are separate regimes but consents from both must be in place to operate lawfully. The Authority, as per paragraph 9.45 in the Section 182 Statutory Guidance, requires the two committees to work together to achieve a common agreement. If there is variance between the hours given under a licence and those permitted by the planning permission, the earlier hours will apply.
- 1.23 The Authority's Licensing Committee will receive regular reports on decisions made by Officers under the provisions of the scheme of delegation so that it maintains an overview of the general situation.
- 1.24 The Authority will actively encourage a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays. Premises specifically catering for young people in a safe, alcohol-free environment shall also be encouraged and promoted for the wider cultural benefit of the community in Torbay. Some departments within the Council have obtained licences for specified public open spaces and premises so that the benefit of any licence granted can be conveyed by the licence-holding department to authorised entertainers and performers within the event site. The Authority's Licensing Committee will consider such applications from an entirely neutral standpoint. It will also consider carefully any Representation that the licensing regime is adversely affecting the provision of live music and dancing as regulated entertainments in Torbay and will only impose restrictions that are appropriate, proportionate and reasonable as licensing conditions.
- 1.25 The Authority recognises that proper integration with local crime prevention, planning, transport, tourism and cultural strategies is essential to assist in the reduction of public disorder and disturbances. The Authority will ensure that future local transport plans reflect the need to disperse people from town centres

swiftly and safely, particularly late at night, so as to avoid concentrations which may produce disorder and disturbance.

1.26 The Authority recognises that licensing seeks:

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

1.27 To prevent the use of illegal drugs, or psychoactive substances (previously known as 'legal highs') in licensed premises, Premise licence Holders are encouraged to implement actions referred to in following documents:

'Safer Clubbing' http://www.csdp.org/research/safer_clubbing_txt.pdf

Safer Night Life

http://newip.safernightlife.org/pdfs/digital_library/uk_safer_nightlife_guideline.pdf and

WAVE

<https://nbcc.police.uk/article/?id=b2cd2a7d17d92c915996003a0473a4b8>

The Authority does aim through the licensing process to:

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

1.28 The Authority recommends that all Applicants seeking to supply alcohol should have had regard to 'The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks'.

1.29 While the Authority recognises that clear enforcement protocols for licensing and associated activities are essential, this will be achieved through close partnership working; notably the Police, Fire and through its Public Safety Advisory Group. It also recognises that in most cases, education and the support of businesses is likely to have longer term positive impact to ensure proper consideration is given to the four Licensing Objectives. It will, however, ensure that resources are targeted at problem and high risk premises and events, when required.

1.30 The Authority will review this Policy, at least once in every five years. The Special Saturation Policy will also be kept under review and considered by the Authority, at least every three years or sooner, if necessary, to ensure that it is still required.

SECTION 2 - Primary considerations when an application is made

The Licensing Authority will:

- 2.1 Deal with all applications within the statutory timescales.
- 2.2 Where relevant Representations are received, consider each application:
 - a) on its own merits,
 - b) in accordance with the Act, any subsequent amendments and supporting Regulations,
 - c) with regard to Guidance issued under Section 182 of the Act,
 - d) under the terms of this Policy.
- 2.3 Expect the Applicant to articulate clearly the type of venue they will be operating and to submit an Operating Schedule that properly addresses the impact their application may have on their neighbours or their surrounding communities, to ensure that each of the relevant Licensing Objectives is promoted. This is particularly relevant in the following circumstances.
 - (i) Crime and disorder arising out of the night time economy;
 - (ii) Noise from patrons and regulated entertainment where Premises are in close proximity to residential properties and have later opening times;
 - (iii) Public safety matters for higher risk activities and one-off events;
 - (iv) Public safety matters arising out of unmanaged occupancy levels.
(See Appendix 2 for further information on what to consider in your operating schedule.)
- 2.4 Consider the specific proposals regarding the requested licensing hours. It is important to note that “opening hours”, the times when premises are open to the public, are not necessarily identical to the hours during which licensable activities may take place.
- 2.5 The Authority supports a continental café culture which makes a positive contribution to the street-scene and to the vitality of shopping and tourist areas bringing life, colour and interest on to the street. The Authority may grant permission under Section 115E of the Highways Act 1980 for an Applicant to use the public highway outside their premises for placing tables and chairs but the use of such an area will be subject to separate application, requirements and conditions under provisions of the Highway Act 1980. Applicants are reminded that either the proposed area of the public highway is included within their premises licence plan, or the premises licence must authorise off sales, as this is required where the pavement cafe area is not included on their plan.

2.6 'Special Risk Entertainment' events, are events that incorporate any of the following activities for the entertainment or attraction of the public:

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

Applicants' must specify clearly in their Operating Schedule, details of any 'Special Risk Entertainment' to be provided.

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

2.7 The Authority requires individuals who are applying for a personal licence to be entitled to work in the United Kingdom (UK). The Immigration Act 2016 amended the Licensing Act 2003 with effect from 6 April 2017 so that an application made on or after that date by someone who is not entitled to work in the UK must be rejected.

The Authority will not issue a personal licence to an individual who is illegally present in the UK, and is not permitted to work, or who is permitted to work but is subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity. In order to discharge this duty, the Authority must be satisfied that an Applicant has the right to work in the UK as required on the back of the application form, to demonstrate that the Applicant has permission to be in the UK and that they are permitted to undertake work in a licensable activity. This also applies to individuals who apply for premises licences. The purpose of this is to prevent illegal working in the UK.

A person is also disqualified from holding a licence if they are subject to a condition on their permission to be in the UK preventing them from holding a licence, for example if they are subject to an immigration restriction that does not permit them to work.

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

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

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

3.1 THE PREVENTION OF CRIME AND DISORDER

- a) The adequacy of measures proposed to prevent crime and disorder and the history of any previous relevant enforcement action, particularly in relation to the use of the Premises for:
 - (i) the sale and distribution of controlled drugs and the laundering of the proceeds of drugs crime;
 - (ii) the sale and distribution of illegal firearms;
 - (iii) the evasion of copyright in respect of pirated films and music;
 - (iv) the under-age purchase and consumption of alcohol;
 - (v) prostitution or for the sale of unlawful pornography;
 - (vi) use by organised groups of paedophiles to groom children;
 - (vii) the base for the organisation of criminal activity;
 - (viii) the organisation of racist activity or the promotion of racist attacks;
 - (ix) unlawful gambling;
 - (x) the sale of smuggled tobacco and alcohol;
 - (xi) modern slavery/trafficking;
 - (xii) money laundering/financial abuse.

- b) The measures the Applicant has taken or proposes to take to:-
 - (i) To prevent the consumption or supply of illegal drugs and psychoactive substances (previously known as 'legal highs'), including a written drugs Policy, any entry and search procedures, the demonstration of a positive commitment to the deployment, when requested by the Police, of the Ion Track Itemiser Drug Detection Machine at the Premises or event, and in

respect of premises selling alcohol after midnight with a capacity of 500 or more, the provision of a drugs box and register.

(ii) To improve security or public safety, for example by:

- using CCTV of an evidential standard which is continually monitored with recordings retained for 14 days;
- undertaking a risk assessment for the employment of appropriate numbers of Security Industry Authority (SIA) registered door supervisors for security duties and / or stewards for general public service or management (see Appendix 2 of this Policy for further information). They shall be visible at all times and locations by wearing high visibility personal arm band identification.
- keeping and maintaining a daily premises register of SIA registered door stewards (see Appendix 2 of this Policy for further information)
- the adoption of a 'safe capacity' necessary for the promotion of public safety or the prevention of disorder on the premises, part of the premises or at an event.
- setting a maximum bag size policy during ENTE periods and carry out regular random bag searches
- providing cloakroom facilities for bag and coat storage
- random use of metal detectors in premises selling alcohol after midnight with a capacity of 500 or more persons
- ensure door stewards remain on duty until all customers have left the vicinity to ensure no crime, disorder or public nuisance whilst they are dispersing.

(iii) To determine that when employing SIA registered door supervisors, licence holders have considered:

(a) Recruiting SIA licensed door supervision staff from a company that is compliant with the requirements set out in the Security Industry Authority Approved Contactor Scheme (visit the SIA website www.sia.homeoffice.gov.uk for further information); and

(b) What measures will be taken and what procedures are in place for licensees to check the SIA register of licensed door supervisors to ensure their Premises and patrons are only protected by door supervisors with an SIA licence. Torbay Council recommends the use of the SIA Company Licence Checker facility (visit the SIA website www.sia.homeoffice.gov.uk for further information).

- (iv) To help prevent the use of glass bottles and drinking glasses being used as weapons and inflicting more serious harm during incidents of disorder, consideration needs to be given to the location and style of the premises/event, the times of opening, as well as features such as outside roof terraces, indoor sporting events, and televised sporting events. The use of plastic/polycarbonate vessels is recommended in late night vertical drinking establishments and to prohibit glass bottles from which it is intended or likely that a person will drink in these premises from 11.00 pm
- (v) To help facilitate effective communications by means of radio communications, i.e. Storennet and nitenet pagers or by other means to enable instant contact with the Council's CCTV Monitoring Room and other licensed premises in a locality, to warn of situations of disorder or potential disorder and to advise other premises of individuals ejected or refused entry to their premises
- (vi) To be able to demonstrate a responsible approach to alcohol sales by ending alcohol sales at a time specified in the application that is some time before the premises themselves are closed, and by not taking part in heavily 'discounted drinking' promotions. At the start of 2010, Parliament approved The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010. This attaches five conditions to all Premises Licences and Club Premises Certificates where alcohol is sold or supplied on the premises (see Appendix 3 of this Policy).
- (vii) To help reduce the risk of excessive alcohol consumption by providing and promoting reasonably priced soft drinks; and as required as a mandatory condition, to provide free drinking water at all bars (see Appendix 3). The provision of free potable (safe to drink) water is a mandatory condition (see Appendix 3 of this Policy).
- (viii) To help reduce the risk of crime and disorder being caused by street drinkers, who are or appear to be alcohol dependant. This may be particularly relevant to premises that are permitted to provide sales of alcohol for consumption off the Premises, which are located in areas where concerns about street drinkers have been identified by Responsible Authorities or within the area defined in the Cumulative Impact Policy. Such Premises may be required not to stock or sell high strength or types of cheap ciders, beers or lagers with an abv of more than 6% or to sell single unit items, i.e. cans that are split from an original multi pack or other such packaging.

- (ix) To help manage the premises safely by the provision of sufficient SIA registered door staff following a detailed risk assessment taking into account the size and layout of the premises. (see Appendix 2 of this Policy for further information)
- (x) To determine whether door stewards are to be employed at takeaway premises which provide late night refreshment.
- (xi) To keep appropriate records, an incident log to record incidents that have occurred on the premises or within the vicinity but linked to the premises, telephone calls, complaints and refusals for entry (see Appendix 3 of this Policy for further information).
- (xii) To help to ensure that the Premises Licence Holder or the Designated Premises Supervisor (DPS) takes all reasonable steps to ensure that staff employed at the premises are trained so that they understand the requirements of both the Premises Licence/Club Premises Certificate and the broad provisions of the Licensing Act 2003. It is recommend that premises keep detailed training records that are available for inspection by Responsible Authorities.
- (xiii) To ensure that all staff in premises selling alcohol after midnight shall be trained and hold, within three months of the commencement of their employment, BIIAB Level 1 Award in Responsible Alcohol Retailing or similar qualification.
- (xiv) To manage appropriately, intoxicated customers, for example by using use a breath box to randomly test and refuse entry to customers where it is believed that they are heavily intoxicated, and to randomly test customers within the premises to ensure that there is no excessive drunkenness.
- (xv) To prepare a Policy to ensure that there is a safe area for leaving drinks when customers leave the premises temporarily, e.g. to smoke.
- (xvi) To ensure that the premises are adequately managed by a suitable person at all times and that whenever the premises are open for the sale of alcohol after midnight, a personal licence holder is on duty.
- (xvii) To ensure that the written authorisations of the DPS to all staff are be kept on the premises.

- (xviii) To implement a recommendation to adopt the Ask for Angela or Ask for Clive initiative, or any similar initiative that is developed from time to time:

Ask for Angela: <http://www.areyouok.co.uk/articles/ask-for-angela/>

Ask for Clive: <http://www.askforclive.com>

- (xix) To implement a recommendation for premises within designated areas of the Special Saturation Policy to meet the standard set by Best Bar None have been adopted.
<https://bbnuk.com/schemes/torquay/>
- (xx) To write Policies to ensure that all off sales are supplied in sealed containers for premises where there is a Designated Public Space Protection Order, and it is believed that the alcohol will be consumed within that designated area. The Policy should include the provision of notices to be clearly displayed where alcohol is sold, advising customers that the area is subject to a Designated Public Space Protection Order.
- (xxi) Where off sales are permitted or applied for and it is believed that alcohol may be consumed in public spaces close to the premises, in a way that may cause nuisance, crime, disorder or anti-social behaviour, there is an expectation that appropriate measures are put in place to monitor and manage any potential negative impact arising out of this.
- (xxii) To write Policies to ensure that where alcohol is supplied by way of a delivery service, all delivery drivers are trained in Challenge 25, No proof, no sale and that deliveries are only to be made to a residential address and received by a person 18 years or over.
- (xxiii) To ensure the even distribution of customers within a premises, to reduce crowding and pinch points which can lead to conflict.
- c) Work to reduce the likelihood of any violence, public disorder or Policing problems that may arise if a licence is granted.
- d) Implementing the outcomes of consultations held by the Applicant, in respect of their application and submitted Operating Schedule, with the Police. Including any recommendations made by the Constabulary's Architectural Design Liaison Officer.
- e) The expected attendance and participation at local licensing forums and high risk event meetings.

3.2 PUBLIC SAFETY

- a) The adequacy of measures proposed to deal with the promotion of public safety and in particular, the steps taken by, or the proposals of, the Applicant to:
- (i) To assess the risks to the public, staff and others associated with operating the premises or event in accordance with their submitted Operating Schedule and measures implemented to reduce those risks.
 - (ii) To provide adequate facilities for people or performers with disabilities and to ensure their safety.
 - (iii) To ensure that the number of people, staff and performers present in the premises or at the event can be safely evacuated in the case of emergency and that adequate access arrangements exist to permit the attendance of emergency vehicles, if required.
 - (iv) To ensure adequate staff training has been undertaken to deal with emergencies. To indicate the frequency that such training will be updated and the method of maintaining staff training records to demonstrate that regular training has taken place.
 - (v) To maintain controlled entry to the premises or event and establish the maximum number of persons who are occupying the premises or event at any time (see Appendix 2 of this Policy for further information).
 - (vi) To determine what the views are of the Maritime and Coastguard Agency, as the lead Authority with regard to all of the four Licensing Objectives, in the case of an application for a Premises Licence in respect of a passenger vessel.
- b) The Authority will undertake consultations with the Council's Officer responsible for the enforcement of Health and Safety legislation in respect of the application and the submitted Operating Schedule. It is the Policy of the Authority to not use its licensing powers to secure compliance with fire safety requirements, which arise from other legislation. However, in circumstances where fire safety inadequacies indicate that the premises pose a risk to the health and safety of those who enter them and where specific fire safety enforcement does not provide a sufficient or sufficiently rapid remedy; the Licensing Authority will take appropriate steps to ensure that the risk is removed.

- c) In preparing an Operating Schedule for large scale events, which would require a Premises Licence, the Applicant is expected to consider if appropriate the following guidance and publications:
- (i) Technical Standards for Places of Entertainment 2015 (ABTT, Chartered Institute of Environmental Health, District Surveyors Association, Institute of Licensing) ISBN 978 1 904031 83 3
 - (ii) The Event Safety Guide (The Purple Guide) www.thepurpleguide.co.uk
 - (iii) Risk Assessment – A Brief guide to controlling risks in the workplace HSE INDG163 (Rev4) <https://www.hse.gov.uk/pubns/indg163.pdf>
 - (iv) The Guide to Safety at Sports Grounds, 6th edition (The Stationery Office, ISBN 978-1-9164583-0-7 <https://sgsa.org.uk/greenguide-availablenow/>)
 - (v) Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, Published: 2004 Revised 2009 ISBN 978-0-9544892-5-0 <https://outdoorartsuk.org/product/safety-guidance-for-street-arts-carnival-processions-and-large-scale-performance/>
 - (vi) Guidance and advice from, Licensing Team, Town Hall, Castle Circus, Torquay TQ1 3DR. Tel: 01803 208025

3.3 THE PREVENTION OF PUBLIC NUISANCE

- a) The adequacy of measures proposed to deal with the potential for Public Nuisance and in particular the steps taken by, or proposals of, the Applicant to:
- (i) Prevent noise and vibration escaping from the Premises or open air sites, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
 - (ii) Manage the outside spaces, notably beer gardens, designated smoking areas, car parking areas which are within the direct control of the Premises Licence Holder, to prevent noise from patrons and entertainment creating a Public Nuisance to nearby neighbours.
 - (iii) Prevent disturbance by patrons arriving at or leaving the premises, or in the vicinity of the premises, especially when smoking.

- (iv) Prevent queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises or otherwise manage the queue to prevent disturbance or obstruction.
 - (v) Consider the cumulative effect from multiple one off events giving rise to Public Nuisance.
 - (vi) Ensure that staff leave the premises quietly.
 - (vii) Evaluate whether taxis, private hire or other vehicles serving the premises are likely to disturb local residents and/or people staying in nearby holiday accommodation.
 - (viii) Evaluate whether routes to or from the premises on foot or by car, or for service or delivery vehicles, pass residential premises and holiday accommodation and if so, the effect this may have on such properties.
 - (ix) Prepare, implement and oversee, as appropriate, Policies regarding dispersal of customers, queue management, smoking areas and outside spaces.
 - (x) Take suitable steps to improve the management of the premises, following any previous or current enforcement action taken.
 - (xi) Prevent disturbance from light arising from security devices, floodlighting, advertising lighting or any special effect lighting.
 - (xii) Prevent noxious fumes from causing a nuisance to occupants of nearby residential and commercial premises or land.
 - (xiii) Determine whether the premises would result in increased refuse storage or disposal problems, or whether additional litter from or in the vicinity of the premises could cumulatively cause public nuisance.
 - (xiv) Implement where appropriate, the outcomes of consultations held between the Applicant and Torbay Council's Licensing & Public Protection Team in respect of the application and submitted Operating Schedule.
- b) The Authority advocates working with businesses, with the shared aim of providing a more business friendly and vibrant economy, however accepts that it equally has a responsibility to its residents. To aid in the process, Appendix 2 gives further advice relating to public nuisance that businesses, new or existing, may wish to consider when making an application or preparing for an event. This should aid both the business and the Authority

to ensure there is a common understanding of what is proposed and what the impacts might be. That contained within Appendix 2 of this Policy, should help Applicants' consider the areas they should address and to formulate their own Operating Schedule tailored to the type, nature and characteristics of the specific premises and its neighbourhood.

3.4 THE PROTECTION OF CHILDREN FROM HARM

- a) To consider that adequate measures are proposed to protect children from harm and in particular the steps taken by, or proposals of the Applicant to protect children:
- (i) In cases where there have been convictions or Fixed Penalty Notices against staff employed at the premises for serving alcohol to minors, or at premises with a reputation for underage drinking.
 - (ii) In premises where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
 - (iii) In premises where there is a known association with drug taking or dealing.
 - (iv) In premises where there is a strong element of gambling on the premises (e.g. jackpot machines).
 - (v) In premises where entertainment or services of an adult or sexual nature are provided.
 - (vi) In premises where, in the case of premises giving film exhibitions, the arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority itself.
 - (vii) In premises where children are employed without a work permit issued by Torbay Council.
- b) The steps the Applicant has taken or proposes to:
- (i) Clearly state their intentions to manage the premises so as to protect children from harm.
 - (ii) Limit the hours when children may be present.

- (iii) Impose age limitations, for those under 18 years, on attendance.
 - (iv) Impose age limitations, for those under 18 years, on employment.
 - (v) Limit or exclude children when “Special Risk Entertainments” are taking place.
 - (vi) Limit access by children to only parts of the premises.
 - (vii) Require the presence of an accompanying adult.
 - (viii) Fully exclude persons under 18 years from the premises when any or all licensable activities are taking place.
 - (ix) Prevent the service of alcohol to children under eighteen years, except in the limited circumstances allowed for by the law and when satisfied that proof of age has been adequately demonstrated.
- c) The Authority recommends that the only way to verify a young person’s proof of age is with reference to their:
- (i) Passport
 - (ii) Driving licence
 - (iii) Provisional driving licence
 - (iv) Proof of Age Standards Scheme (PASS) card
 - (v) Official Military identity card
- d) The Authority recommends that premises which sell or supply alcohol, adopt the Challenge 25 scheme.
- e) The Authority recommends that premises which sell or supply alcohol should ensure that staff are suitably trained in all aspects of age-related sales and that training is reviewed on a regular basis. The Authority also recommends that records of all staff training are kept for a period of 12 months and made available to a Responsible Authority on reasonable request and that the premises has a written Age Verification Policy, which is also made available to a Responsible Authority on reasonable request. All members of staff must read and sign to confirm their understanding of the Policy, in order to support compliance with the Mandatory Condition (see Appendix 2 of this Policy for further information).
<https://www.proofofage.org.uk/>
- f) The Authority supports the installation of ID Scanners in premises open after midnight that may attract underage drinkers.

- g) Clearly stated measures in the case of an emergency for controlling access and egress and ensuring the well-being of children where a regulated entertainment is specially presented for them. The Authority will normally require as a minimum the following arrangements:-
- (i) An adult member of staff to be stationed in the vicinity of each of the exits from any level of the premises, subject to there being a minimum of one member of staff per 50 children or part thereof (subject to (iv) below).
 - (ii) No child to be permitted in the front row of any balcony unless accompanied by an adult.
 - (iii) No standing to be permitted in any part of the auditorium during the performance.
 - (iv) At least one adult member of staff of each gender, when groups of mixed gender are present.
- h) Clearly stated measures where regulated entertainment is specially presented for under 18s in an existing Licensed Premises, Torbay Council will normally require as a minimum, the conditions found in appendix three (see Appendix 3 of this Policy for further information).
- i) Where regulated entertainment includes child performers, the arrangements the Applicant proposes to ensure that the person responsible for the production has complied with Torbay Council's Children's Services requirements, as set out in their guidance 'Children in Entertainment'.
- j) Where a regulated entertainment is held specifically targeting children, the steps the Applicant proposes to demonstrate that the organisers of the event have ensured that their employees or other persons who will be responsible for supervising children have been submitted to the advanced disclosure mechanism operated by the Disclosure and Barring Service.

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

- 4.1 Ensure that conditions are consistent with any Operating Schedule accompanying the application. Terms or conditions attached to premises licences will focus on matters that are within the control of individual licensees and others granted relevant permissions and will not duplicate requirements normally enforced by other regulatory regimes.
- 4.2 May add stricter conditions, limit hours and in some circumstances refuse types of regulated entertainment at premises in close proximity to residential premises.
- 4.3 Consider refusing or limiting types of regulated entertainment or impose early closing times where Applicants have not sufficiently demonstrated how they will protect residential premises in close proximity to their premises, from public nuisance. (See Appendix 2 of this Policy for further advice and information)
- 4.4 Will include, when appropriate, conditions limiting the access of children to licensed premises solely for the prevention of harm to children.
- 4.5 Will add the mandatory conditions, if the premises licence is to authorise the supply of alcohol. The relevant mandatory conditions can be found in Appendix 3 of this Policy.
- 4.7 Will add the mandatory condition where a premises licence is to authorise the exhibition of films and:
 - a) That the admission of children to the exhibition of any film to be restricted in accordance with the age restrictions set by the British Board of Film Classification
 - b) Except in a case where the Authority has determined a classification of its own in relation to a particular film, in which case that classification will be adopted as a mandatory condition.
- 4.8 Will seek to fulfil the Licensing Objectives by ensuring that only conditions relevant to those Objectives are attached to licences and certificates and are tailored to the individual style and characteristics of the premises and events concerned.
- 4.9 Where a representation is received, will seek to promptly set before Licensing Committee or Licensing Sub-Committee those applications that are fully made in accordance with this Policy, the Act and any other relevant regulations or

guidance. This will enable the Authority to deal with licensing issues speedily, efficiently and in a cost effective manner.

SECTION 5 - The role and influence of Representations:

The Licensing Authority:

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

Since 2012, the Director of Public Health in Torbay has been a Responsible Authority and is able to make representations on applications and initiate Reviews. The Director of Public Health has access to data and evidence that is useful and informative for the development of Policy, the consideration of applications and the conducting of Reviews.

This includes:

- evidence on the impact of alcohol on the physical and mental health of residents, particularly children;
- data on hospital admissions for alcohol related illness and injury;
- data and evidence from local alcohol services, such as outreach and treatment services.

When such evidence and data is presented, it will be considered and where links are made to any of the four Licensing Objectives, it will be taken into account by the Licensing Committee/Sub-Committee in reaching its decision.

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

- 6.1 The Authority has a Licensing Committee comprising of 15 Members of the Authority in order to discharge the functions of the Licensing Authority and a Licensing Sub-Committee comprising of any three Members of the Licensing Committee to discharge any function it directs that is exercisable by the Licensing Committee.
- 6.2 A Chairperson of the Licensing Committee will be elected at the first annual meeting of the Authority.
- 6.3 The Authority will ensure that Members and Officers are appropriately trained to carry out their duties under the Act and in accordance with the Authority's constitution. No Member of the Authority shall sit upon the Licensing Committee or Sub-Committee unless they have received appropriate training.
- 6.4 The Licensing Committee recognises the Local Safeguarding Children Board or specified successor organisation as the competent body for the purposes of this Policy with regard to the protection of children from harm.
- 6.5 To adhere to the principles of The Regulators' Code (April 2014), which include:
 - i. Regulators should carry out their activities in a way that supports those they regulate to comply and grow
 - ii. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
 - iii. Regulators should base their regulatory activities on risk
 - iv. Regulators should share information about compliance and risk
 - v. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
 - vi. Regulators should ensure that their approach to their regulatory activities is transparent
- 6.6 To publicise the Terms of Reference set down for its Licensing Committee.
- 6.7 To recognise enforcement as both formal and informal actions including advice, information, monitoring, liaison, training and promotion of good practice and includes:
 - a) Actions instituted by the Licensing Committee
 - b) Actions taken by an Officer of the Authority with the appropriate delegated authority to take such actions

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

- f) Flexible resourcing of the Council's CCTV Monitoring Room to maintain optimum use of the CCTV system with its partners in accordance with its Code of Practice for the Operation of Closed Circuit Television (2007).
 - g) Promotion of the NiteNet, Pub Watch or StoreNet communication systems and where appropriate impose the participation in the NiteNet scheme upon Applicants' through licence conditions.
 - h) Measures taken in partnership with local businesses and others to maintain a clean and safe environment.
- 6.13 Investigate complaints against licensed premises both with respect to the conditions on their Premises Licence or Club Premises Certificate, but also the broader requirements of the Licensing Act 2003. This includes complaints regarding noise, public safety or child protection that is within its remit.
- 6.14 Licensing fees are set and are due for payment on the anniversary of the licence and are dependent upon the non-domestic rateable value of the premises. This value, which is also used to calculate business rates, can be found through the Valuation Office Agency (VOA) search engine at <https://www.gov.uk/correct-your-business-rates>. The licence holder is expected to pay the required licence fee when it is due or the law requires the licence to be suspended until such fees are paid.

Carrying on licensable activity while a licence has been suspended is a criminal offence and may result in enforcement action, including prosecution.

The Authority would strongly encourage the Premises Licence Holder to contact the Licensing Team to discuss any problems prior to their annual licence fee being due, to enable the Authority to offer help where they can.

If the fee is disputed prior to the date it is due for payment, the licence will not be suspended pending clarification and resolution. Where an administrative error in relation to the recorded receipt of the annual fee has been made by the the Council and the licence holder has provided proof of payment, the licence will not be suspended.

- 6.15 Although the Authority accepts that the positioning of gaming machines in licensed premises is a matter for the Gambling Act 2005, attention is drawn to the fact that Gaming Machines must be supervised at all times and therefore in sight of an area where staff are present.

Contact Details

These details are provided to enable easy contact with the responsible authorities and to supply applications to them as required by the Licensing Act 2003.

Licensing Authority

Licensing and Public Protection Team
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 208025
E-mail: licensing@torbay.gov.uk

Responsible Authorities

Devon and Cornwall Police
Licensing Department
Launceston Police Station
Moorland Road
Launceston
PL15 7HY
Tel: 01566 770500
E-mail: licensing.team@devonandcornwall.pnn.police.uk

Devon & Somerset Fire and Rescue Service
Divisional Headquarters
Newton Road
Torquay
TQ2 7AD
Tel: 01803 653700
E-mail: southfiresafety@dsfire.gov.uk

Head of Service
Safeguarding & Reviewing Service
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 208559
Email: cpunit@torbay.gov.uk

Director of Public Health
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 207350
Email: Publichealth@torbay.gov.uk

Plymouth Marine Office
Maritime & Coastguard Agency
Suite 5, Endeavour House
Oceansgate, Vivid Approach
Plymouth
PL1 4RW
Tel: 020 390 85245
E-mail: Plymouth@mcga.gov.uk

Licensing and Public Protection Team (Public Nuisance)
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 208025
E-mail: Licensing@torbay.gov.uk

Food & Safety Team
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 208025
E-mail: Foodsafety@torbay.gov.uk

Operational Support
Health and Safety Executive
1st Floor Cobourg House
32 Mayflower Street
Plymouth
PL1 1QX
Tel: 0300 0031747
E-mail: formsadmin.plymouth@hse.gsi.gov.uk

Planning
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 207801
E-mail: planning@torbay.gov.uk

Devon, Somerset & Torbay Trading Standards
County Hall
Topsham Road
Exeter
EX2 4QD
Tel: 01392 381381
Email: tradingstandards-mailbox@devon.gov.uk

Home Office (Immigration Enforcement)
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
Email: alcohol@homeoffice.gsi.gov.uk

Appendix 1 – Scheme of Delegation

The full **scheme of delegation** is set out below: -

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

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

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

Appendix 2 – Supplementary Information

Prevention of Crime and Disorder

Risk assessment for the provision of Security Industry Authority (SIA) door supervisors

1. The number and times of required staff would be dependent on the location and style of premises/event. Some areas may warrant the provision of SIA registered door supervisors for longer periods of the evening than other areas. This may be particularly true of night time economy areas, which includes the Cumulative impact Area (CIA) The number of SIA door supervisors to be employed would need to be determined as a result of a risk assessment carried out by the Premises Licence Holder and/or the DPS or required by the Authority. However it is recommended that two SIA door supervisors are employed for up to the first 100 customers, and thereafter one additional steward is employed for each additional 100 customers. Consideration also needs to be given to the ratio of male and female SIA door supervisors which are appropriate for particular premises/events.
2. This can, however be altered subject to the Applicant demonstrating through a suitable and sufficient risk assessment, to the satisfaction of the Responsible Authorities and where necessary, Members of a subsequent Licensing Committee hearing, that a different ratio is appropriate. This risk assessment should take into consideration the duties required by the supervisors, the layout of the premises and any key locations/flash points/pinch points within the premises that will require additional supervisors.

Register of SIA door supervisors

1. It is strongly recommended that all premises keep a daily premises register of self employed/employed SIA registered door supervisors and this register to be kept for a minimum of 12 months; and be available for inspection by any authorised officer of the Authority or Police. The register shall include full names of the SIA door supervisor working, with their SIA badge numbers, and the date and the times that they commenced and finished their work. This register shall be signed at the end of each shift by the duty manager.

Provision of Incident Log

1. It is strongly recommended that all premises keep an incident log. The premises incident log shall record all calls, whether in person or via alternative communication (e.g. email, in writing) made to the premises where there is a complaint made by a resident or neighbouring premises of noise nuisance or anti-social behaviour by persons attending or leaving the premises. The

incident log shall record the details of the caller, time and date of the call/ visit and the incident referred to along with any action or proposed action/s taken to resolve the issue complained of. The incident log will also record all incidents involving the use of force by staff or SIA registered door supervisors in the refusal of entry to or the ejection of patrons from the premises. The details of any registered SIA registered door supervisors involved in the incident shall be recorded including their badge number. This log should be completed as soon as reasonably possible following an incident.

Reducing the Strength Campaign

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

Public Safety

Occupancy of Licensed Premises

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

Prevention of Public Nuisance

General consideration

1. Public nuisance is the most common reason for complaints against existing premises and for Representations to be made about new and variation applications. It can include low-level nuisance affecting a few people locally, as well as major disturbance.
2. The potential for nuisance varies according to the nature of the premises. The Authority will interpret nuisance in its widest sense and takes it to include such issues as noise (from patrons and music, both inside and outside the premises), light, litter, human waste (such as vomit and urine), fly-posting and anti-social behaviour.
3. Noise nuisance is the most common problem. It is particularly intrusive at night when ambient noise levels are lower and residents are trying to sleep, and so it is essential that Applicants can demonstrate how they will effectively manage public nuisance.
4. Where Applicants are completing Operating Schedules, they are expected to have regard to the location of the proposed or actual premises. In particular, consideration should be given to whether proposals may have a disproportionate impact in residential areas or near to sensitive premises such as nursing homes, older people's accommodation, hospitals, hospices, schools, childcare facilities or places of worship.
5. Applicants with access to outdoor spaces, such as beer gardens and designated smoking areas, may be asked to provide a written noise management plan if the location of outdoor spaces is adjacent to or in close proximity of residential accommodation or hospitality services, such as hotels and B&Bs.
6. Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. The Authority will treat each case on its individual merits, however, stricter conditions will generally be considered on premises licences in areas that have denser levels of residential accommodation or residential accommodation in close proximity to them. This may include, where appropriate, the Authority considering an earlier terminal hour than that proposed by the Applicant.
7. The Authority will presume against the grant of new or variations to Premises Licences and Club Premises Certificates where there are extensions in operational hours, or the addition or extension of activities (regulated

entertainment) that may cause public nuisance, and the Applicant cannot demonstrate that they have properly considered the issue of nuisance.

8. To demonstrate proper consideration, Applicants are strongly encouraged to engage the services of and obtain appropriate advice from those with the expertise in this field, to explore what if any mitigation measures could be put in place to alleviate the impact of potential nuisance arising from their premises operations.
9. There will be an assumption however, that licensed premises in residential areas, or where there is close proximity to residential properties or hospitality services, will only be allowed to undertake licensable activities until 11pm, unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant Representations have been received.
10. Applicants will be expected to demonstrate in their Operating Schedule, that nuisance arising from noise, light, smoke odour, litter, anti-social behaviour, human waste, fly posting, highway/footway disruption, can be minimised or fully mitigated against.
11. The content of an Operating Schedule subsequently becomes the basis of conditions on the licence and should be in a form that can be expressed as an enforceable condition. Failure to do this may lead to a Representation from the Authority, a Responsible Authority or other person(s).
12. The following suggestions should be considered but will vary according to the intended operations of each premises. The list is not exhaustive and is intended to act as prompt for Applicants:
 - Is an acoustic report needed if the application involves live or recorded music and later hours?
 - Can details of the location and types of any schemes designed to attenuate noise from the premises be provided?
 - Can details of any measures to minimise the noise caused by patrons outside the premises be provided?
 - How the noise from the activity can be controlled to prevent noise breakout. Some premises simply do not have the structure to contain noise, and it is unlikely that these types of premises can have these noisier activities.

- Can the noise breakout be controlled by double glazing, noise limiters, large lobby areas, or any other structural change that attenuates the noise?
 - The location and availability of any taxi ranks, bus stops, street pastors, railways stations in relation to the premises which are operational at or just after the terminal hour of the licence.
 - Provide details of the location and management of any outdoor areas within the property boundary for use by patrons drinking, eating, smoking, queuing or congregating outside, and the hours of use of such areas.
 - Include details of dispersal policies, and consider the role of door supervision and winding down periods.
 - Will music sound levels and tempo be reduced towards the end of the evening?
 - Will lighting be increased towards the end of the evening?
 - Will there be an area for patrons to use whilst waiting for taxis, such as wind-down/chill out areas?
 - Any use of outside areas such tables and chairs on the highway or smoking areas.
 - If the operation of the venue will attract additional litter such as food cartons or publicity flyers what measures will be put in place to deal with this?
 - Will there be litter patrols for premises operating as takeaways or providing off-sales?
13. If an application is expected to be contentious or noise problems already exist, expert advice should be sought. Applicants are advised to employ a noise consultant before an application is submitted but ideally before signing a lease agreement, if applicable.
14. Sound attenuation works can be very costly and Applicants should factor in the costs into their budget. It can be more expensive and inconvenient if noise breakout is not mitigated at the build stage. The consultant's report should be submitted as part of the application, or a proposed condition that advises that this will be done to the Responsible Authorities' satisfaction before the activity starts.

15. If a Premises Licence is granted for an area that hosts one off events, the Authority and Applicant will have regard to the cumulative impact or effect of multiple one off events and how noise may affect nearby residents and business.
16. Many premises already have later operating hours and later activities. This can and does cause significant public nuisance to neighbours and create a significant workload for Responsible Authorities.
17. In cases where a premises has benefitted from the deregulation of live and recorded music and the operator creates a nuisance to its neighbours, the Council will seek a review of the premises licence to remove the exemption under the Live Music Act 2012.

Outdoor spaces

18. Beer gardens, roof terraces, pavements and other outdoor areas serving licensed premises are expected to comply with appropriate conditions to the individual premises to ensure minimal disruption to residents in proximity to the premises.
19. Outside spaces are an increasingly popular part of licensed premises, particularly in summer where there is more demand for outside drinking and eating options. There is a need for all outside spaces that are used for smoking, eating and drinking by patrons of licensed premises to be well managed to reduce the potential for nuisance to be caused to nearby residents.
20. Where smoking, eating and drinking takes place outside, the Authority expects Applicants to provide comprehensive details in their Operating Schedule on:
 - a. the location of outside areas to be available for use.
 - b. how the outside areas will be monitored and managed to prevent: a) noise; b) smell; and c) pavement obstructions and littering.
 - c. the arrangements for clearing tables and chairs.
 - d. preventing nuisance from smoke fumes to residents living in close proximity to smoking areas.
21. Where outside spaces are used for eating and where children may also be present in the outside space, the Authority expects Applicants to provide details as to how smoking areas will be separated from the general use areas of the outside space.

22. Premises Licence Holders must take into account the needs of patrons with disabilities and comply with the requirements of the Equalities Act 2010.

23. Where the use of outside spaces by the patrons of a licensed premises is unplanned and makes use of the adjoining pavement, there is need for specific consideration. Members of the public can sometimes feel intimidated and crowds of drinkers or smokers spilling out onto the street may cause obstruction. Safety problems can also be caused with drinkers and smokers moving into the road. Wherever possible, all patrons should be contained within areas that are part of licensed premises, such as beer gardens, terraces or, where a pavement café consent has been granted by the Council for tables and chairs, on the public highway, and consideration should be made for local residents with mobility difficulties.

Temporary Event Notices (TENs)

24. The Authority expects that Applicants for TENs, where there is anticipated to be more noise emitted than is usual for the location, to contact the Responsible Authorities well in advance of the event, to enable sufficient time to consider the implications and to be able to work with the Applicant, to address any concerns.

25. In the case of events where the event maybe of a significant duration, albeit still under the TEN limit of 499 persons at any one time, the Authority asks Applicants to submit an Event Management Plan 3 months before the intended event date, to minimise the likelihood of objections from Responsible Authorities. The content of the Plan should reflect the event size, and in some cases may only need to be based around a Noise Management Plan.

26. If sufficient information is not provided in support of a TEN, it is quite possible that an objection will be submitted by the Responsible Authorities, or in the case of a Late TEN, simply refused, as the Licensing Act 2003 dictates.

Protection of Children from Harm

Staff Training

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

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

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

Under 18 discos in licensed premises

1. Good practice would include the following:

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

Delivery services

1. There has been an increased number of applications for licences relating to delivery services. Although these types of services are not provided for in the Licensing Act 2003, in any way differently from other licensed premises, they do provide their own unique circumstances that need to be addressed. In particular the Authority has concerns with the potential for the following:

- Age verification at both purchase point and delivery point.
- The safety of delivery drivers at point of delivery.

- Safety of the premises from which orders are taken and sent out for delivery.
 - Possible public nuisance caused by delivery drivers collecting deliveries from the licensed premises.
2. The Authority expects licence applications for delivery services that include the delivery of alcohol to take into account issues relating to reducing public nuisance from delivery vehicles, ensuring the security of premises and delivery drivers, and protecting children by applying rigorous age appropriate checks at purchase point and at point of delivery.

Appendix 3 – Mandatory Conditions

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

All supplies of alcohol

1. No supply of alcohol may be made under the Premises Licence:-

- (a) at a time when there is no DPS in respect of the Premises Licence, or
- (b) at a time when the DPS does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a personal licence.

Exhibition of films

1. Where a Premises Licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

- (a) The film classification body is not specified in the licence, or
- (b) The relevant Licensing Authority has notified the holder of the licence that this subsection applies to the film in question,
- (c) Admission of children must be restricted in accordance with any recommendation made by that Licensing Authority.

4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c39) (authority to determine suitability of video works for classification)

Door supervision

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

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

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

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

(b) in respect of premises in relation to:

(i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising films or under a gaming licence, or

(ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

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

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

Age verification policy

1. The Premises Licence Holder or Club Premises Certificate Holder must ensure that an age verification Policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

Permitted price

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

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

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

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

where:

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

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

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

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

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

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

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

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

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

Irresponsible drinks promotions

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

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

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

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

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

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

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

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

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

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

Alcoholic drink measures

1. The responsible person must ensure that;

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

(i) beer or cider: ½ pint;

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

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

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

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

Appendix 4

Premises type and potential impacts

Type of Premise	Typical Style of Operation	Potential Impact
Nightclubs	Nightclubs expected to be the latest opening premises. Sale of alcohol and multiple entertainment activities take place in these premises.	Disturbance late at night from customers leaving and dispersing Potential for music noise. Issues associated with outside smoking and drinking areas. Drunkenness problems associated with longer opening hours. Alcohol related violence. Sexual violence. Drug misuse.
Alcohol Venues Led	Vertical drinking establishments. No significant entertainment. Limited inside seating. Limited consumption of food by customers.	Disturbance late at night from customers leaving and dispersing. Issues associated with outside smoking and drinking areas. Drunkenness problems associated with longer opening hours. Alcohol related violence. Sexual violence. Drug misuse.
Public Houses and Bars	Mix of food and alcohol consumption. Alcohol available without food purchase. Significant seating within premises. Entertainment may be provided.	Disturbance from customers leaving and dispersing. Issues associated without outside smoking and drinking areas. May experience some drunkenness issues. May experience some levels of violence. Sexual violence.
Restaurants and Cafes	Alcohol only sold to accompany food. Customers seated at tables Table service provided for food and alcohol. Significant food offer. May provided limited entertainment. Premises plan includes dedicated kitchen and food preparation areas.	Minimal disturbance from customers leaving. Limited drunkenness. No alcohol related violence.
Off licences	Alcohol only sold for consumption off the premise.	May attract street drinkers and associated anti-social behaviour in some areas.

		Applicants are required to demonstrate how their premises will not contribute to street drinking in the area. Premises may attract underage purchasers.
Takeaways	Provision of takeaway food and soft drinks. No alcohol but will require a licence for late night refreshment between 2300 and 0500 hrs.	Litter dropped by customers. Cooking smells. May be a place for people to congregate after late night drinking causing noise disturbance. Alcohol related violence and anti-social behaviour.
Hotels	Provision of overnight accommodation. Alcohol can be available 24/7 to guests staying on premises. May have a function room available for public hire/functions.	Minimal issues in relation to hotel residents. Potential for drunkenness at public hire/functions. Child protection and safety issues may occur.
Other entertainment venues	Alcohol ancillary to other activities such as entertainment – e.g. bowling.	Minimal disturbance from customers leaving. Limited drunkenness. No violence. Potential for music noise.
Theatres	Alcohol ancillary to live theatrical performances.	Minimal disturbance from customers leaving. Drunkenness and violence are unlikely.
Registered Clubs	Only supply alcohol to members or bona fide guests. No DPS needed. May provide entertainment. Function Room available for commercial hire will require TEN.	Minimal disturbance from members leaving. Limited drunkenness. No violence. Possible noise from entertainment.
Festivals and outdoor events	Not alcohol led but food and alcohol will be available on site. Could attract large numbers of attendees. May have to submit Event Management Plan and Risk Assessments to Safety Advisory Group.	Likely disturbance from large numbers attending. Alcohol consumption will exacerbate noise and nuisance issues. Dispersal may be an issue. Drug dealing and drug consumption likely. Drunkenness and violence are possible. Child protection and safety issues may occur.

Appendix 5

Glossary of terms

ARID	Assault Related Injuries Database
ASB	Anti-Social Behaviour
BBN	Best Bar none
BID	Business Improvement District
BIIAB	British Institute of Innkeeping Awarding Body
BIS	Department for Business, Innovation and Skills
BRDO	Better Regulation Delivery Office
CCTV	Closed Circuit television
CIA	Cumulative Impact Area
CIP	Cumulative Impact Policy
DBS	Disclosure and Barring Service
DPS	Designated Premises Supervisor
DPSP	Designated Public Space Protection Order
EHO	Environmental Health Officer
ENTE	Evening and night time economy
HSE	Health and Safety executive
PASS	Proof of Age Standards Scheme
SGSA	Sports ground safety authority
SIA	Security Industry Authority
TENs	Temporary Event Notices
VOA	Valuation Office Agency
WAVE	Welfare and vulnerability engagement

Special Saturation Policy

Torbay Council is designated as a 'Licensing Authority' (hereinafter referred to as 'the Authority'), for the purposes of the Licensing Act 2003 (hereinafter referred to as 'the Act'). Under the powers of Section 5A of the Act, which delegates to the Authority the power to implement a Cumulative Impact Policy, (hereinafter referred to as 'the CIP), the Authority is of the opinion that there is a cumulative impact regarding certain types of premises, and this is resulting in significant crime and disorder, anti-social behaviour and public nuisance issue.

The shaded area on the attached plan is the area that has been identified as the Cumulative Impact Area (CIA) for the purposes of this revised CIP, which now focuses on to smaller areas than the previous CIP, which was originally published as part of the Authority's previous Statement of Principles 2016. This decision is based upon an evidential review undertaken by the Authority in 2020 of data provided by the Police and the Authority, which continues to identify these areas as being subject to high levels of alcohol related crime and public nuisance. Findings also demonstrated that the CIP should only apply to 'vertical drinking establishments', 'Off Licences' and late night refreshment (takeaway) premises. This CIP also applies to predominantly food based businesses that become 'vertical drinking establishments' later in the evening. These two areas include the whole of Torquay's harbourside and Fleet Street and an area around Castle Circus.

The effect of a CIP is to indicate that, where relevant Representations have been received and accepted by the Authority, an application for a new premises licence, or the variation of an existing premises licence, would normally be refused, for the defined areas in that CIP. This is where it is anticipated that the application will add to the problems of crime and disorder, anti-social behaviour or/and public nuisance in these areas, unless the Applicant can demonstrate within their Operating Schedule, that there will be no negative cumulative impacts on one or more of the Licensing Objectives. It is important to remember if no representations are received for an application within the CIA, the application must be granted as applied for, without the need for a hearing.

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

Where cumulative impact is identified, the problems are not the responsibility of any one premises, but are the result of a number of premises trading in the same, defined area. It is the aim of the CIP to not only reduce crime, disorder, anti-social behaviour

and public nuisance within the CIA, but to support and encourage businesses with a focus on providing food, leisure, sports, community and family orientated activities where alcohol is ancillary to the provision of those facilities, which have little or no negative impact on the Licensing Objectives.

This CIP will be subject to regular review and formal reconsideration every three years, or more frequently, if required. If it is evidenced that the continued need for a CIP is no longer necessary, possibly remedied by other initiatives or Policies, it may be dispensed with, or if the opposite is true, areas may re-instated or increased.

Factors considered in reviewing and continuing with the CIP

The Police, in conjunction with the Council have expressed serious concern in relation to crime and disorder and public nuisance incidents in Torquay town centre both historically, but also more recently, and the evidence demonstrates for part of the existing area, these concerns remain.

The Council has considered the analysis of crime data provided by Devon and Cornwall Police, as well as nuisance data provided from its own database. The crime data compared combined crime figures for 2016 and 2017, against combined data for 2018 and 2019, for the area previously defined under the existing CIP. This showed a 22% decline in alcohol related crimes and a 7.7% decline in more serious offences. In contrast, violence and anti-social behaviour incidents were up for the same period by 55.2% and 13.7%, respectively. The main change between the two sets of figures, is the declines in streets with fewer or no licensed premises and therefore formed the decision to remove these from the CIA. Nuisance figures have also seen a decline and again reflects the changing nature of the area.

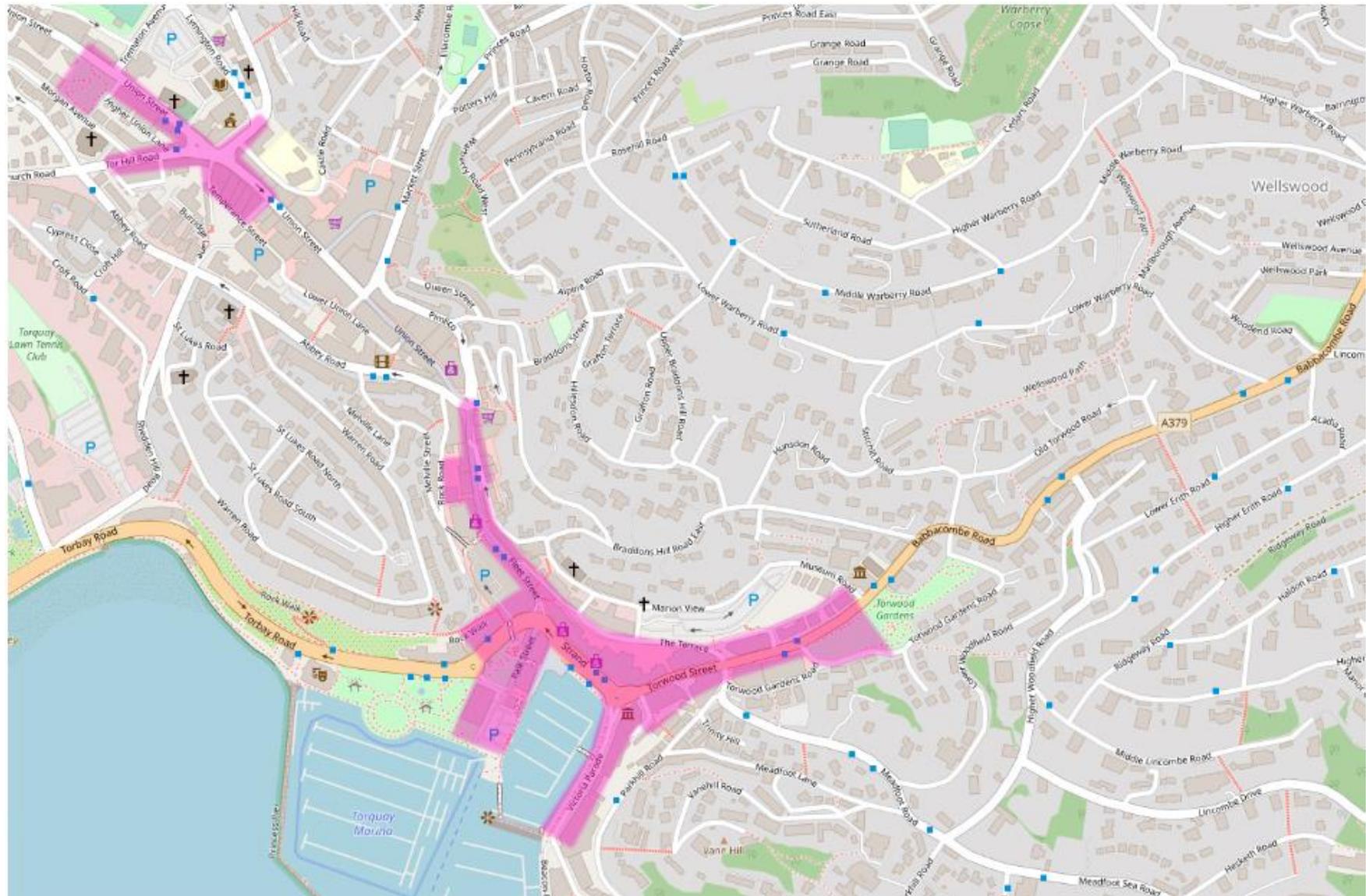
There is a well-established link between alcohol and violence and data from the Assault Related Injuries Database (ARID - collected from assault victims attending the local hospitals, accident and emergency department in recent years) has found that the peak time for assaults in Torbay, being late night/early morning and alcohol was a factor in most of these assaults. The centre of Torquay was the main hotspot, though as reflected above, there has been a decline in this case, of 23%.

The continuation of a CIA, as designated in the CIP, albeit now smaller in total area, does not precluded applications being made for new premises licences or variation to existing premises licences in the town centre for any type of business.

Torquay Town Centre is subject to considerable re-development, both currently and over the coming years. Ongoing development will increase both the urban population of Torquay Town Centre and potentially the number of late night commercial premises. It is accepted that the re-development will change the character of Torquay Town Centre, in time. However, it is imperative that the Council protect both residents and

businesses against the potential growth of anti-social behaviour and crime and disorder in this re-defined area within the CIP, but equally does not impede growth where there is no current evidence of a cumulative impact.

DRAFT



The Cumulative Impact Area for this Policy

Statement of Licensing Principles 2021 – 2026

Consultation Responses and Action taken/reply

Comment One

Re Section 1.20 concerning 'Off Licences'. Could more consideration be given to the area in which alcohol may be sold for drinking off the premises in respect of a) whether it is near a public/scenic area where crowds could gather and b) the toilet facilities that would be available to purchasers? This is to combat the situation that occurred on Babbacombe Downs recently where people gathered in large numbers to drink alcohol bought from a near-by Off Licence and as no public conveniences were open (due to Covid19) the nearby Shelter was used instead. The stench was off putting for everyone walking in the area and trying to enjoy Babbacombe Downs.

Response

Gatherings of large numbers of people occurred predominantly as a response to the closure of premises for consumption of alcohol during the Covid -19 lockdown earlier in the year. This therefore arose out of a unique set of circumstances that could not have been reasonably foreseen.

Where licensed premises had the right to make 'off sales' on their licence, they were permitted to make such sales provided that consumption did not take place on the premises. As these permissions were already in place, it was a perfectly lawful action.

The licensing authority has a duty to consider any application received under the Licensing Act 2003 individually and on its own merits, it is therefore, not possible to lay down a blanket requirement with regard to off sales.

Notwithstanding this, it is important to ensure that the four licensing objectives are promoted at all times and the Policy has therefore been reworded at in Section 3.1(b) (xxi) to take account of any situation where it is believed that off sales may be consumed in public areas, where, following appropriate representation(s) condition could be imposed on any licence issued.

Comment Two

More enforcement needs to be done on small hotels, guest houses & B&Bs who do not have a licence but serve alcohol. Many of us have to pay £180 a year which barely breaks even any profit on the sale of alcohol, just because we offer a complimentary drink on arrival. Many others sell bottles of wine or champagne in bedrooms or give drinks away, some even have full bars yet have no licence which isn't fair.

Response Two

This is an operational (enforcement) matter and not a matter of policy, therefore no changes have been made to the Statement as a consequence of this reply.

It is a requirement that an authorisation is required in order to sell alcohol, for which appropriate action would always be taken in response to any unlawful sale. It is not possible to visit every Hotel, guest House and B&B in order to check whether alcohol is on sale and therefore, we would rely very much on complaint and/or intelligence. Where such information is supplied to the licensing team, it would be investigated and actioned as appropriate.

Cumulative Impact Policy 2021 – 2024

Consultation Responses and action taken/reply

Five specific questions were posed, which resulted in two replies. These are outlined below:

- 1) Should Torquay Harbourside, Fleet Street and the area around Castle Circus remain within the CIP area as proposed?
- 2) Should the area of Union Street between Temperance Street and Abbey Road be removed from the CIP area?
- 3) Should Abbey Road and Market Street be removed from the CIP area?
- 4) Should the remaining residential areas (in grey, outside of the marked area on the draft map) be removed from the CIP area?
- 5) Do you have any other comments about the Draft Cumulative Impact Policy?

Apart from Question one, where both responders answered 'yes', the responses were split with one stating yes to all other questions and the other, no. No supporting comments have been made by either responder in relation to any of the questions and no comments were made with regard to question five.

This means that the consultation has effectively produced no further information in order to shape the Cumulative Impact Policy. The CIP has however, been reviewed taking account of evidence from both Council, Police and other external sources. In view of this the draft CIP has remained unaltered from that which was proposed prior to consultation, and the Policy has been updated to reflect that.

Licensing Committee Proposals

The Licensing Committee considered both the Statement and the CIP on 11th August 2020. All of the proposals are outlined below and have been incorporated into the draft Statement.

No changes have been made to the CIP, with which Licensing committee were in full agreement.

Licensing Policy

1. Cllr Loxton pointed out there was no page 6 in the table of contents which should refer to the statement of principles.
2. Cllr Mills noted she had a number of comments on typing errors and grammar in the report. She is going to forward these comments separately rather than going through each one during the meeting.
3. Section 3.1 Cllr Loxton asked for something to be added in to cover -modern slavery/trafficking/money laundering/financial abuse
4. Section 3.1 xviii Cllr Dart asked for some wording to be added alongside Ask Angel for an initiative called Ask Clive (this is an initiative to welcome the LGBTQ community in to pubs). It was agreed that Gary would look at this with BBN and some additional words would be added to the policy to say Ask Angela and similar schemes such as Ask Clive.
5. Section 3.1 xxii Cllr pointed out a spelling mistake as it should read by not buy.

6. 6.10 BIS/BRDO it was highlighted that people didn't know what this stood for. Cllr Loxton requested that a glossary is provided at the end of the policy so people can see what the abbreviations mean.
7. 6.15 site should be spelt sight.
8. Appendix 2 point 1 re risk assessment. To change the word employment in the second sentence to provision. *Some areas may warrant the provision of SIA...*
9. Appendix 2 Register of SIA door supervisors – Cllr Loxton would like the word self-employed added as an option before the word employed in the 1st sentence. *...keep a daily register of self employed/employed SIA*
...
10. Appendix 4. Nightclub section refers to Sexual violence in the potential impact section. Cllr Loxton would like the words sexual violence also added to the boxes for alcohol venues and public houses and bars.

Cumulative Impact Policy

All agreed as proposed. Happy to remove all the areas proposed including the section of Union Street that was highlight for consultation.

Record of Decisions

Licensing Act Statement of Principles 2021 – 2026

Decision Taker

Cabinet on 17 November 2020.

Decision

That Cabinet recommends to Council:

- i) That the Licensing Statement of Principles 2021 to 2026, for publication with effect from 7th January 2021 be approved; and
- ii) That the Cumulative Impact Policy 2021 to 2024, for publication with effect from 7th January 2021 be approved.

Reason for the Decision

The Council has a statutory obligations as prescribed under Section 5 (1) Licensing Act 2003, which requires that the Licensing Authority publish a statement and review and re-publish the same, at least every 5 years.

Implementation

The recommendations of the Cabinet will be considered at the Council meeting on 16 July 2020.

Information

In accordance with Section 5 of the Licensing Act 2003, the Council is required every 5 years, to review, consult and republish its Licensing Statement of Principles (The Statement). The current Statement was published on 7th January 2016 and therefore, it has been reviewed and consulted upon and must be re-published, on or before 7th January 2021.

In addition, the Council's Cumulative Impact Policy (CIP), following a change in legislation, no longer forms part of the Statement and must now be a standalone Policy. This has also been revised and consulted upon and is required to be republished on or before 7th January 2021.

Councillor Carter proposed and Councillor Stockman seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

The statement is a statutory requirement, therefore no other options were considered.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

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

None.

Published

20 November 2020

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Meeting: Council

Date: 3 December 2020

Wards Affected: Roundham with Hyde

Report Title: Proposed use of land at Garfield Road, Paignton

Cabinet Member Contact Details: Cllr Swithin Long, Cabinet Member for Economic Regeneration, Tourism and Housing, swithin.long@torbay.gov.uk

Director/Assistant Director Contact Details: Kevin Mowat, Director of Place, kevin.mowat@torbay.gov.uk

1. Purpose of Report

- 1.1 The potential for use of land at Garfield Road for a residential development has been under consideration for several years dating back to the Paignton Town Centre Masterplan. Proposed uses including student accommodation, residential development or a residential/nursing home have been considered over that period.
- 1.2 The site forms part of the Victoria Centre. It is a 0.39ha site fronting onto Garfield Road in the heart of Paignton. The wider Victoria Centre site is dominated by a four storey car park adjacent to the wider shopping centre and a second multi-storey car park of similar scale.
- 1.3 Redevelopment of the Garfield Road site is based on the demolition of the existing car park. In October 2019¹ Council determined that it would approve the disposal of the freehold interest in the land with the Chief Executive given delegated authority to select a development partner and finalise Heads of Terms in consultation with the Cabinet Member and the Section 151 Officer.
- 1.4 Since that decision options were developed for a nursing home to be delivered on the site which would have supported a range of outcomes for the Council however following a service review this option is no longer under consideration. This means that an alternative delivery route is now required. With the imminent announcement of Future High Streets Funding expected to shape the development options for the wider Victoria Centre this report is setting out a route to enable Council obligations to be met without constraining those development options.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report will ultimately help deliver the Council's ambition that Torbay is a place where its residents can thrive. The proposals will support the regeneration of a key site in Paignton Town Centre.

¹ (<https://www.torbay.gov.uk/DemocraticServices/mgAi.aspx?ID=57274>)

2.2 The reasons for the decision are that the site is identified in the Paignton Town Centre Masterplan, which was adopted by the Council as a Supplementary Planning Document (SPD) in June 2015. Development of the site is supported by the Torbay Local Plan (adopted in December 2015). The Council identified, in its Transformation Strategy for Torbay's Town Centres, dated April 2017, that various options were being considered for Victoria Centre, including re-use of the site of the older of the two car parks, to be replaced by a residential development. The Paignton Neighbourhood Plan provides qualified support for development.

3. Recommendation(s) / Proposed Decision

- (i) That the decision of the Council on 24 October 2019 as set out in minute 75/10/19 be rescinded.
- (ii) That the disposal of the freehold interest of land at Garfield Road, Paignton (identified in Appendix 1) to Torbay Economic Development Company Ltd or a company wholly owned by the Council, be approved at nil cost, with the Chief Executive being given delegated authority to agree and finalise the terms of the disposal. The terms of disposal to include the principle that the Council will continue to meet the costs of holding the site until operational and will confirm to TEDC Ltd or a company wholly owned by the Council, at the earliest opportunity following the announcement of the Future High Streets Funding the outcomes it seeks for the wider Victoria Centre and it could include disposal on the open market, procurement of a Joint Venture partner, direct delivery by the Council company or any mixture thereof, ensuring that the ultimate proposals achieve best value for the Council.

Appendices

Appendix 1: Site location plan - Garfield Road, Victoria Centre, Paignton

Appendix 2: Victoria Centre SPD

Background Documents

Transformation Strategy for Torbay's Town Centres

<https://www.torbay.gov.uk/media/10450/transformation-project-town-centre-regeneration.pdf>

Supporting Information

1. Introduction

- 1.1 Cabinet recommended to Council in October 2019 freehold disposal in order to maintain pace of delivery for the Land Release Fund (LRF). However owing in part to the legal process underway to move the telecoms operators to gain vacant possession along with changing timescales around the LRF programme the land at Garfield Road has not yet been disposed of.
- 1.2 Since that resolution the Council has progressed matters in relation to this site and other land at Victoria Centre, namely:
- TDA, on the Council's behalf, continues to seek vacant possession of the site in order to ensure the site can be developed. The one remaining barrier to vacant possession is the continued occupation of the Garfield Rd site by telecommunications operators. One operator has now vacated the site and negotiations are progressing with the second to facilitate a temporary relocation and vacant possession of Garfield Road by end April 2021.
 - The Council has secured planning consent for demolition of the car park on Garfield Road. This will assist the Council in securing vacant possession and in future development on the site.
 - The Council has produced a development brief for the site. The development brief assists disposal and development of the site and whilst not a planning requirement was published on the Council's website allowing individuals/businesses to comment. It is now finalised.
 - The site is included, as part of wider regeneration and redevelopment proposals, in the Council's Future High Street Funding (FHSF) bid. If awarded the FHSF grant will support the site assembly and will unlock more comprehensive redevelopment opportunities. An announcement is expected on FHSF imminently.
 - The Land Release Fund Board has accepted that the site can be transferred to a Council owned company. The Council's procurement team has confirmed that this transfer does not create any form of issue from the procurement perspective
- 1.3 Following the decision not to pursue a nursing home as part of the wider redevelopment of the Victoria Centre, and in support of the Council's leadership of the regeneration of Paignton alongside the work at Crossways, it is prudent to affect this transfer to allow the Council's LRF obligations to be satisfied and develop the Council's preferred redevelopment option pending the FHSF application outcome.

2. Options under consideration

- 2.1 Recommended Option – To proceed with disposal of the site to TEDC Ltd (or one of its subsidiaries) in line with the position accepted by the Land Release Fund Board. This route is considered to be most appropriate to the Council's placeshaping objectives and allows for clearer controls of the programme and influence over the outcomes.
- 2.2 Not recommended - To take advantage of the longer period now available through the Land Release Fund programme for disposal (end of March 2021) and to test the benefits of disposal to a development / JV partner

where the outcomes could be shaped around financial outcomes. There has been some limited market engagement which suggests that there is interest in the wider site but there is no guarantee that an appropriate partner would come forward in the available time. Depending on the ultimate structure the Council would have limited control over future development.

3. Financial Opportunities and Implications

- 3.1 A delayed decision could risk clawback of LRF grant or have an impact on the costs of the scheme for instance the demolition contractor has provided a fixed price commitment expiring 31st March 2021. Any delay or clawback would also lead to reputational harm to the Council and impact on the confidence of funding partners.

4. Legal Implications

- 4.1 None

5. Engagement and Consultation

- 5.1 There has been regular consultation with the community throughout the Town Centre Masterplan programme with community representatives receiving briefings from Council and TDA officers on the process. This has included for instance seeking views on the development brief referred to above.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 None at this time however it is expected in line with the Council's commitment to community wealth building that a redevelopment will be expected to bring benefits including local supply chain and employment and skills opportunities. This would be a feature of the procurement of any contractor with an expectation that these would feature clearly within the contractor's commitments.

7. Tackling Climate Change

- 7.1 None at this time however the Council will be able to set out its desired outcome in line with recommendation (iii).

8. Associated Risks

- 8.1 There are two principal risks;
- I. Risk of clawback, the Land Release Fund contains milestones which must be met. While feedback to the Council on how challenging issues have been addressed on Land Release Fund sites has been positive if the dates for the transfer were missed it is likely that the funder would withdraw funding and could seek to claim back costs incurred at this point of circa £395,000.
 - II. Reputational harm, this would link to any financial challenge but there would also be consequential impacts on the reputation of the Council with funding partners and with the Community.

Equality Impacts

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

	Socio-economic impacts (Including impact on child poverty issues and deprivation)		There is no differential impact as an immediate consequence of this recommendation however the site is expected to benefit from FHSF grant pending Government decision. Ultimately it is expected that the site will support outcomes including more people living and working in the town centre.
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		There is no differential impact
10..	Cumulative Council Impact (proposed changes elsewhere which might worsen the impacts identified above)		
11.	Cumulative Community Impacts (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)	Not as an immediate consequence of this recommendation	

Appendix 1

Site Location Plan



GARFIELD ROAD SITE

Part of the Victoria Centre, Paignton

SUPPLEMENTARY PLANNING DOCUMENT

January 2020

Ref 1748



Architects | Urban Designers

Document Revision

Revision	Date	Author	Checked
P1	APRIL 2019	MC	AC
P2	APRIL 2019	MC	AC
P3	MAY 2019	MC	AC
P4	JULY 2019	MC	AC
P5	JULY 2019	MC	AC
P6	JULY 2019	AC	AC
P7	NOVEMBER 2019	MC	AC
P8	NOVEMBER 2019	MC	AC
P9	DECEMBER 2019	AC	MC
P10	JANUARY 2020	AC	MC
P11	JANUARY 2020	MC	AC
P12	JANUARY 2020	AC	MC

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1.0 INTRODUCTION

1.1 ABOUT THIS DOCUMENT

The development of this site is one of a number of town centre projects that are vital to the pace and success of the regeneration of Paignton's town centre.

This Supplementary Planning Document (SPD) provides a framework for the residential development of a site on Garfield Road, which is part of the Victoria Centre. It is a 0.39ha site fronting onto Garfield Road in the heart of Paignton. The existing site is dominated by a four storey car park adjacent to the wider shopping centre and a second multi-storey car park of similar scale. Redevelopment of the site is based on the demolition of the existing car park.

This SPD provides guidance on the height, scale, massing and broad design principles of the development of the site. It is not prescriptive, in as much as it does not attempt to design a development – that being the developer's role – or to provide detailed design guidance, which might stifle innovation.

The framework for development, provided by this SPD, is based on a clear understanding of the site and its context; an assessment of options for development of the site, culminating in a series of parameter plans and illustrations to guide development. This understanding and assessment necessarily includes the whole of the Victoria Centre, as it is the Council's ambition (as land owner) to secure comprehensive redevelopment of the whole of Victoria Centre. Consequently, the development associated with this SPD must not prevent the later phases of development.

The purpose of this SPD is to accelerate delivery of new homes on the site, establishing the principle of residential development, securing community support and as an adopted planning document, thereby providing more clarity and certainty for a developer. Preparation of the site for development, including production of this document, has been greatly assisted by the Government Land Release Funding.

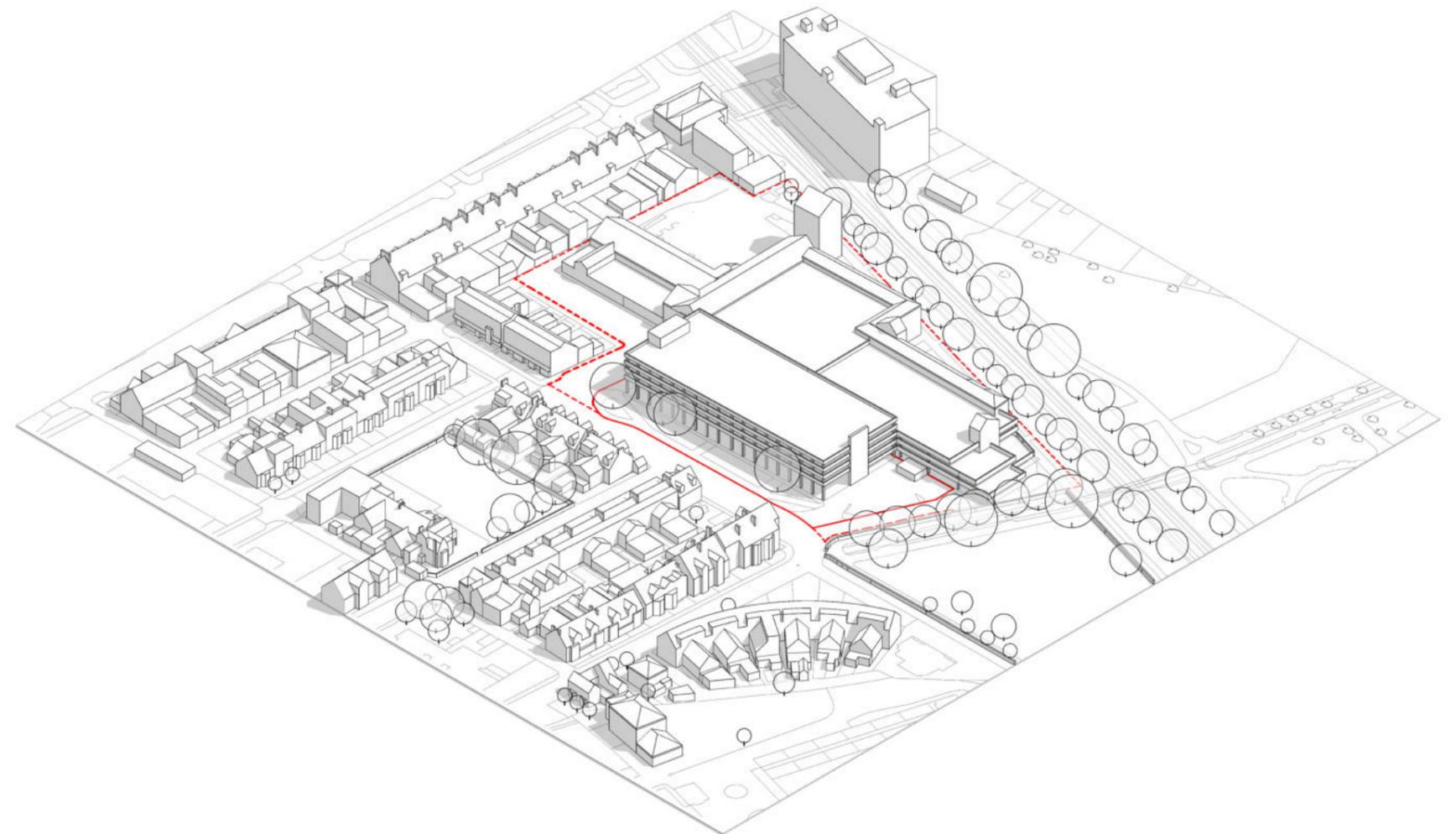


Image 1.1: The existing site shown within the solid redline, with the wider Victoria Centre marked with a dotted line.

1.2 PAIGNTON

Paignton has evolved, largely as a result of philanthropy, private investment and good design, from a rural community of the C18th, latterly to a tourist destination, as part of the renowned English Riviera. Paignton has experienced significant decline in recent years with a lack of major investment and consequent challenges for the community. The Council has committed resources, including its land, to support the necessary regeneration of Paignton Town Centre. The development of the Victoria Centre, forms part of the Council's town centre regeneration programme.

Paignton is home for 44,189 people. It is Devon's 4th largest town, behind Plymouth, Exeter and Torquay. Paignton's population will grow by 10% by 2030.

Paignton is part of Torbay's UNESCO designation as a Geopark – the world's only urban Geopark. It has outstanding natural assets.

The small footprint of Paignton town centre ensures that all the core services - retail, transport, library and leisure – are within a 10 minute walk. Paignton town centre is very well served by rail, bus, coach and road infrastructure – right into the heart of the town. Over 670,000 trips occur via Paignton Railway Station, an increase of 57% from 2008. An enhanced half hourly train service will, from December 2019, meet growing demand within the travel to work area. There is a direct rail service to London.

The offer and experience within the town centre is improving, based around a large percentage (76%) of independent retailers each offering a reason to come to Paignton.

Torbay is one of the country's top 10 visitor destinations, welcoming over 4.5m visitors every year, with an annual visitor spend of over £435m. Paignton attracts over 1.4m day visitors and over 380,000 staying visitors, spending over £140m every year.

Paignton is the historic and cultural heart of Torbay which includes; Palace Theatre, Paignton Picture House - (Europe's oldest purpose built cinema), Doorstep Arts (a National Portfolio Organisation - one of the country's leading community theatres) and a very high concentration of listed buildings.

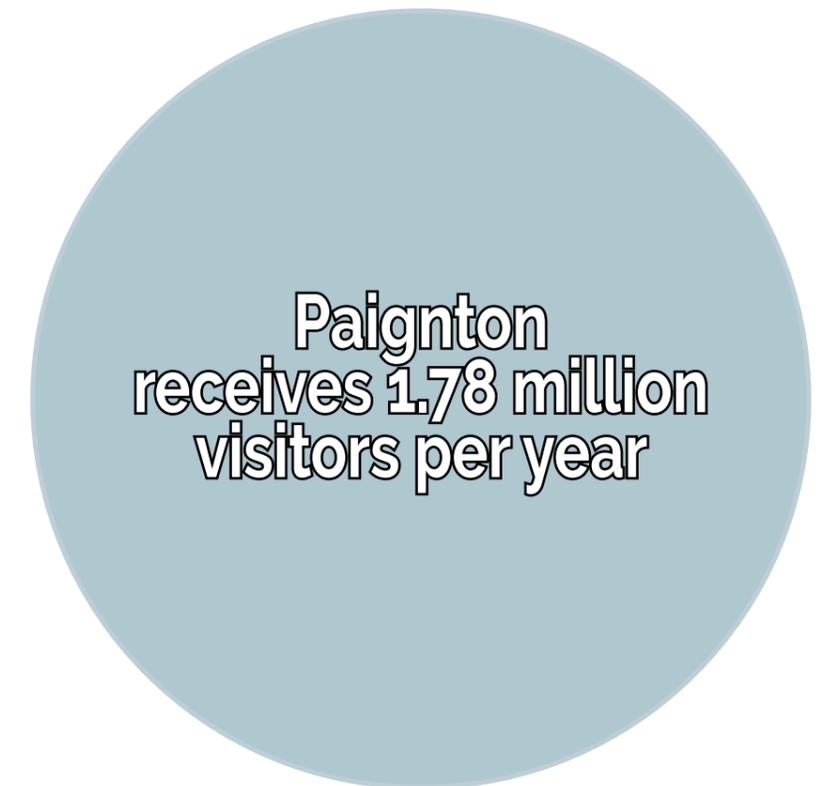
The South Devon Highway provides reliable connections to the motorway network, reducing travel time from the M5 and enabling improved access to national and international destinations: Exeter Airport in 30 mins; Bristol Airport in 90 mins; Plymouth Port in 60 mins.

South Devon College, a Gold educational establishment located in

West Paignton, seeks to achieve university status with 1,000 Higher Education students by 2025. It plans student accommodation, with initial demand for 120 student beds. This is a game changing opportunity to make the town centre attractive for young people and education.

The Council's Local Plan and the community's Neighbourhood Plan identify the need to deliver homes in Paignton Town Centre, including this site.

Collectively this provides a great opportunity for a refreshed and successful town centre that is well-connected, offers a great experience and is home to a much larger number of people than at present.



1.3 SUPPLEMENTARY PLANNING DOCUMENTATION

INTRODUCTION

Supplementary Planning Documents (SPDs) are non-statutory documents that add a further layer of detail to the Local Plan. They can be used to provide further guidance for development on specific sites, or on certain issues. Such documents are capable of being a material consideration in planning decisions, but do not form part of the development plan.

This SPD has been prepared specifically in relation to the site currently occupied by older of the two car parks at Victoria Centre. The car park fronts onto Garfield Road.

However, development of the site has to ensure that future phases of development can be delivered. So this SPD also acknowledges the wider site and potential future development.

This SPD takes the form of a Development Brief, setting out key parameters for development of the site. It does not provide detailed designs for a future development, as this is a role for a developer and their architect at the planning application stage and too much detail in the SPD could stifle good, innovative design.

This SPD has been prepared within the identified planning policy context and has been subject to public consultation. Once examined and adopted, it will provide a strong and clear development direction for the regeneration of the Victoria Centre site in the centre of Paignton, helping to accelerate delivery of new development. This Brief will therefore play a key role in guiding future development.

TOWN CENTRE TRANSFORMATION

Residents, businesses and representative groups have, since 2015, set out what they want to see happen in Torbay's town centres.

In April 2017 Torbay Council agreed a Transformation Strategy for Torbay's Town Centres, based on the community's proposals. See <https://www.investintorbay.com/wp-content/uploads/2017/05/Transformation-Project-Town-Centre-Regeneration-Appendix-1.pdf>. The Strategy also helps to deliver a number of other strategic plans, such as the Economic Strategy, Culture Strategy, Local Plan, Destination Management Plan and Neighbourhood Plans.

The Strategy sets out how the Council, working with partners, can ensure town centres are successful, offering a better experience for consumers whilst celebrating the USP of each place. The Council has set out an approach to regeneration that includes use of Council assets and resources to deliver improvements in town centres, which secures further investment in town centres.

Victoria Centre is one of the priority sites the Council has identified in its town centres regeneration programme – see: <https://www.investintorbay.com/town-centres-regeneration/>. The Council has considered a range of development options. It has secured £900,000, from Ministry of Housing, Communities and Local Government, to unlock the site subject of this SPD. The Council wants to ensure there is a contract in place for development by April 2020.

The development of this site is important to town centre regeneration for a number of reasons, such as ensuring there are more people living in the town centre, helping to generate footfall and spend in the town centre, and supporting an evening economy.

Other projects in Paignton, included in the Council's programme, are public space improvements to Paignton Station Square, redevelopment of Crossways, a new civic hub including improvements to the train and bus stations and a new health & wellbeing facility alongside Paignton Library. Further details of proposals for Paignton town centre can be viewed at:

<https://www.investintorbay.com/town-centres-regeneration/>

1.4 SITE CONTEXT

The site is located within the centre of Paignton. Shops, restaurants, parks, the seafront, the library, the train and bus stations are all within a (level) 5 minute walk.

The site is very accessible by car, with a number of roads leading to it from the east and south.

The site is part of the Victoria Centre, which includes a Lidl foodstore and a number of smaller retail units, a second multi storey car park and Victoria Square.

There is housing and small hotels to the east and south of the site. The attractive Victoria Park is immediately to the north and the railway line is to the west of the Victoria Centre. A new 3* hotel is proposed on the seafront to the east.

The site once formed part of Victoria Park and there is now a need to ensure development of the site helps to link Victoria Park with the high street and other parks.

All key transport links, shops and amenities are within a 5 or 10 minute walk from the site

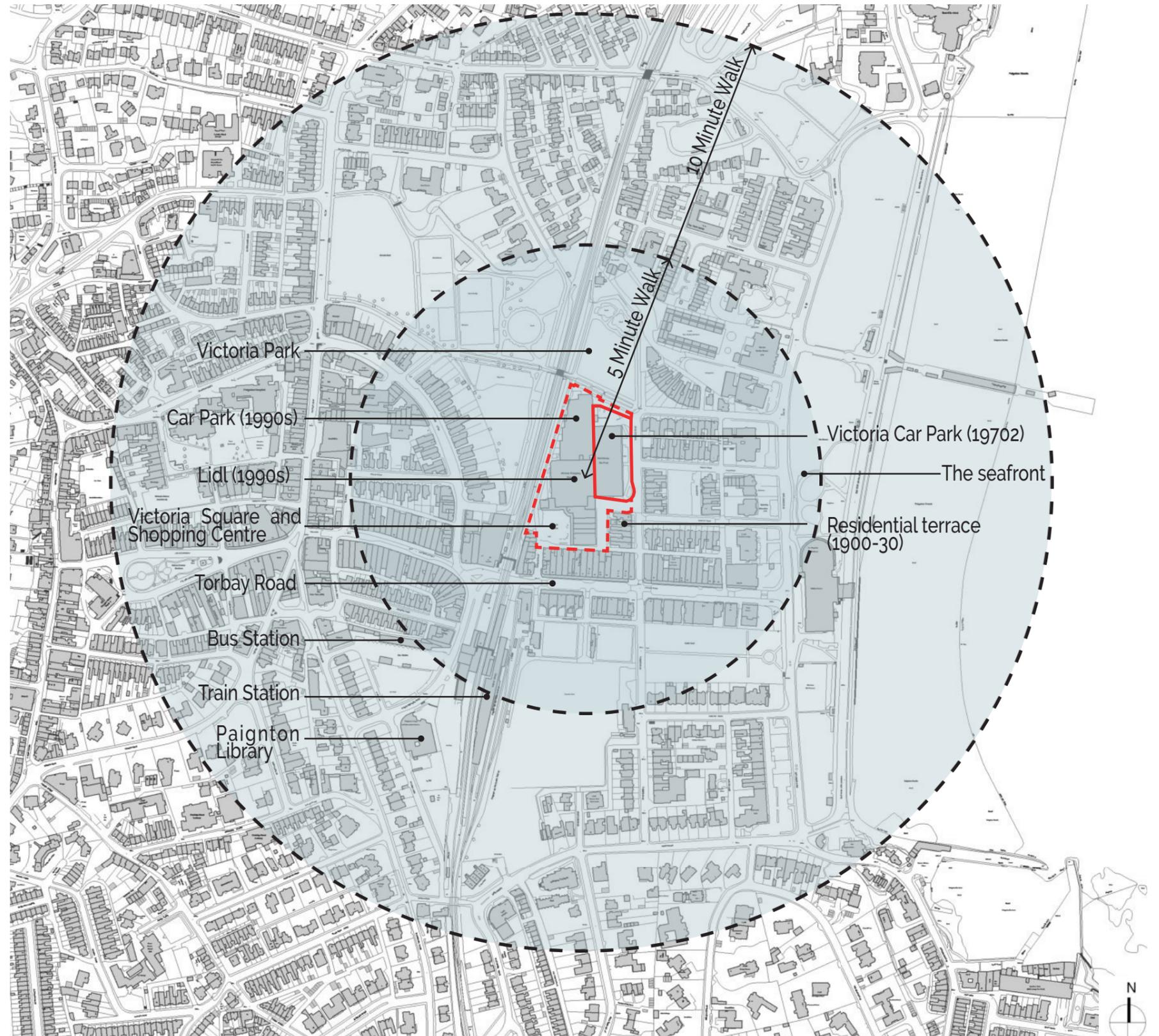


Image 1.2: The wider context

1.5 SITE DESCRIPTION

The site has an area of approximately 0.39ha, with a width of approximately 100m and a depth of approximately 40m. A site survey is available.

The site abuts an adjoining multi storey car park to the west. This car park is 4-5 stories in height. A strategy to screen this car park from public view should be considered as part of all development proposals.

There are four existing trees within the site boundary, development proposals should seek to either retain these trees or mitigate their loss by re-providing green space on the site.

In addition there is a service road and service courtyard to the south of this, access to this area will need to be retained and considered as part of any development proposal.

The site photographs which follow provide key views illustrating appearance, scale and massing of the existing buildings in addition to key views and built context in proximity to the site.

The wider site is occupied by the Victoria Centre which is generally set level and occupied by a local shopping precinct with a food supermarket and an associated multi storey car park. The buildings date from around 1970's to present day and do not exhibit architectural quality. Indeed, the quality of external space, particularly the main public square is poor in terms of urban design. There are obvious opportunities to improve the urban fabric through careful design and redevelopment.

The surrounding context generally comprises red brick and render victorian/edwardian terraces, rising to 3 storeys establishing a linear urban grain around the site.

The site offers development opportunities to capture key views across the town and to the sea if a proposal with sufficient height is achieved. This would capture expansive vistas along the Riviera coast and to the town and Victoria Park.



PHOTO 01:
View north up Garfield Road



PHOTO 02:
View west along Beach Road

The site offers the potential to capture views out to sea and across Victoria Park



PHOTO 03:
View south down Garfield Road



PHOTO 04:
View looking north east along the coast towards Torquay



PHOTO 05:
View looking north/ north west across Victoria Park towards Shorton



PHOTO 06:
View north along service road to the rear of the supermarket



PHOTO 07:
View looking south towards Queen's Park and Paignton Harbour, which can both be seen if stood at the edge of the building towards the site's southern boundary



PHOTO 08:
View looking north east along the coast towards Torquay

1.6 PLANNING POLICY

The planning policies relevant to this site are included in the NPPF, Torbay Local Plan, Paignton Neighbourhood Plan and Paignton Town Centre Masterplan. All locally produced plans and strategies can be viewed at <https://www.torbay.gov.uk/council/policies/planning-policies/>. A full review of relevant policies is included as an appendix to this SPD. The following sets out a summary of the key issues relating to this site.

The Council requires a policy compliant development, as a minimum. Some relevant detail of those policies is included in the Appendix to this SPD.

KEY POLICY ISSUES

The following are the key policy issues to be considered as part of any redevelopment of the site:

a. 100% residential v mixed use

The Council considers that this site can be developed solely for residential purposes, for up to 100 apartments. This will complement the existing variety of uses within Victoria Centre. In the longer term, redevelopment of Victoria Centre could also deliver a wider variety of uses. However a developer may wish to include more than just residential use on this site. That could include, for example, cycle storage and repair for those people visiting the sea front and town centre; community use (s); office space.

b. Affordable housing

A minimum of 20% affordable housing should be provided on site.

c. Design

A creative, site specific approach is required to ensure that the options presented achieve good design solutions. For example, the redeveloped scheme will require its own identity, as well as continuity and quality public realm. In addition, it should be permeable and inviting.

The site is located in a visually prominent part of the city centre and as such any future development proposals should deliver high quality design, tailored to the locality.

This SPD sets out a framework for a detailed design solution.

d. Amenity

The amenity of existing occupiers, specifically of residents on Garfield Road, will need to be considered. A planning application will need to show how this is being achieved. This SPD indicates some development options that should protect amenity, but further assessment – as part of more detailed design work – will be required.

The amenity of future residents is also important. Residents should have a good living environment, access to outdoor space and adjoining / surrounding uses should not have a negative impact on their amenity.

Additionally, a planning application should set out how the health and well-being of existing and proposed residents will be encouraged / enhanced.

e. Flood risk

The site is within Flood Risk Zone 3 and a Critical Drainage Area.

Whilst the site benefits from flood protection, a development proposal must be supported by a flood risk assessment. The development will need to avoid residential use at ground floor level. Under-croft parking, storage, non-residential uses could be located at ground floor level.

The Critical Drainage Area designation means that surface water run-off from a development should be equivalent to green field run-off rates.

f. Parking

On-site parking must be provided. The precise numbers of spaces will be a product of the nature of a development proposal. Sheltered accommodation, for example, will require less parking than open market residential development.

The town centre location of the site, plus its proximity to public transport, may mean there is some flexibility in relation to overall numbers of parking spaces.

The starting point for discussion about car parking provision on site is provided by Appendix F of the Local Plan. See: <https://www.torbay.gov.uk/media/6836/lp-2012to2030.pdf>

Electric charge points are likely to be required as part of a development.

g. Access and connectivity

It is important for development of this site to reinforce the links between green spaces, such as Victoria Park and Queens Park, between the town centre and the sea front, and between the site and public transport nodes.

h. Socio-economic impacts

It will be important for the development to provide beneficial socio-economic impacts during construction and occupation / operation.

During construction this is likely to include use of local labour and skills, use of local suppliers, training and apprenticeships, local targeted recruitment.

During operation / occupation this is likely to include impacts on the town centre, other local economic benefits such as job creation and spend.

i. Energy and 'green' credentials

The development should include low carbon design, how energy consumption will be reduced through design and how energy efficiency will be achieved.

The development could include green roofs, roof garden space and garden courtyard(s), helping promote Paignton as a garden town by the sea.

j. Delivery

The Council expects a development to be delivered at pace. Pace of delivery, in terms of timing of a planning application, start on site and completion of development, is likely to be defined in a contract for sale / lease of the site and through the planning process.

The sequencing and timing of development should be included in a planning application.

RELEVANT LOCAL PLANNING APPLICATIONS

• P/1980/1571-Victoria Multi storey car park-Use part as an exhibition hall-Approved 12/08/1980.

Relevant surrounds:

Victoria Shopping Centre

• P/1991/1147-Use of open square as a general retail market

Tuesdays and Saturdays-Refused 01/09/1991.

- P/2004/2009-New shop-front-Approved 25/01/2005.

3 Victoria square

- P/2019/0032- Change of use from existing A1-(shop) to D2-(play centre) with ancillary cafe area (Retrospective)-Approved 08/03/2019.

5 Victoria Square

- P/2011/0088-Change of use from A1 to A3-Approved 15/03/2011.

Garfield Road

No.9

- P/2003/1908-Change of use from guest house to private residential house-Approved 06/01/2003.
No.7

- P/2008/0339- Certificate of lawfulness for an existing use as house in multiple occupancy consisting of 3no. 1 bedroom flatlets and 3 no. studio bedsits-Approved 19/11/2019.

SITE DESIGNATIONS SUMMARY

- The site is included in the Paignton Neighbourhood Plan as part of a wider Strategic Site ref. PNPH 13 (Victoria Square/Multi Storey Car park) requiring mixed use development.

- The site is located within Flood Zone 3, which is land assessed as having a 1 in 100 or greater annual probability of river flooding, or a 1 in 200 or greater annual probability of flooding from the sea in any year (ignoring the presence of defences). The site and surrounds are indicated as benefiting from flood defences.

1.7 OPPORTUNITIES AND CONSTRAINTS

HEADLINE OPPORTUNITIES

Based on the initial planning policy review the following key considerations have been identified:

- Removal of largely redundant multi-storey car park
- Delivery of significant residential development
- Delivery of 'future proofed' development (e.g. low /zero carbon, flood free)
- Opportunity to improve street scene and link green spaces
- Make the most of 360 degree views from the site, across the town and Bay
- Screen the remaining car park
- Support the delivery of more comprehensive development of Victoria Centre
- Support town centre regeneration in Paignton.

HEAD CONSTRAINTS

- Scale of houses in the immediate vicinity of the site
- Combined sewer running under the site requires 'bridging'
- Mature trees in Victoria Park, to the north, may limit developable area
- Retained multi storey car park to rear of site
- Service access for Lidl to south of site
- Access to multi-storey car park to north of site
- Flood risk

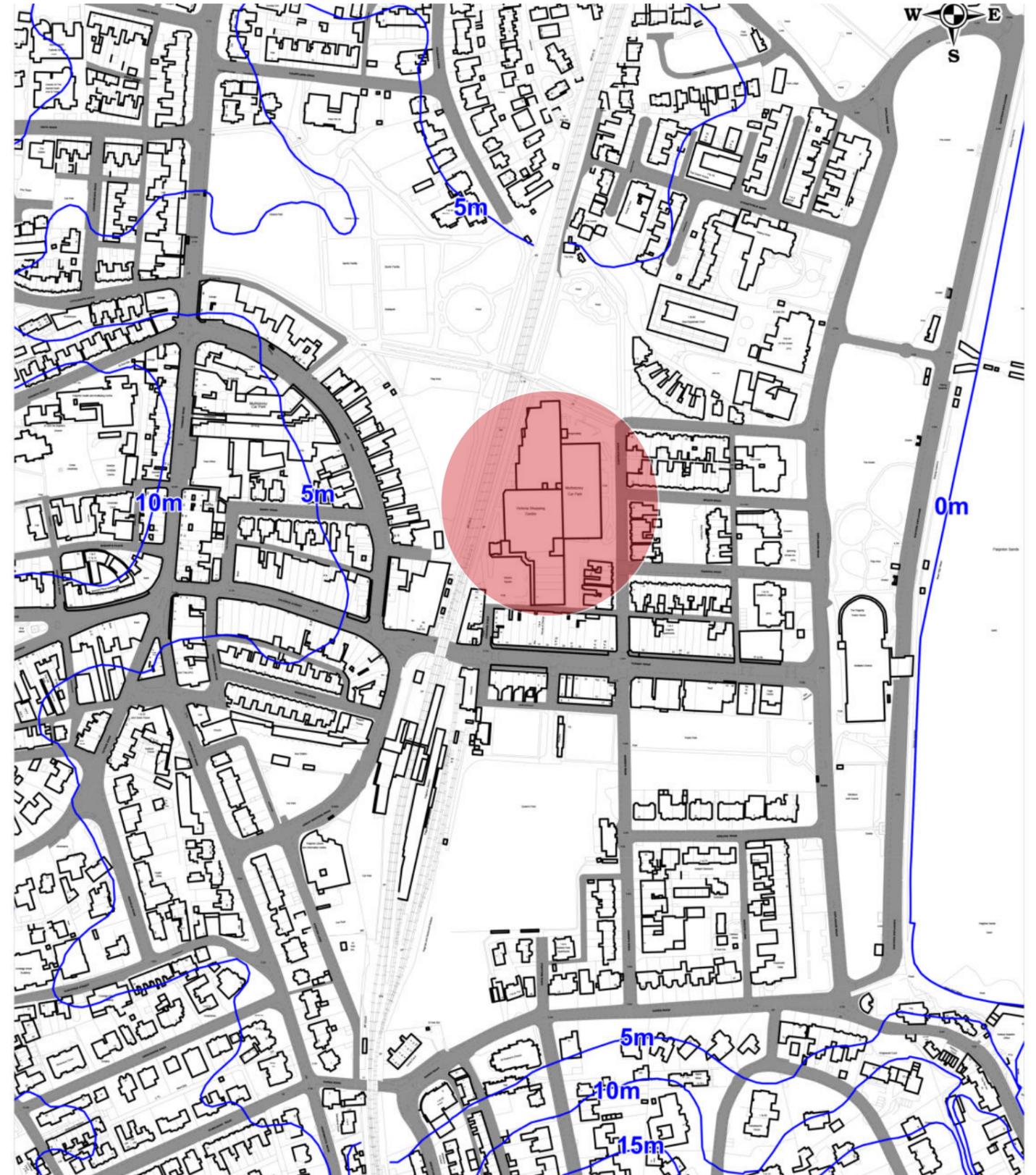


Image 1.4: The site is level, as illustrated by this contour map.

2.0 SITE ANALYSIS

2.1 LAND USES

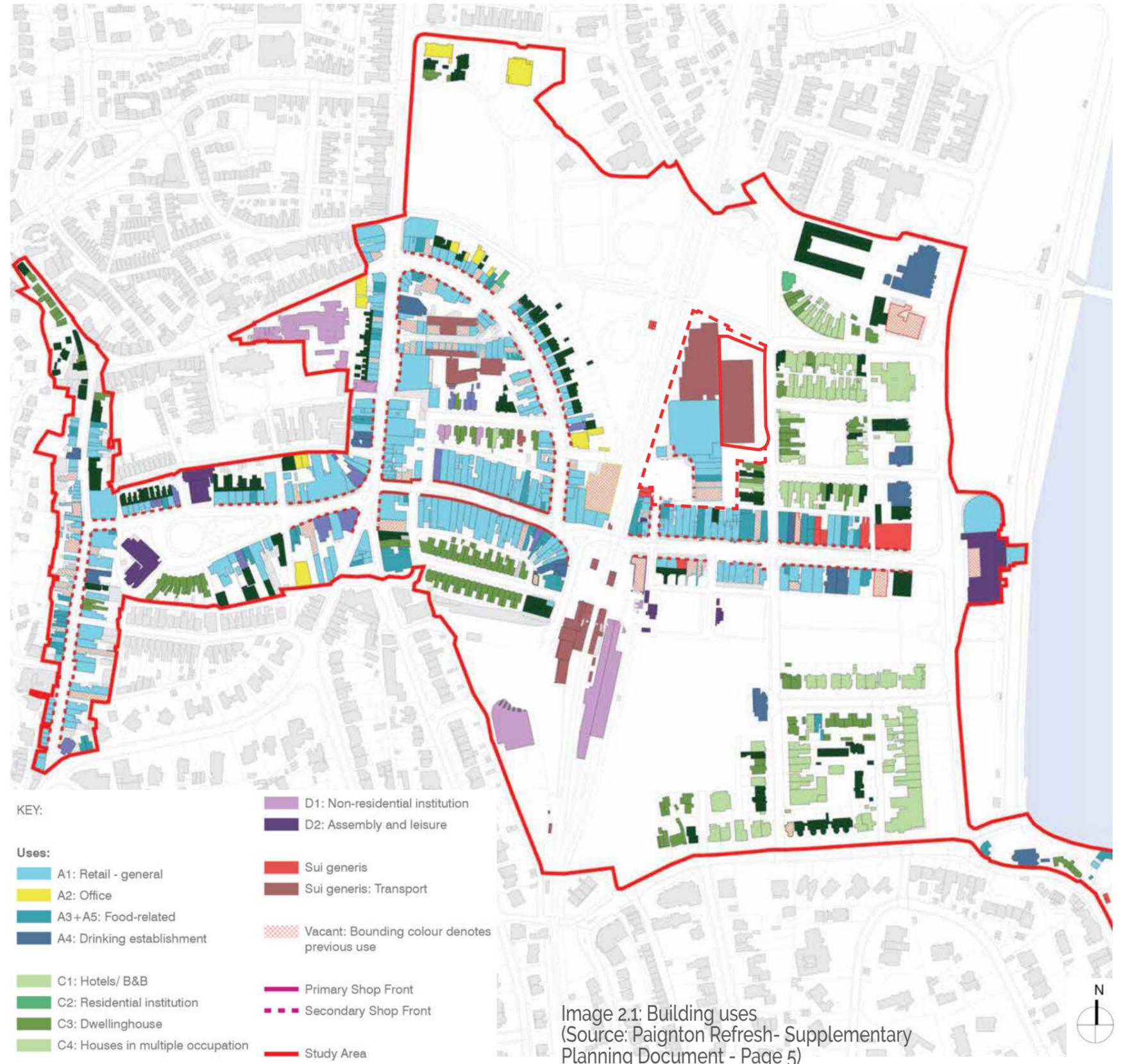
The land uses surrounding the site reflect the town's character and historic development.

The central spine of Torbay Road and Victoria Street is made up of retail and leisure uses along Torbay Road, largely reflecting its proximity to the beach, and retail within the pedestrianised section of Victoria Street.

To the east of the site is a mix of residential and holiday accommodation.

The Council is seeking, with partners, to diversify uses on the high street and to provide better quality public space. This will improve people's experience of the town centre, increase footfall, dwell time and spend. New residential developments within the centre of town will support transformation of the town. Development at the Victoria Centre, will help generate footfall and spend within the town centre.

The town centre is dominated by retail and hospitality uses





Beech

Victoria Park

Victoria Park

Paignton Hospital

Crossways

Paignton Parish Church

Bishops Palace

THE SITE

Paignton Pier

Beech

Play area

Palace Avenue

Victoria St

Cinema

Train station

Torbay Park

Beech

Bus station

Queens Park

Mini golf

Winner St

Library

Paignton Harbour

Image 2.2: Paignton Town Centre
(Source: Paignton Refresh- Public Consultation)

2.2 BUILDING HEIGHTS

The context is dominated by a late C19 and early C20 red brick and rendered residential vernacular. The majority of these buildings are terraces and are two or three storeys in height, many of which have seen numerous loft conversions and extensions, incorporating large box dormers which considerably increase their massing. Large late C19 hotels and villas also dominate the seafront.

Some five to six storey mid C20 flats and office buildings are also present within the immediate context.

The buildings which currently occupy the site are amongst some of the tallest and most substantially massed within the area, reaching four to five storeys in height, with large dominating footprints.

The Paignton Refresh Masterplan for the town identifies the site as a site with the opportunity to add height, capitalising on the central location and capturing views of both the sea and Victoria Park.

Furthermore, the Torbay Building Heights Strategy identifies the site as an area containing buildings in excess of 15 metres, amongst the tallest in the town.



Image 2.3: Indicative Building Heights
(Source: Paignton Refresh- Supplementary Planning Document - Page 17)

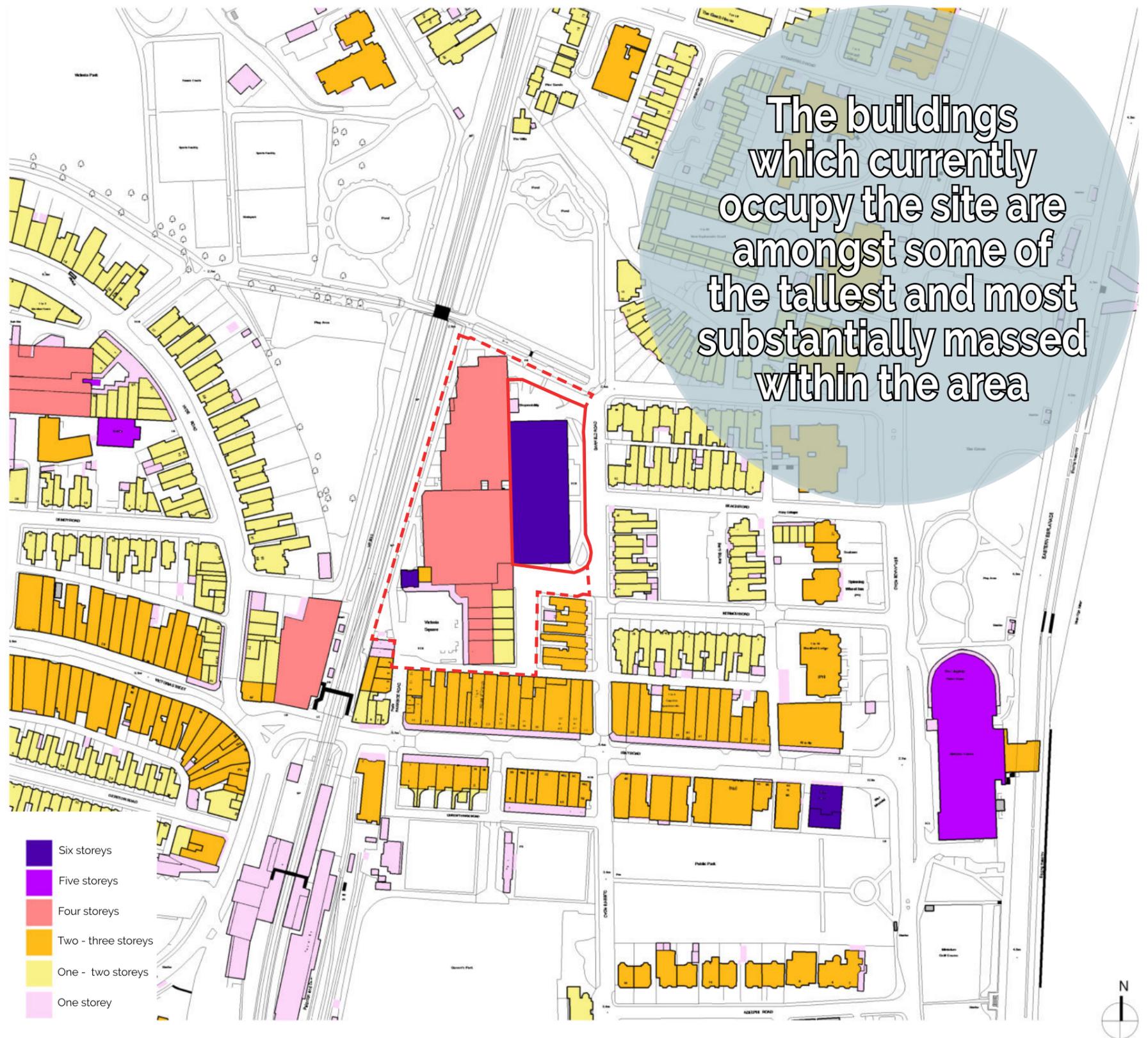


Image 2.4: Building heights

2.3 PARKS AND PUBLIC OPEN SPACE

The site occupies the south eastern corner of Victoria Park, and prior to its development over the last century it was part of the park.

Several other public and private parks are also within walking distance of the site, including Paignton Seafront and the beach.

Development of the site should, as such, seek to provide visual and physical links between Victoria Park, Queens Park and Torbay Road. This might include tree planting along Garfield Road, enhanced footways, accessible green space as part of the development, green roofs or roof gardens.

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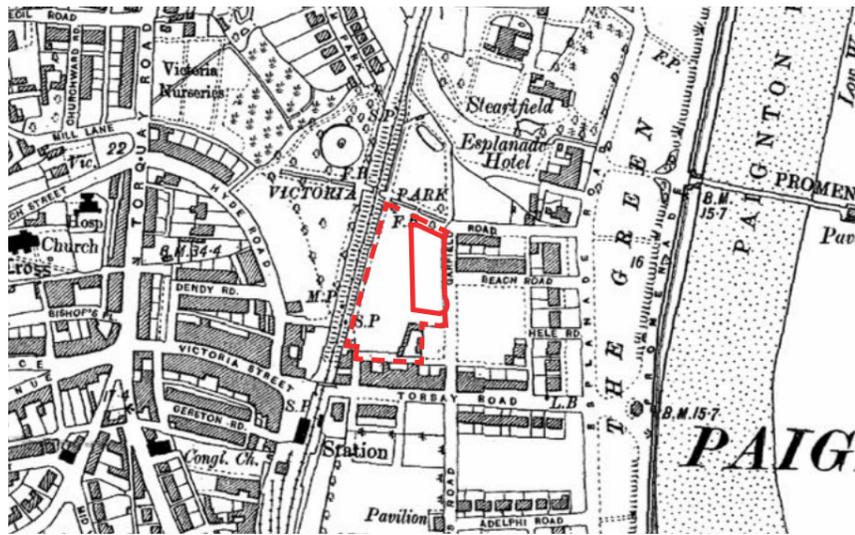


Image 2.5: The site circa 1900 when it remained part of Victoria Park

The site was formerly part of Victoria Park



Image 2.6: Parks and Open Space (Source: Paignton Refresh- Supplementary Planning Document - Page 8)

2.4 VEHICULAR MOVEMENT & SERVICING

PARKING

The existing site accommodates a multi storey car park identified as 'Victoria Car Park East'. This car park provides space for shopmobility, coach parking and high sided vehicles, all of which are being relocated by the council as part of its work to prepare the site for development. Victoria Car Park East abuts a second car park to the west, referred to as 'Victoria Car Park West'. Both car parks are accessible from Garfield Road in the north eastern corner of the site.

Development will take place on the footprint of Victoria Car Park East, which is scheduled for demolition. As a result, any proposal for development must ensure that access to Victoria Car Park West is maintained.

SERVICING

Lidl and several retail units are located to the south of the site. These buildings are serviced from Garfield Road via a servicing yard within the south eastern corner of the site. Development will also have to ensure access to these servicing bays is maintained.

Applicants may look to include proposals for alternative traffic flows along Garfield Road as part of development proposal.

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Access to the car park and Lidl's service yard should be retained during and after construction

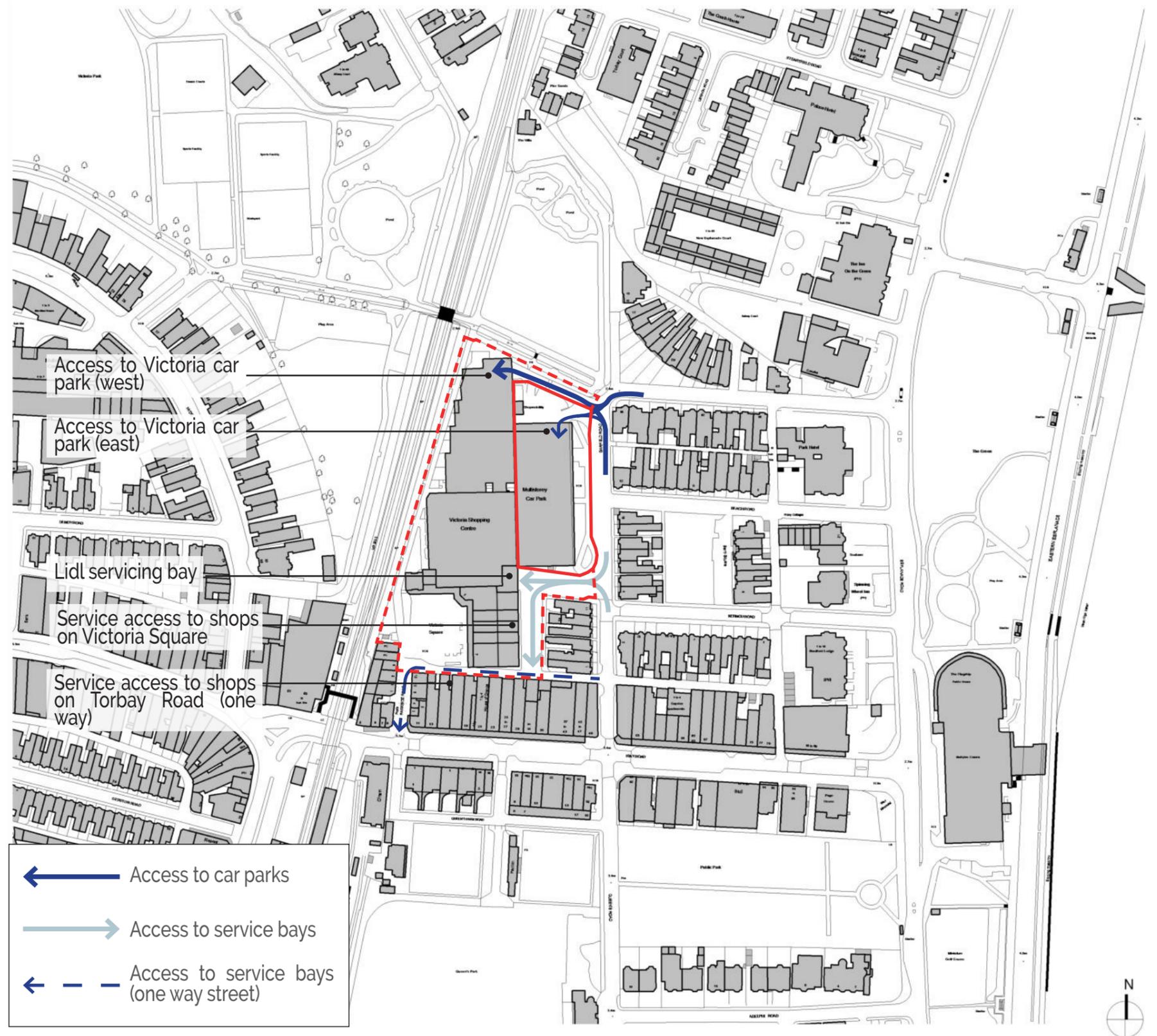
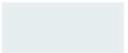


Image 2.7: Vehicular servicing and movement

2.5 PEDESTRIAN MOVEMENTS

The site is located minutes from both the main high street and the seafront, two areas which see high volumes of footfall. There are also direct links between Victoria Park and the seafront, resulting in a key pedestrian route running past the site's northern boundary.

Victoria Square also experiences high levels of footfall and forms a key formal public space.

-  Primary pedestrian throughfare
-  Secondary pedestrian throughfare
-  Pedestrian link from key transport hub or car park
-  Primary pedestrian space
-  Secondary pedestrian space
-  South West Coastal Path

<https://www.southwestcoastpath.org.uk/walk-coast-path/days-out/railways-walks/walks-riviera-line/walks-paignton-station/#>

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The development should enhance pedestrian links

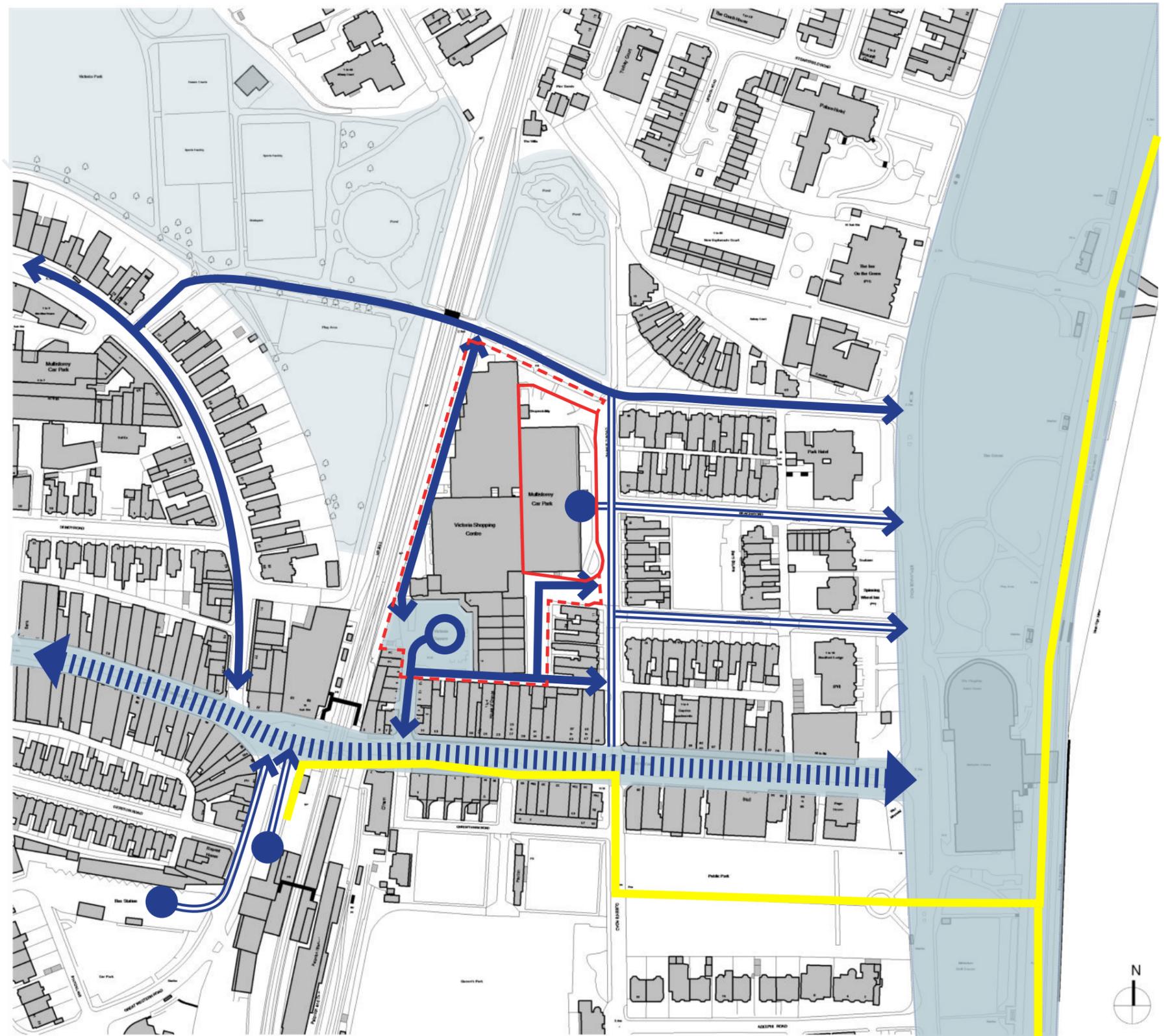


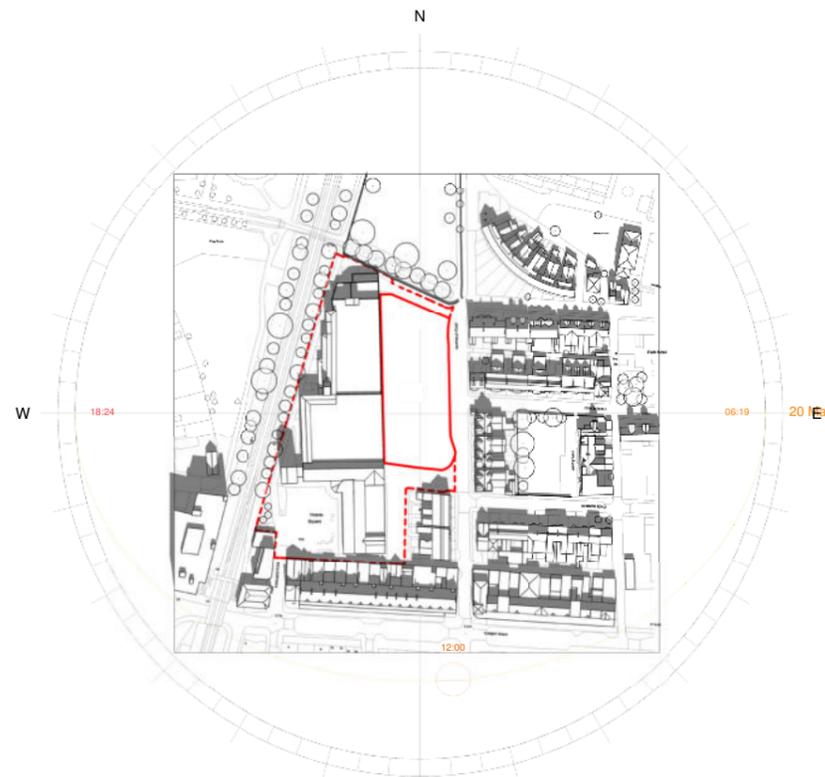
Image 2.8: Pedestrian movements

2.6 DAYLIGHTING ANALYSIS

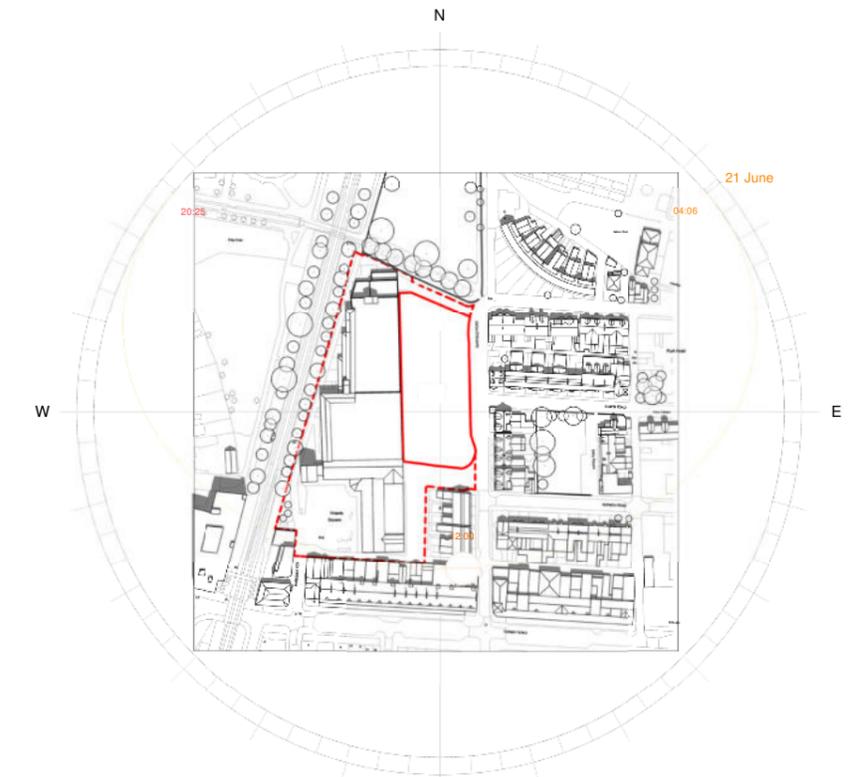
The main frontage of the site faces east towards the sea and Garfield Road. As a result, the site benefits from unbroken natural light until the early afternoon, at which point the site is partially shaded by Victoria Car Park West.

Surrounding storey heights to the east and south are not sufficient to cast any shadows on the site.

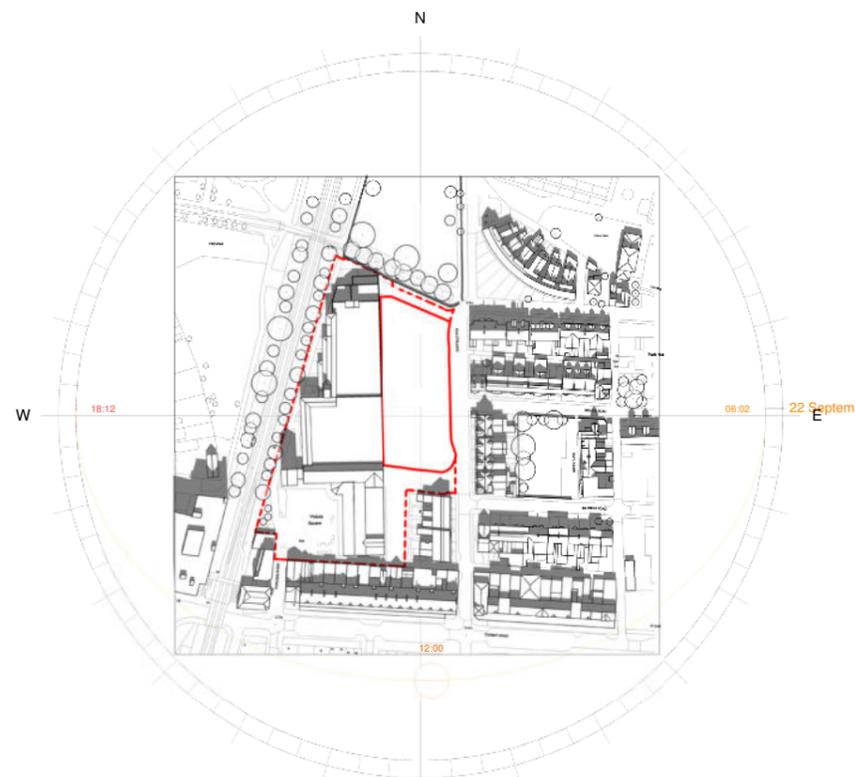
Overshadowing is not an issue on the site



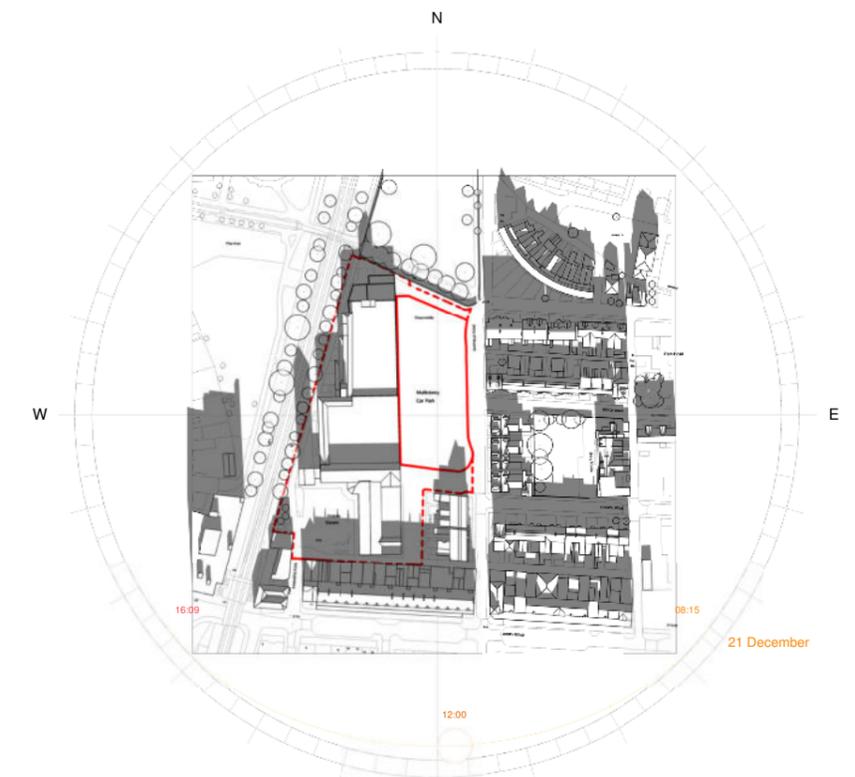
1. Spring Equinox



2. Summer Solstice



3. Autumn Equinox



4. Winter Solstice

2.7 HISTORIC GRAIN

Paignton has developed from a self-sufficient rural settlement in the C18th, to 'The Town of Golden Sands' in C19th and a 'Garden Town by the Sea' today, due largely to the arrival of rail in 1859 and investment by key individuals, such as Dendy (a businessman), Bridgman (an architect / designer) and Singer (philanthropist). Attractive public parks, an integral part of the town's development, remain today, but the last 50 years has seen some fairly brutal interventions – many of which are now redundant.

Prior to its development the site remained an integral part of Victoria Park. The site was largely undeveloped until the late 60s/ early 70s, when a small surface car park was introduced.

With a growing demand for parking this car park was soon replaced with the much larger multi storey that currently occupies the site. This structure can be clearly seen on the 1981 historic map.

With the new multi storey car park setting the precedent for development, the Victoria Shopping Centre development soon followed.

An important element in the town centre's recovery, and to celebrating the town's cultural and historic USP, is the replacement of 'brutalist' development of the past with new developments that respect street form, connect or provide green space, but also help ensure Paignton is a 21st Century town fit for the future.

The site



Image 2.9: Paignton 1928 viewed from the north east (Image Credit: Britain from Above)



Image 2.10: Paignton 1869 (Image Credit: Landmark Information Group)

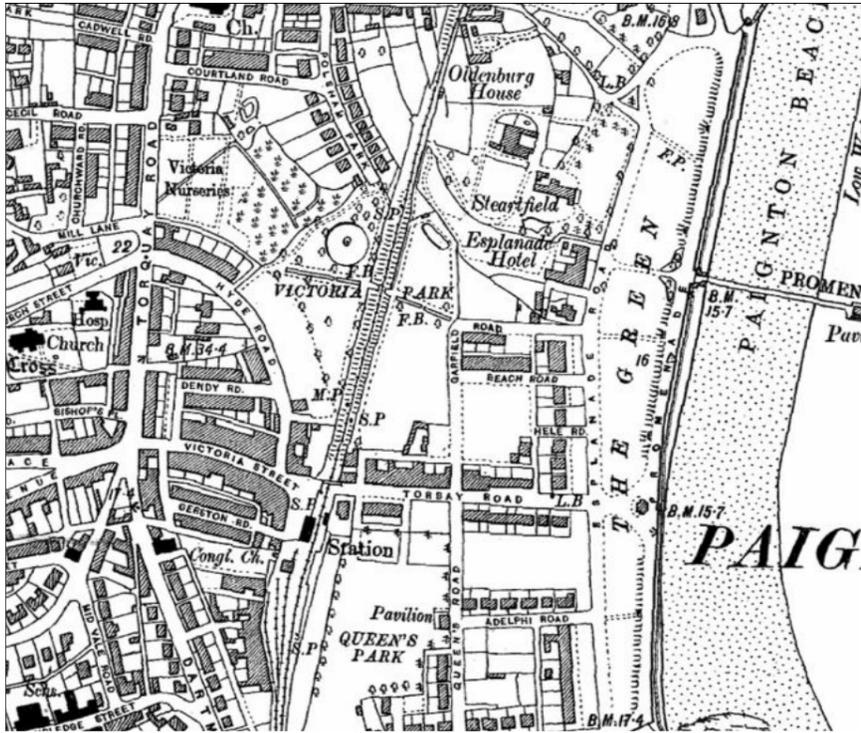


Image 2.11: Paignton 1906
(Image Credit: Landmark Information Group)

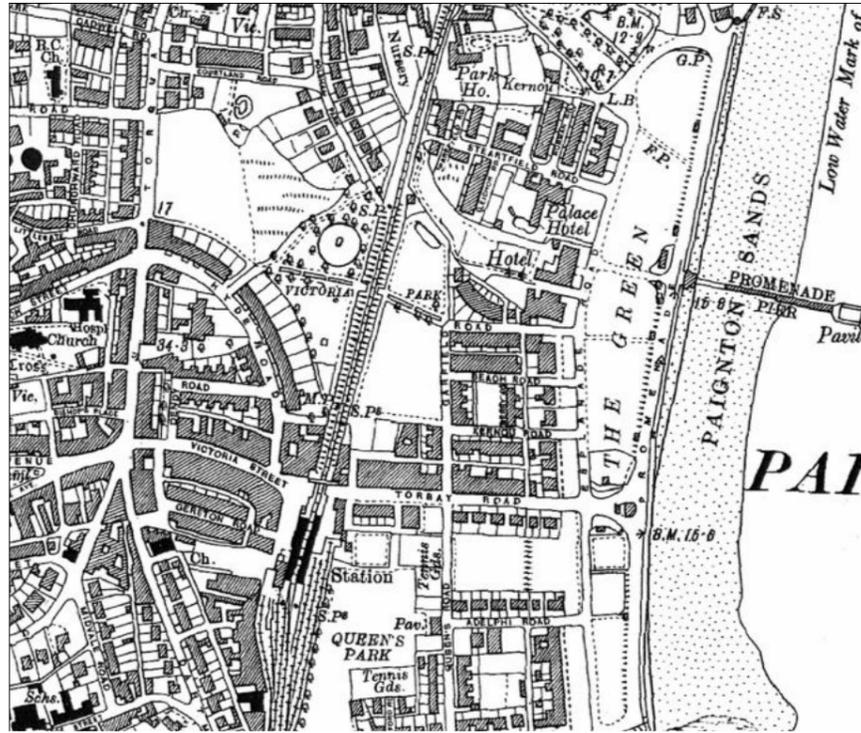


Image 2.12: Paignton 1933
(Image Credit: Landmark Information Group)



Image 2.13: Paignton 1954
(Image Credit: Landmark Information Group)

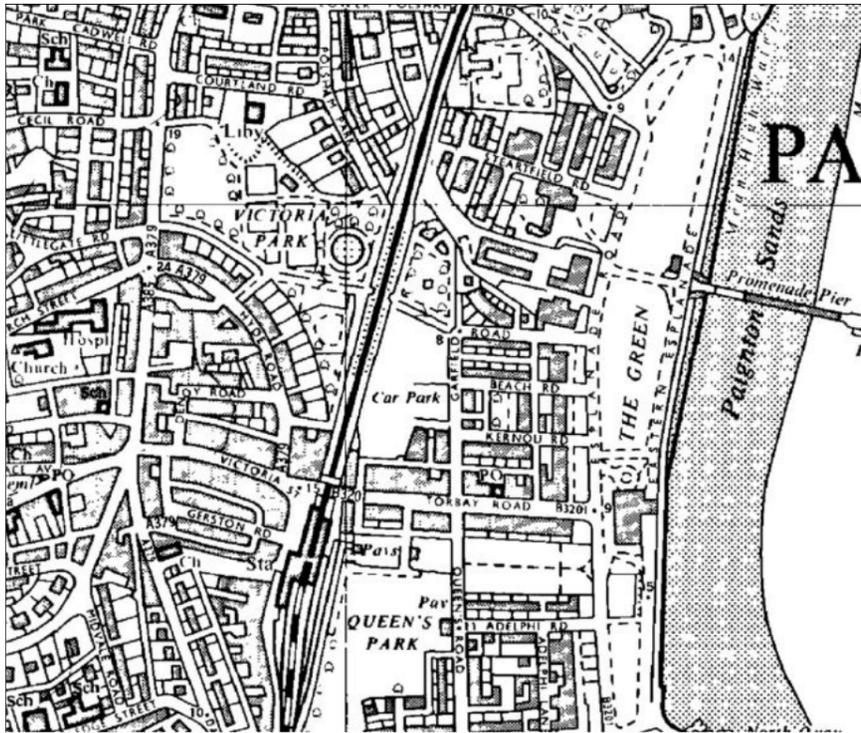


Image 2.14: Paignton 1972
(Image Credit: Landmark Information Group)

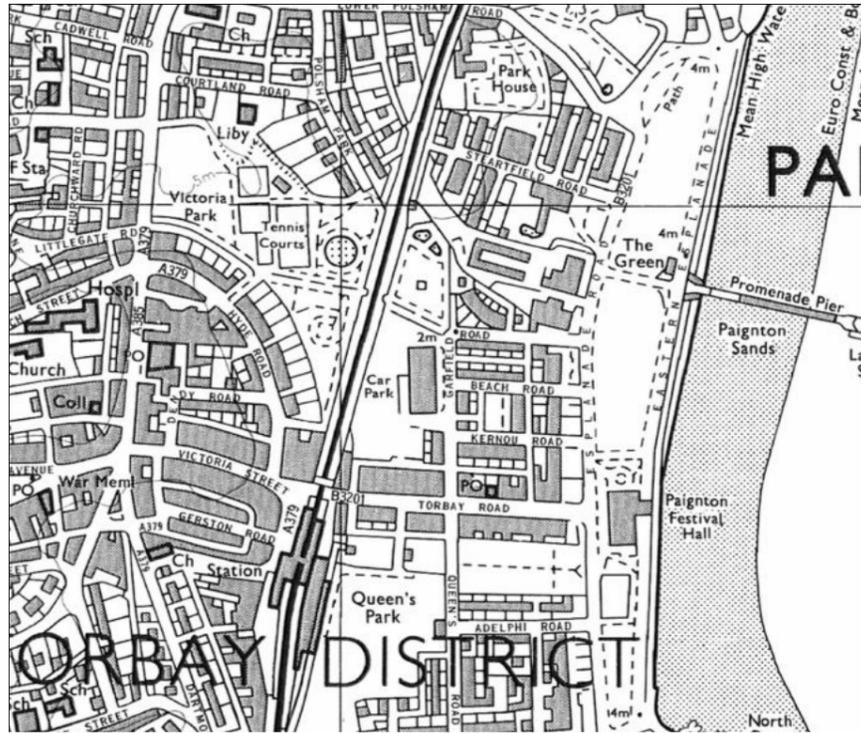


Image 2.15: Paignton 1981
(Image Credit: Landmark Information Group)

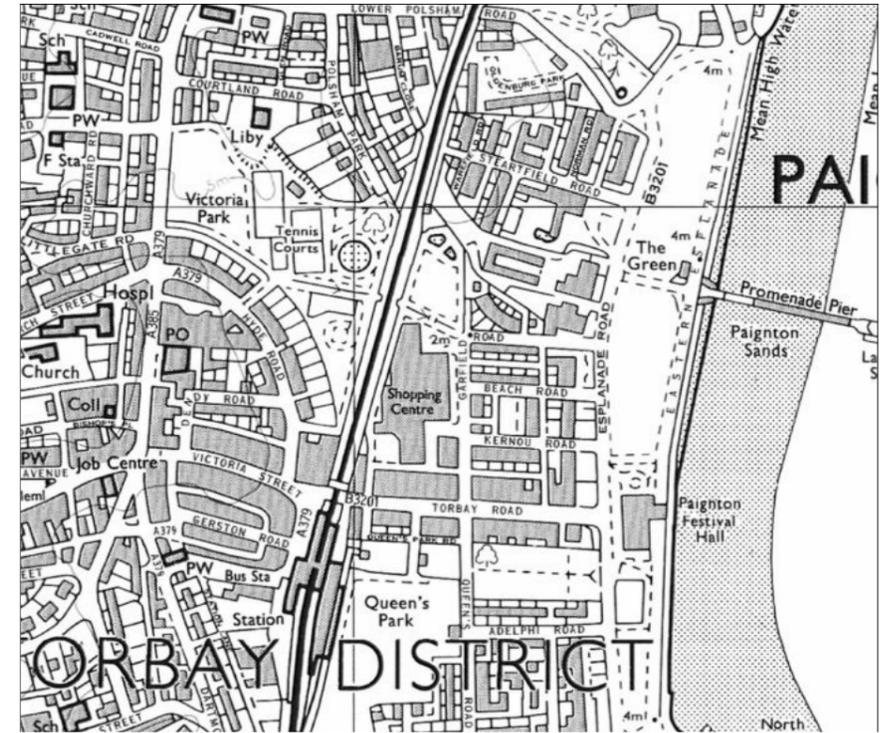


Image 2.16: Paignton 1990
(Image Credit: Landmark Information Group)

2.8 HISTORIC GRAIN - GROUND FIGURE STUDY 1869

The ground figure study of 1869 clearly illustrates sparse sporadic development across the town prior to the late Victorian building boom associated with Paignton's rise as a coastal holiday destination.

The buildings seen at this time consist of farms, smallholdings, mills and Villas. A small cluster of residential development in the form of terraces and detached houses can be seen to the west, clustered around St John's Church and Brethren's Chapel.

The site itself sits within farmland to the east of the town centre, it is likely that this land was used to grow cabbages, a crop which the town was famous for growing.

Image 2.17 (Right):
Paignton Ground Figure 1869

Prior to late Victorian
and early Edwardian
development the site
had agricultural ties



2.9 HISTORIC GRAIN - GROUND FIGURE STUDY 1906

By 1906 extensive development associated with the late Victoria coastal holiday boom can be seen with terraces forming to the east, south, and west of the site. By this date the site itself is no longer farmland but has now become a part of Victoria Park.



Image 2.18:
Paignton Ground Figure 1906

2.10 HISTORIC GRAIN - GROUND FIGURE STUDY 1933

The trend of development continues up to 1933 as the towns popularity continues to grow. By this date a row of 6 terrace houses can be seen against the site's south eastern boundary.



Image 2.19:
Paignton Ground Figure 1933

2.11 HISTORIC GRAIN - GROUND FIGURE STUDY 1954

Minimal change is visible between 1933 and 1954, however by 1954 the site's use as part of Victoria Park has been lost and turned over to parking.



Image 2.20:
Paignton Ground Figure 1954

2.12 HISTORIC GRAIN - GROUND FIGURE STUDY 1972

Similarly between 1954 and 1972 change is minimal, although by 1954 the entire area of the site has been turned into parking.



Image 2.21:
Paignton Ground Figure 1972

2.13 HISTORIC GRAIN - GROUND FIGURE STUDY 1981

By 1981 the most notable change in the site's history has taken place with the introduction of the Victoria Car Park East.



Image 2.22:
Paignton Ground Figure 1981

2.14 HISTORIC GRAIN - GROUND FIGURE STUDY 1990

More significant changes are evident by 1990, by which date the site is almost completely covered with buildings including the Victoria Car Park West and the Victoria Shopping Centre.



Image 2.23:
Paignton Ground Figure 1990

2.15 GROUND FIGURE PRESENT DAY

The present day ground figure study clearly identifies the split between old Paignton to the west, within which the Old Paignton conservation area lies, and the later Victorian and Edwardian developments to the east.

Old Paignton predominately contains C19th development, with a minority of buildings pre-dating this period. The parish church is one of the oldest buildings in the area pre-dating 1500.

The ground figure of the Victoria Car Park and the Victoria Shopping Centre clearly conflicts with the surrounding urban grain, this is primarily due to it's size and massing. Vue Cinema to the east is the only building with a comparable footprint.

Although the site sits on the divide between the more sporadic urban grain of old Paignton and the linear late Victorian development along the seafront, due to the natural division created by the railway line to the west of the site, its immediate context relates more closely to the linear late Victorian development.



Image 2.24: Ground Figure - Present Day

The significant difference between the site and surrounding urban grain can be remedied through redevelopment

2.16 CONSERVATION AREAS & LISTED BUILDINGS

The site is not within a conservation area and does not include listed buildings. But there are three conservation areas close to the site:

- Old Paignton Conservation Area
- Polsham Conservation Area
- Roundham & Paignton Harbour Conservation Area

For more information please refer to Torbay Council's Conservation Area Character Appraisals.

Available at:
<https://www.torbay.gov.uk/planning-and-building/caa/>

There are two listings within the site's immediate context, both lie to the south of the site on Torbay Road.

The first is Torbay Cinema, a grade 2* listed cinema which officially opened in 1912. It is Europe's oldest purpose built cinema and was once frequented by Agatha Christie. It is owned by a community interest company and being brought back into full use as a community centre, cinema and café.

The second is a terrace of grade 2 listed buildings which are located next to the aforementioned cinema. Built between 1809 and 1900 the terrace consists of a row of shops with accommodation over.

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There are no listed buildings on the site and it does not lie within a conservation area



Image 2.25: Conservation areas and listed buildings

2.17 FLOOD RISK

The site is within Flood Zone 3 and benefits from flood defences. Those flood defences are due to be upgraded in the near future. A financial contribution from the development will be required, to support delivery and maintenance of new flood defences. The Council may be able to use funding from MHCL (Land Release Funding) to cover the usual S106 requirements re flood defences.

A flood risk assessment will be required for any redevelopment proposal.

The site is also within a Critical Drainage Area, so the flood risk assessment and design of the development will need to show that surface water will be controlled and discharged at greenfield run-off rates. The flood risk assessment will also need to cover means of escape from the building, in the event of a flood.

Residential accommodation at ground floor level is not permitted. This SPD suggests undercroft parking and storage, as a means to secure on-site parking and remove flood risk. It may also be possible to use the ground floor for other uses.

The site is located within Flood Zone 3

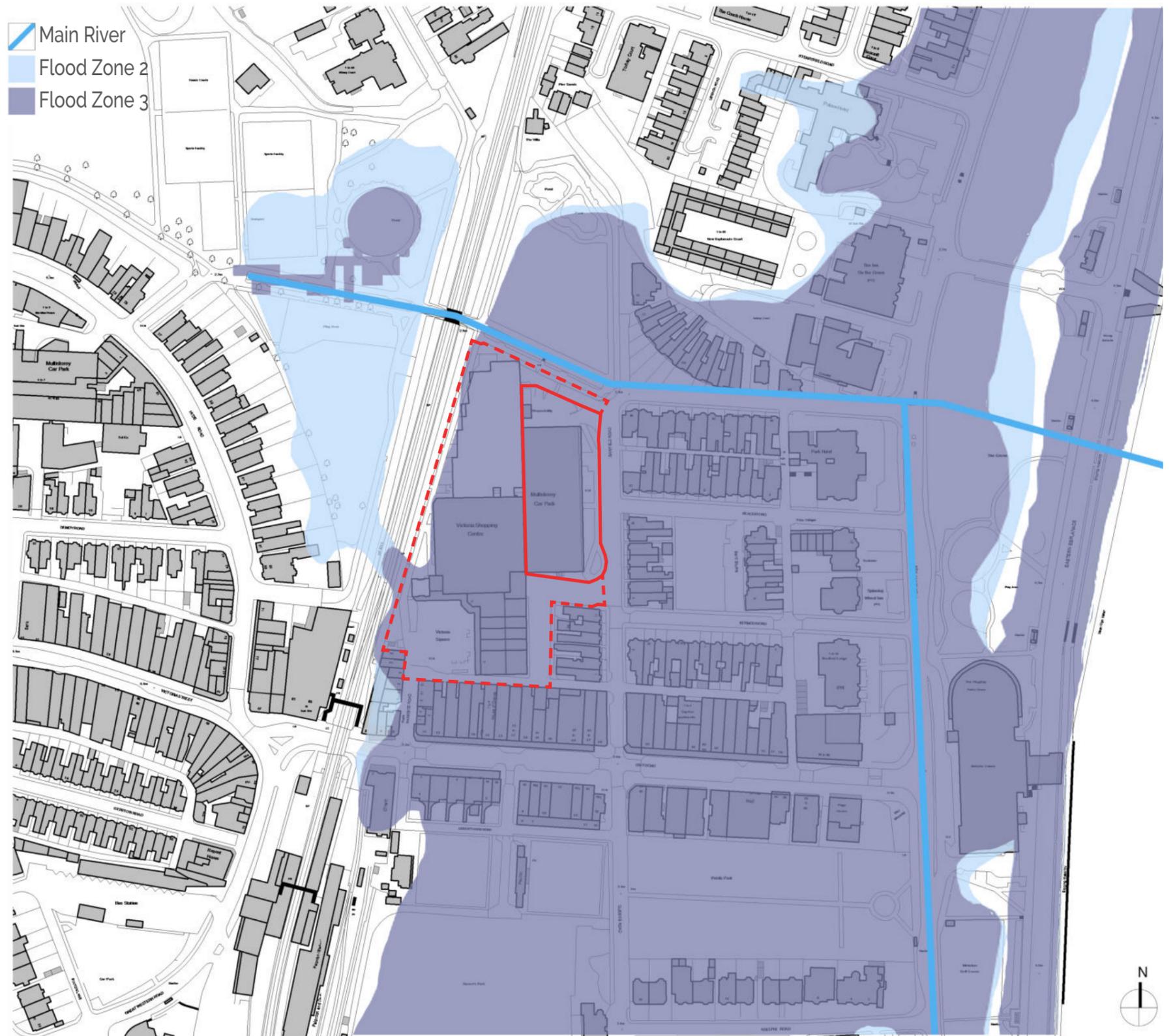


Image 2.26: Flood zones

3.0 DESIGN PRINCIPLES

3.1 AN UNCONTEXTUAL PRECEDENT

The existing buildings on the site present designs and a level of massing that does not sit comfortably with the surrounding context.

As a result design proposals should not use the existing buildings on the site as a precedent for future development.

Designs proposal should instead draw on the surrounding built context which includes a mix of late Victorian and Edwardian terraces.

The existing buildings on the site are not contextual
Proposals should draw on the surrounding built context

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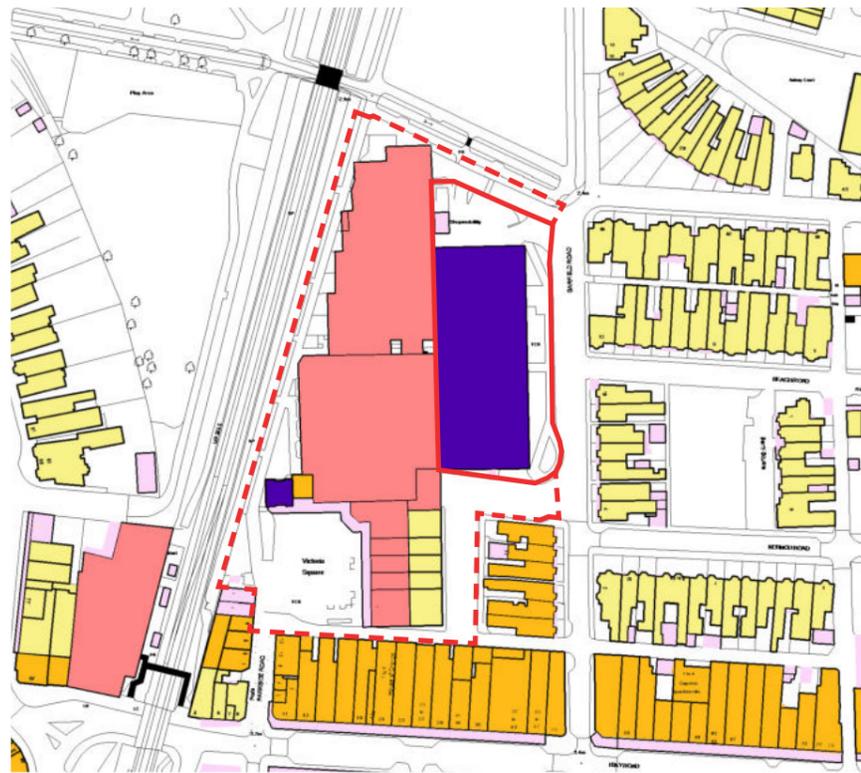


Image 3.1: Existing storey heights

- Six storeys
- Five storeys
- Four storeys
- Two - three storeys
- One - two storeys
- One storey

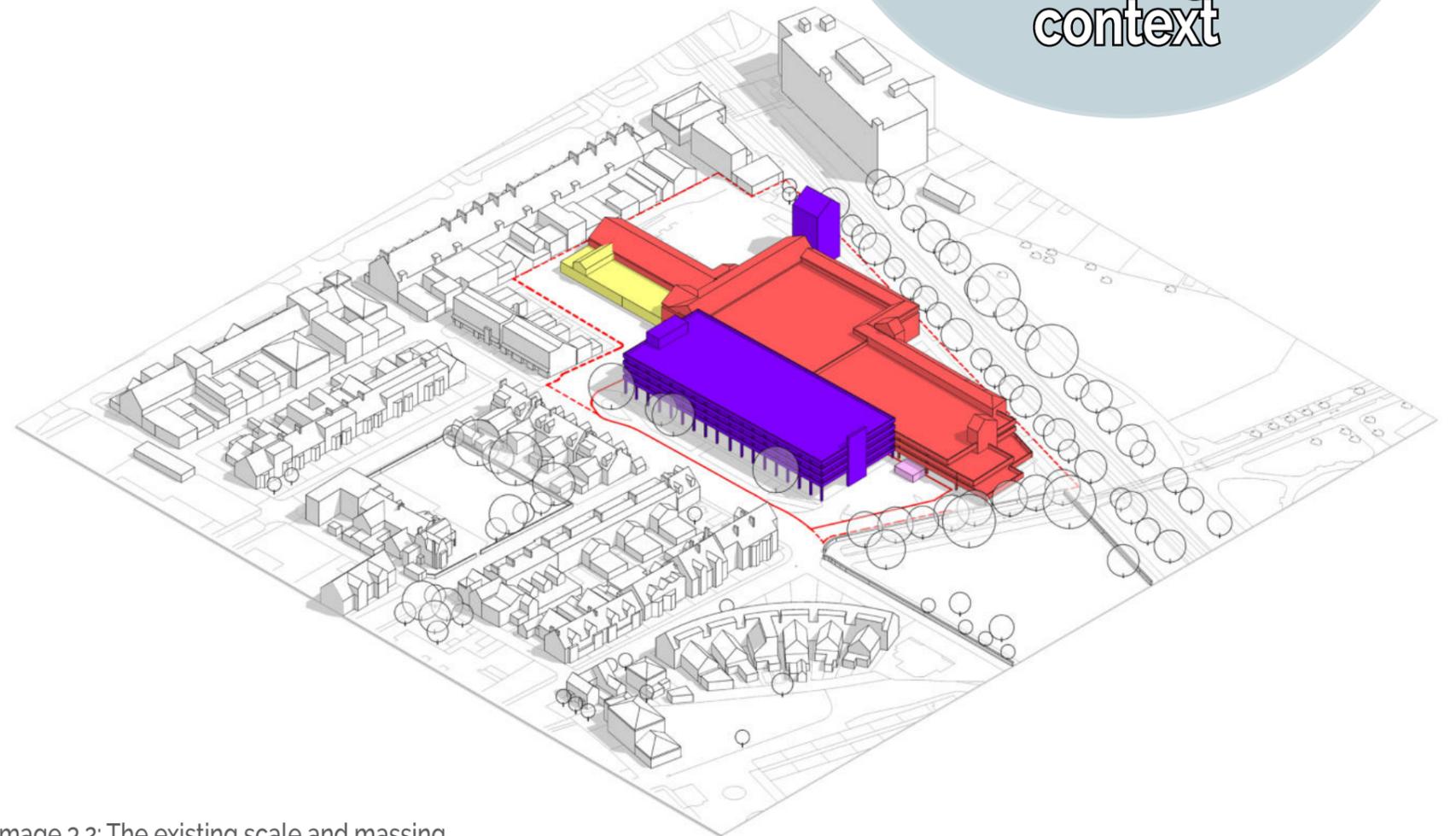


Image 3.2: The existing scale and massing

3.2 DESIGN CONSIDERATIONS - HISTORIC BUILDING LINES

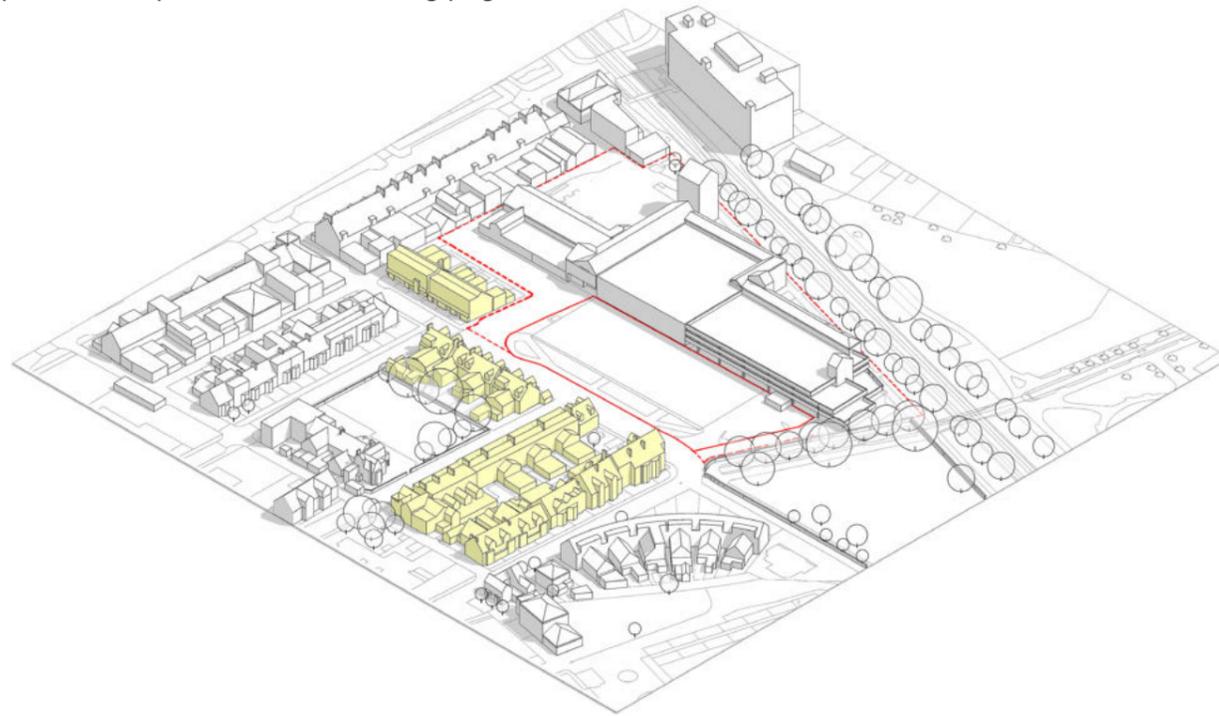
One of the key design considerations for any proposal should be the site's historic built context.

The existing buildings on the site provide a distinct contrast to the surrounding context and do not reflect the historic fabric of the town.

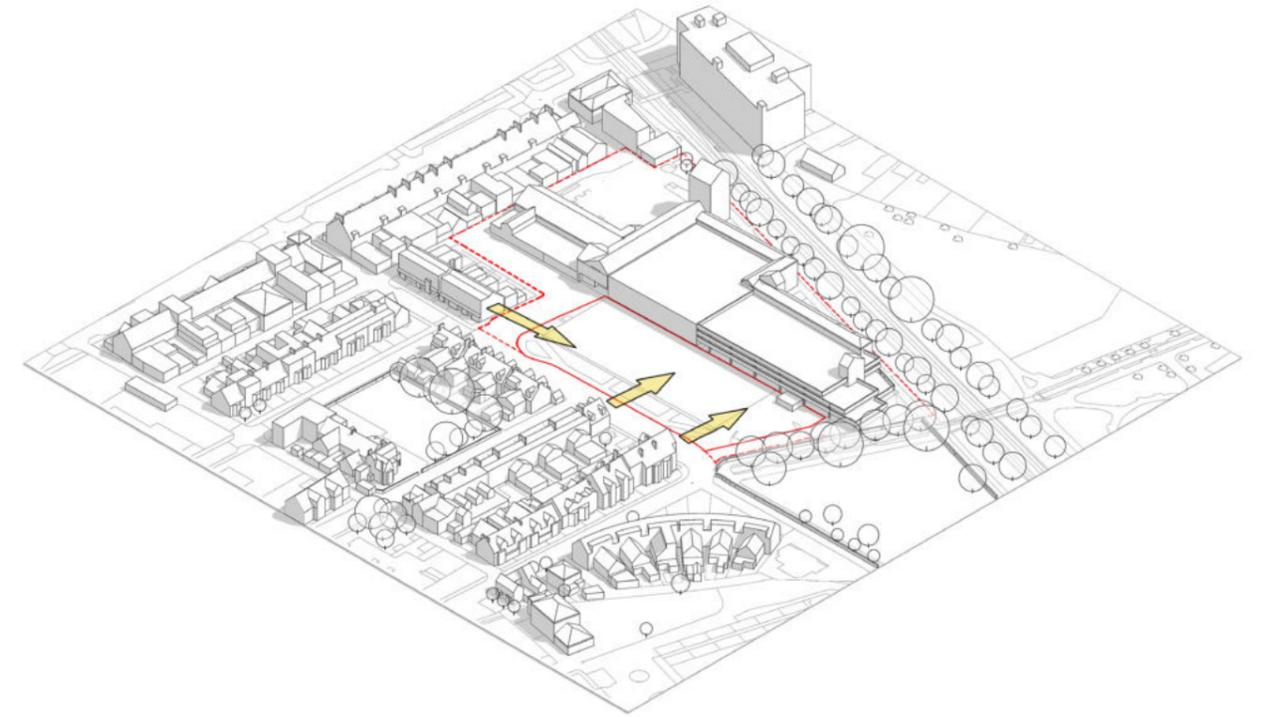
As a result, all design proposals should seek to provide a more contextual response to the site, drawing on historic building lines in order to reflect the existing urban grain.

These building lines have informed the developable area outlined within the parameters plans on the following pages.

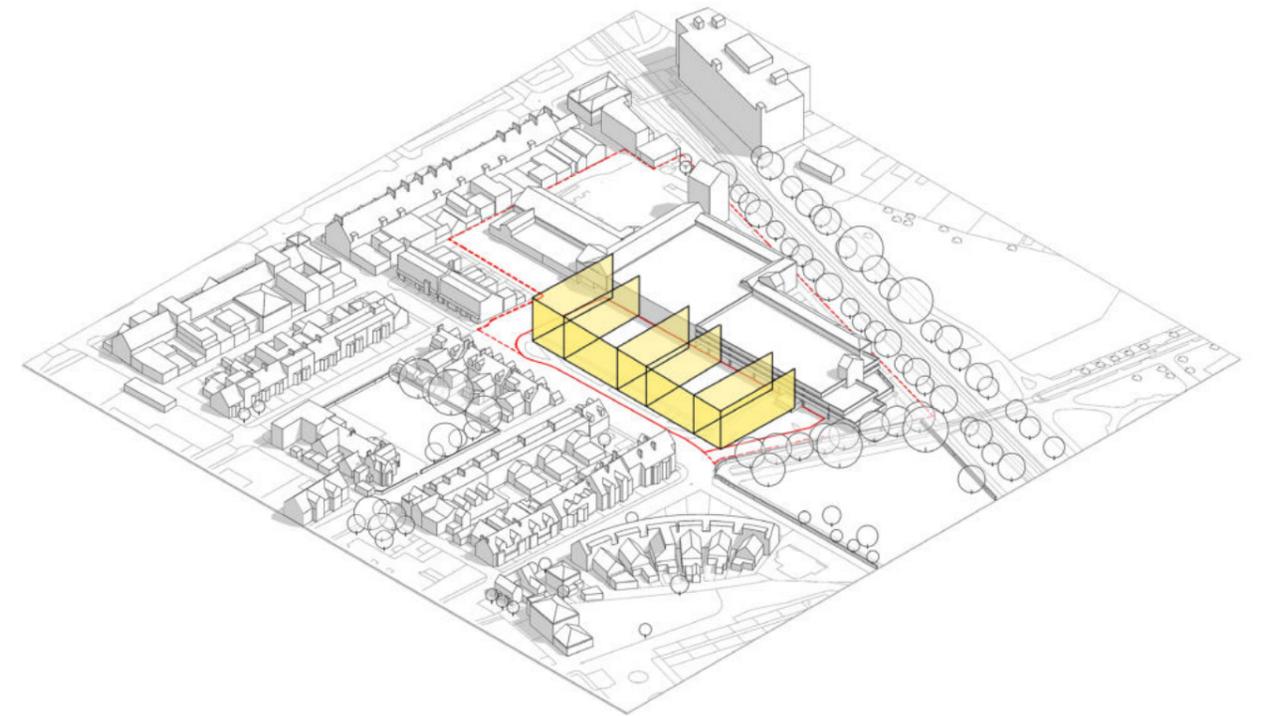
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01. ESTABLISH ADJACENT HISTORIC BUILDING LINES



02. IDENTIFY OPPORTUNITIES TO STRENGTHEN THE HISTORIC BUILDING LINES



03. STRENGTHEN HISTORIC BUILDING LINES

Image 3.3: Strengthening building lines

3.3 DESIGN CONSIDERATIONS - REINFORCING PEDESTRIAN ROUTES

Proposals should seek to enhance and reinforce key pedestrian routes around the site. This should be achieved through physical enhancement of the streetscape along Garfield Road and by creating key visual connections and desire lines.

↔ Opportunities to reinforce key pedestrian routes

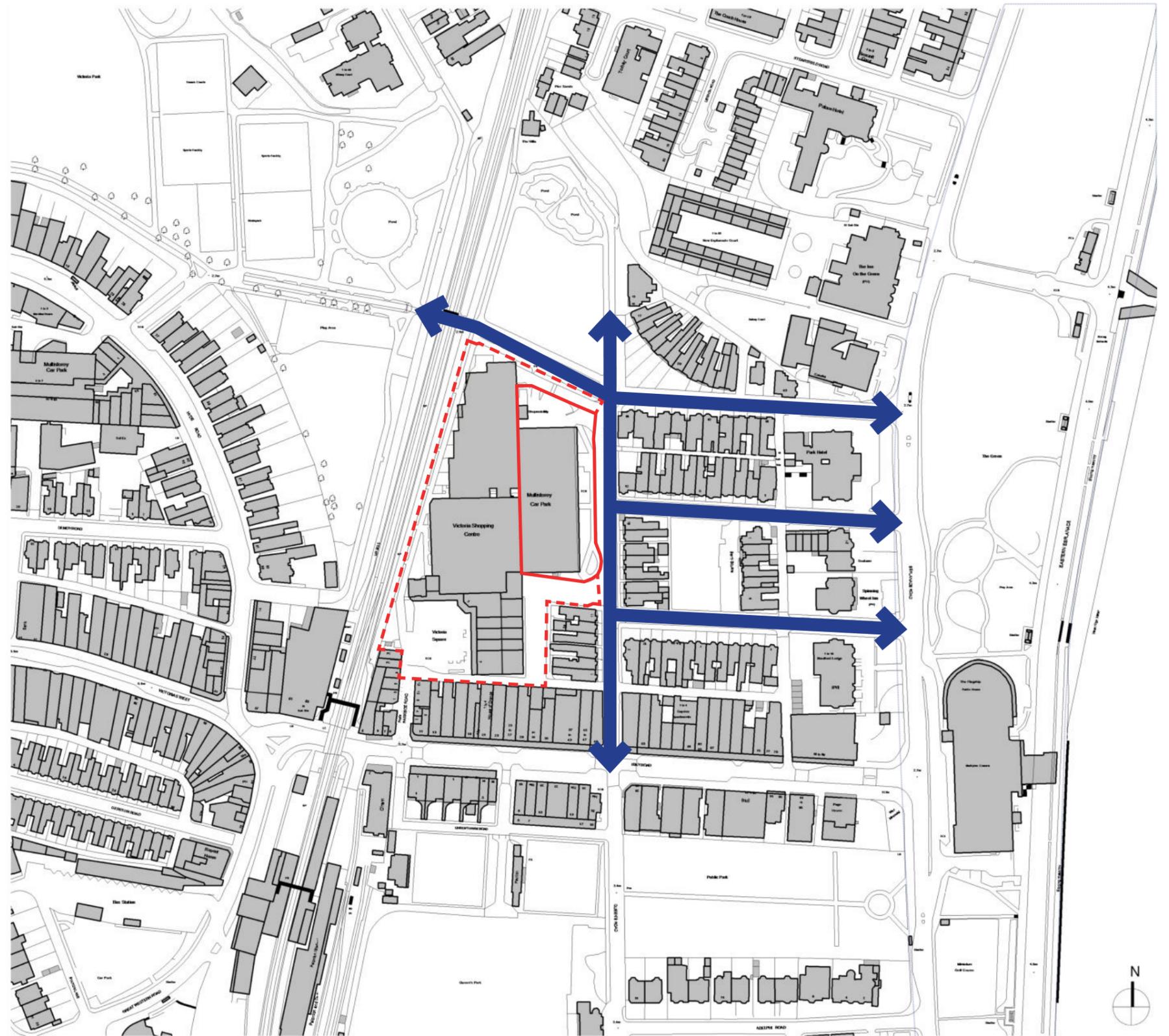
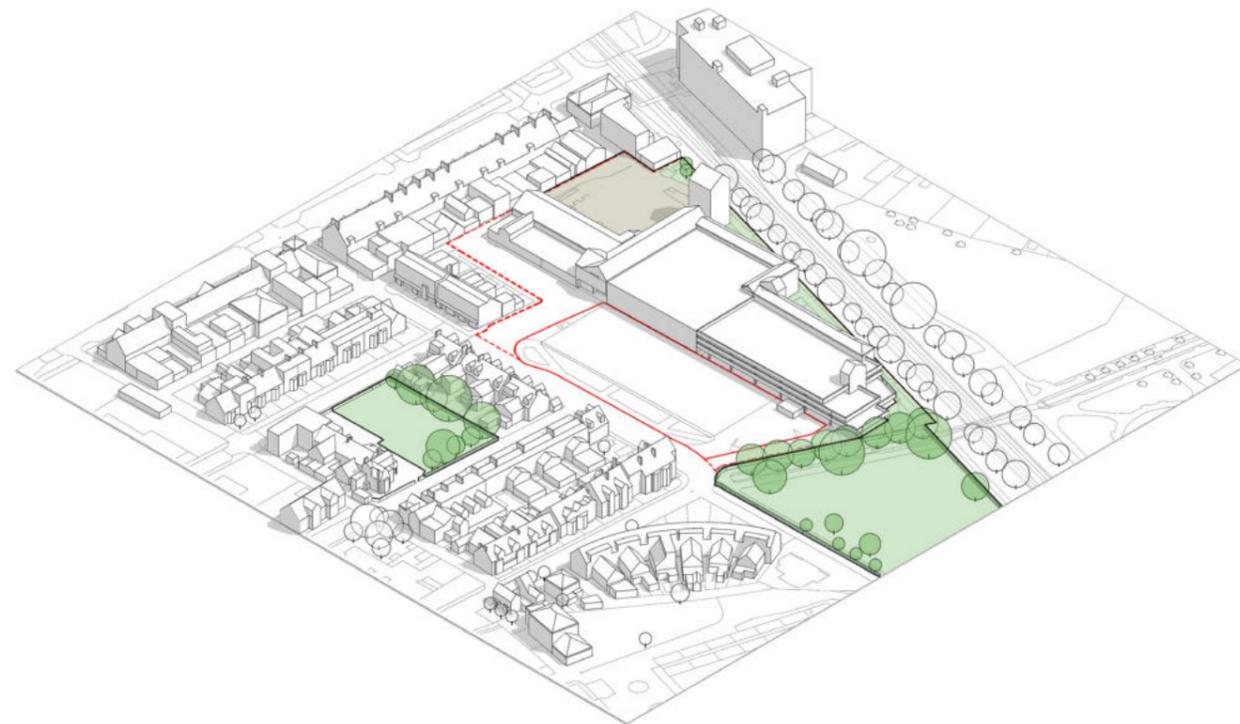


Image 3.4: Reinforcing pedestrian routes

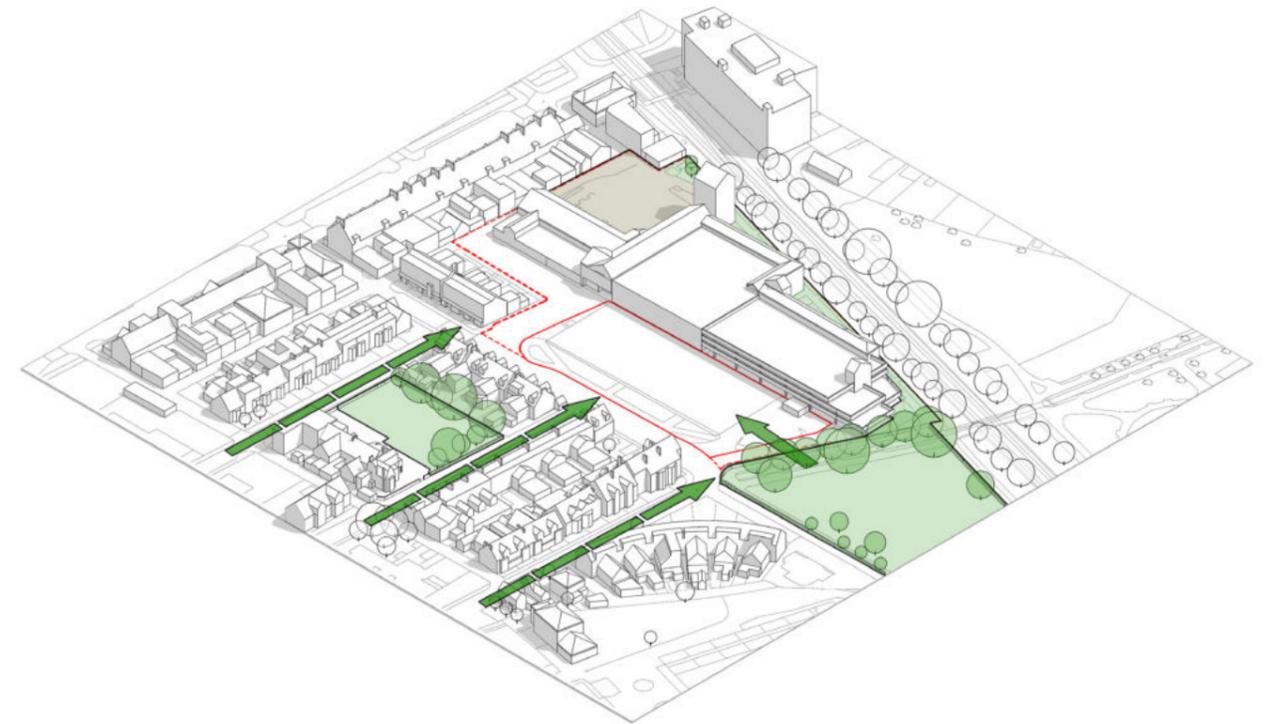
3.4 DESIGN CONSIDERATIONS - PARKS AND PUBLIC OPEN SPACE

As clearly seen on the 1906 historic map, prior to the site's development in the 1970's, the site was part of Victoria Park, providing amenity space for the town.

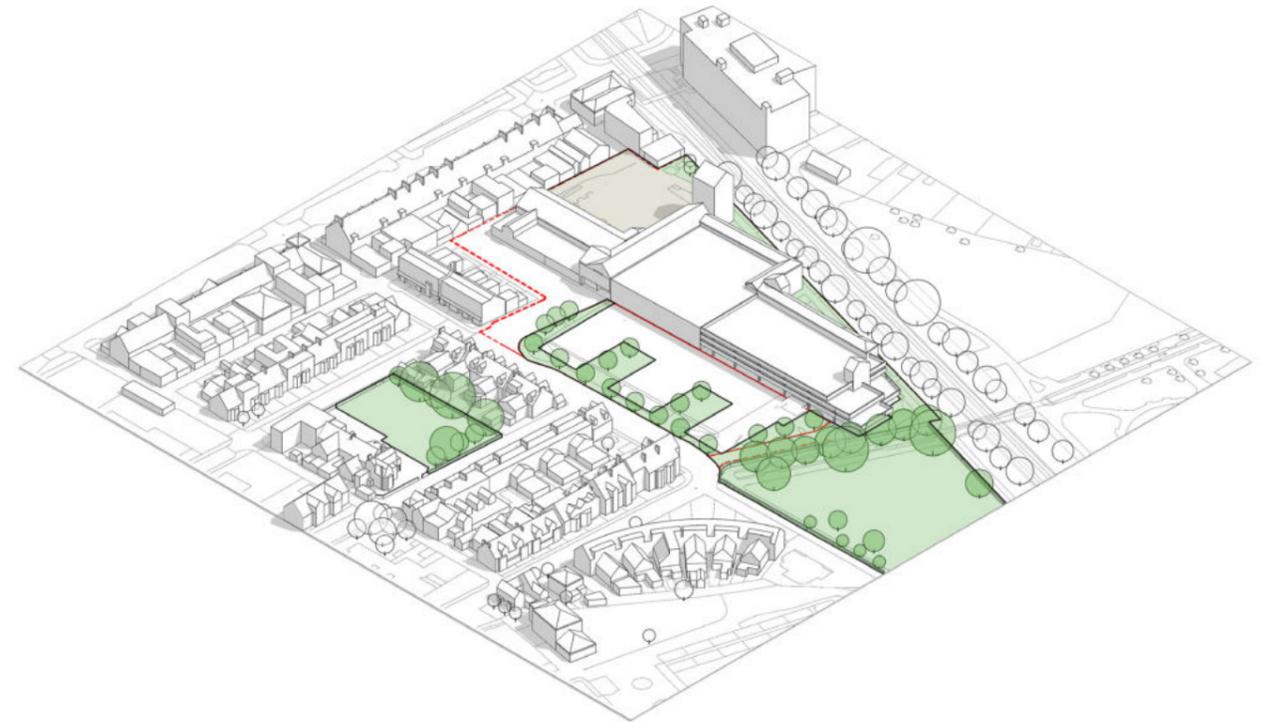
As a result, proposals should respect this historic use, and seek to provide a better relationship with, and connection to Victoria Park and other surrounding green spaces.



01. IDENTIFY ADJACENT GREEN AND PUBLIC OPEN SPACE



02. PROVIDE VISUAL AND PHYSICAL CONNECTIONS BETWEEN GREEN AND PUBLIC OPEN SPACES



03. ESTABLISH NEW GREEN AND PUBLIC OPEN SPACE

Image 3.5: Design diagrams -Establishing new green and public open space

The provision of new physical connections between green and public open spaces should be viewed as a key design consideration, addressed by introducing green corridors between these key spaces.

The development site provides a clear opportunity to implement this along Garfield Road.



Image 3.6: Green corridors
 (Source: Paignton Refresh- Supplementary Planning Document - Page 8) - (edited by KTA)

3.5 DEVELOPABLE AREA

In order to progress the masterplan and deliver a considered approach to development on the site parameters plans are required to set out building heights, mass and footprints. These parameters are intended to act as an 'envelope' in which development can take place.

The following plans set out those parameters. The masterplan illustrated shows the extent of building footprint within which, buildings should endeavour to be located.

Areas outside of this should be avoided so as not to adversely impact on the surrounding built environment.

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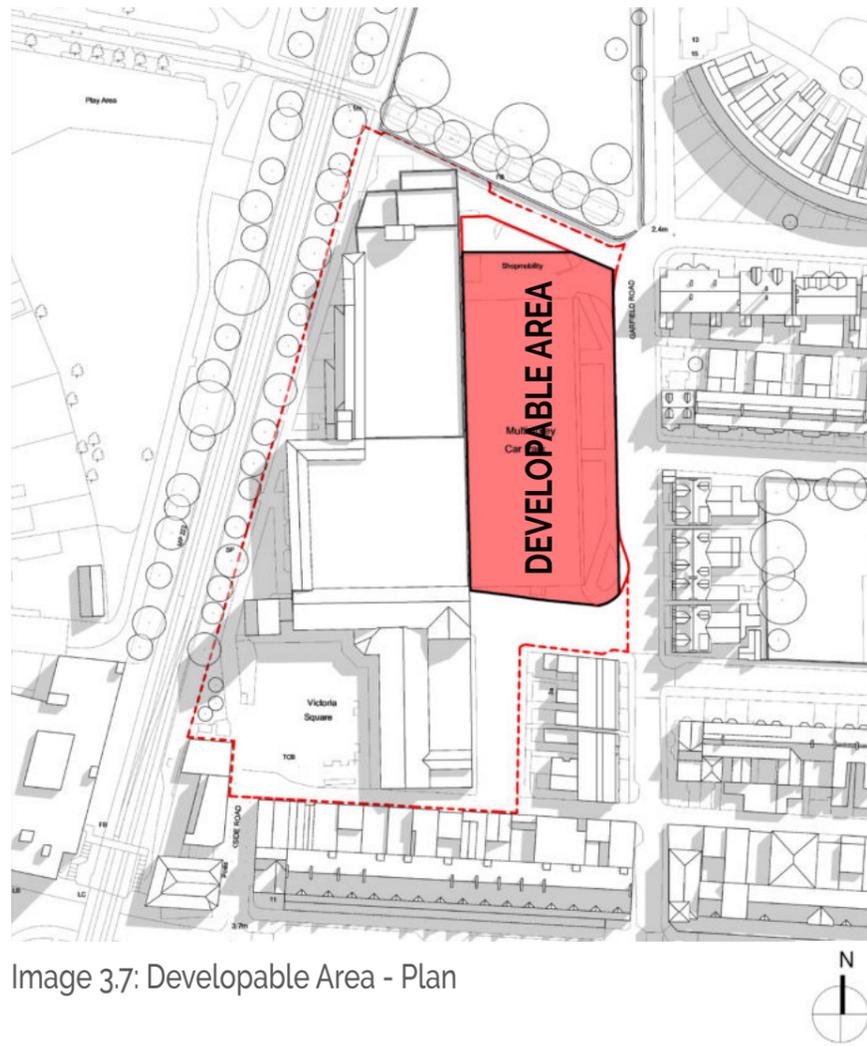


Image 3.7: Developable Area - Plan

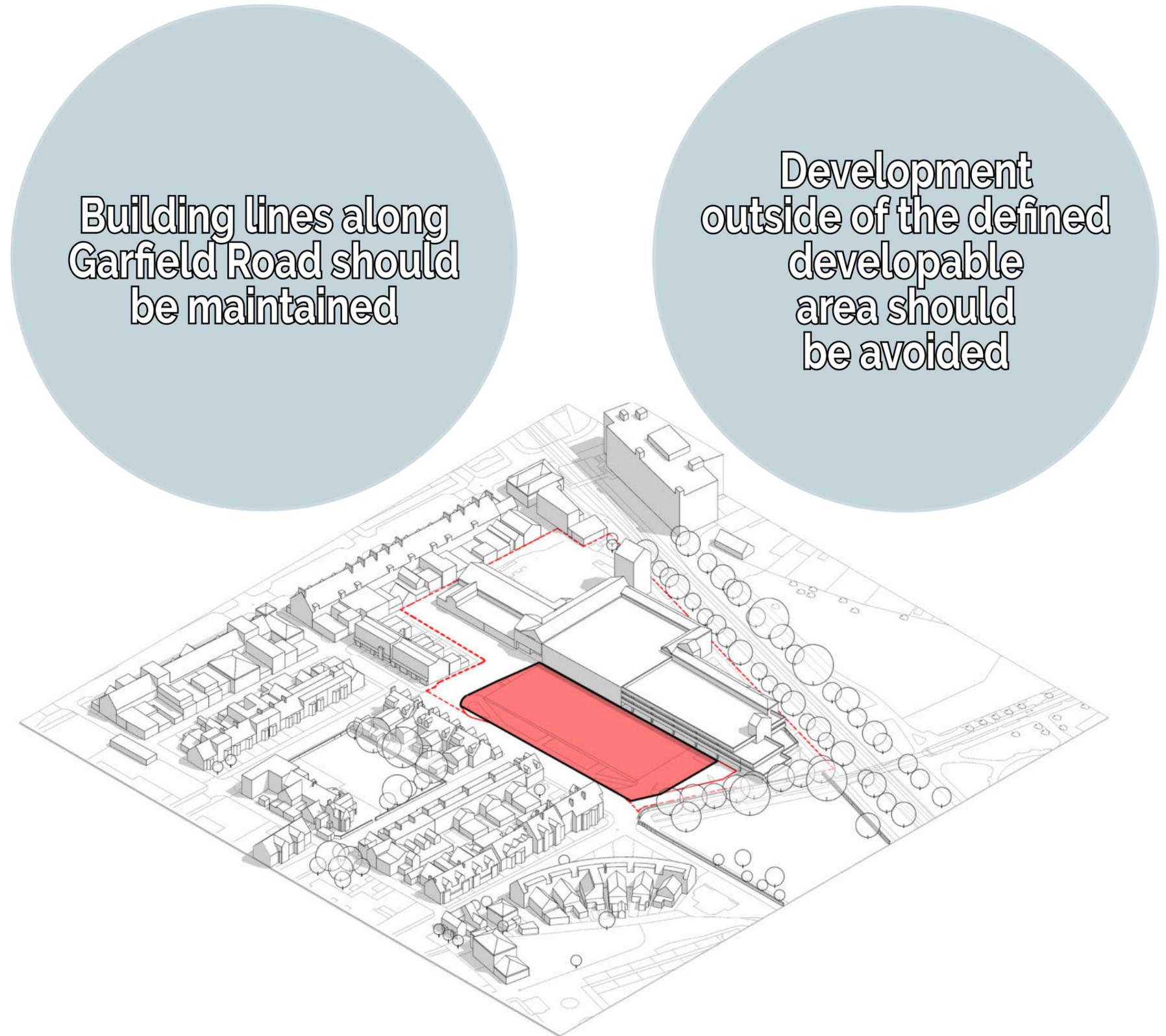


Image 3.8: Developable Area - 3D

3.6 BUILDING HEIGHTS

In order to ensure a scale and massing appropriate to the site's context is achieved, parameters have been applied to building heights on the site.

As a result, design proposals should endeavour not to exceed 5 storeys in height for any development fronting Garfield Road.

Additional height may be considered appropriate elsewhere on the site, but any storey height exceeding 7 storeys must be clearly justified. Note that the parameter for 7 storeys includes an allowance for any plinth or ground floor undercroft.

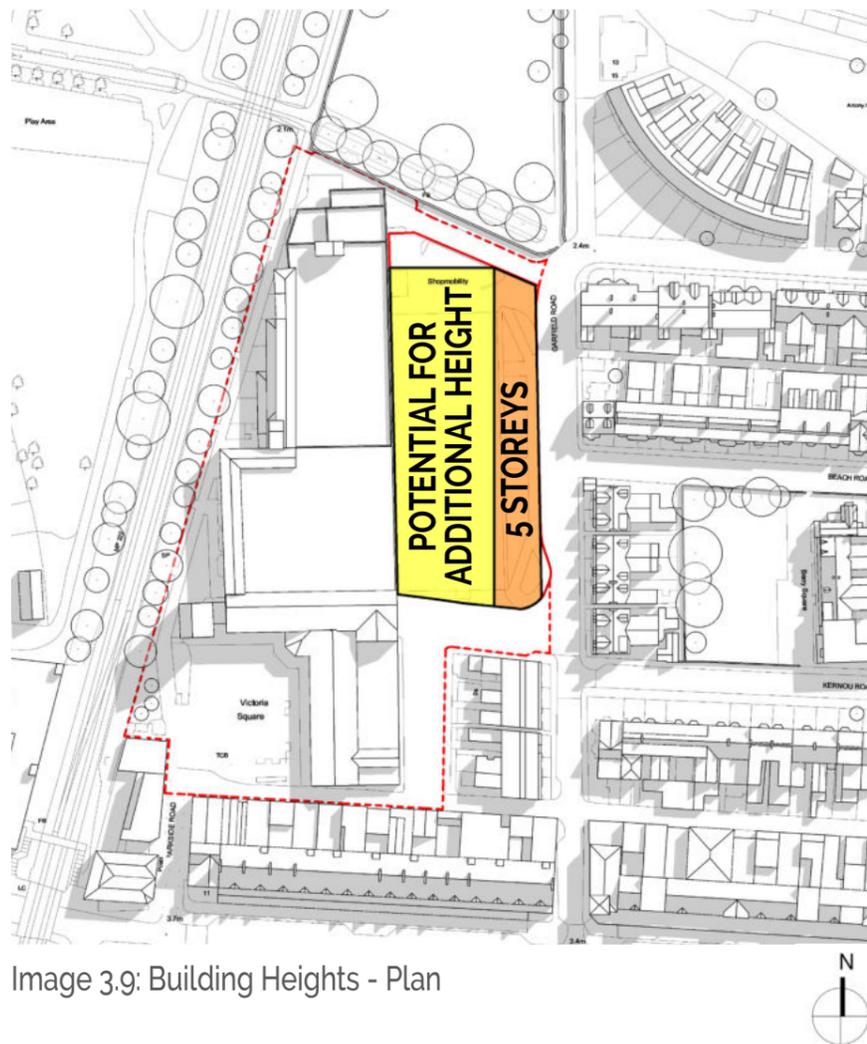


Image 3.9: Building Heights - Plan

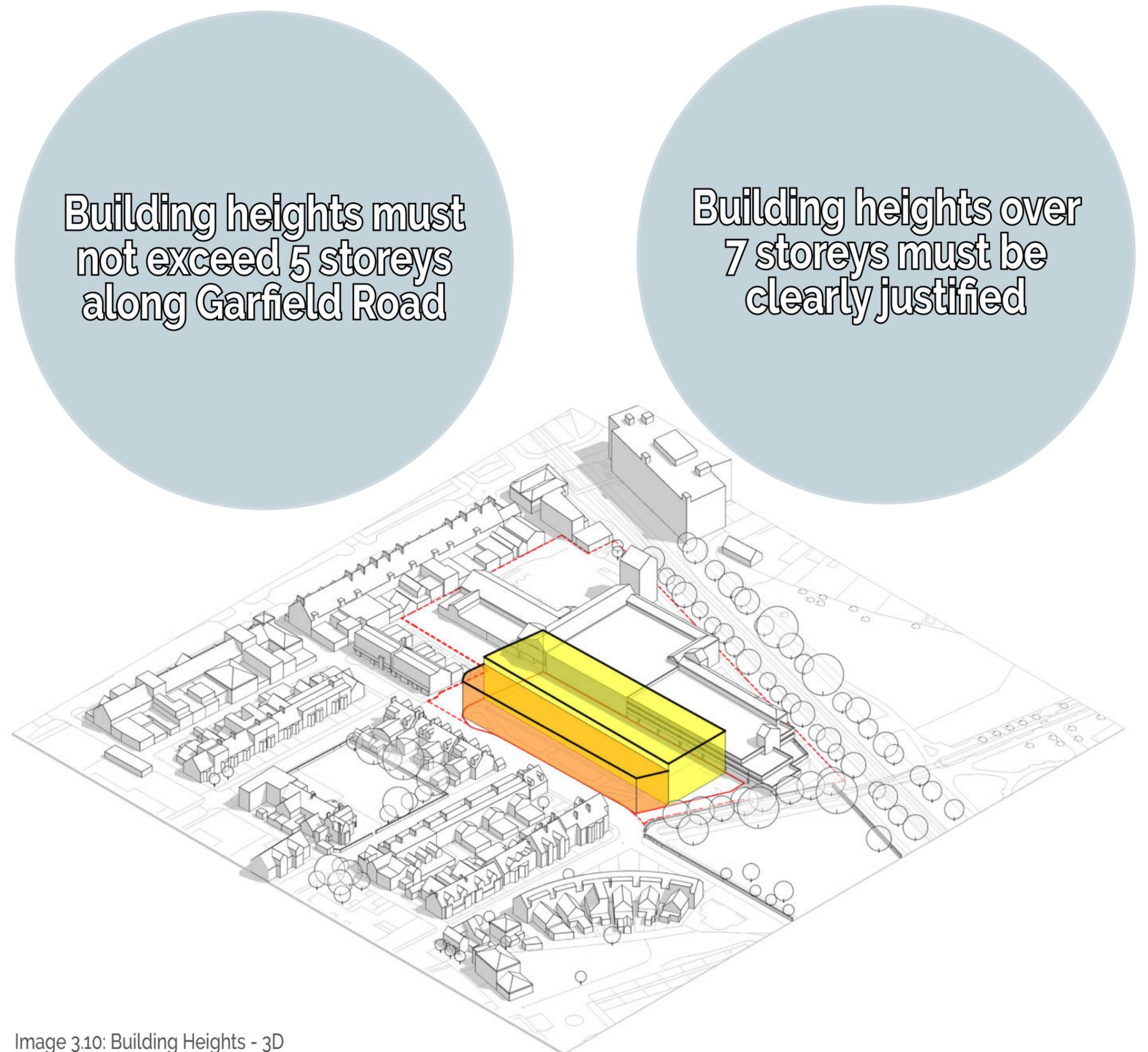


Image 3.10: Building Heights - 3D

3.7 SUSTAINABILITY

Design proposals should promote:

- a low / net zero carbon, or carbon positive, development;
- a high quality design to meet the needs of the site and surroundings, noting the need to set a high standard for the wider regeneration of Paignton town centre
- a solution that will be sustainable over the long term, taking account of climate change"

Approaches to sustainability should consider but not be limited to the following:

GREEN ROOFS

Green roofs should be a key design consideration for any proposal. Green roofs will not only provide a key visual reference to Victoria Park and the site's historic relationship with it, but also provide the opportunity for:

- thermal reduction and energy conservation;
- water management;
- ecological and habitat enhancements;
- carbon sequestration.

Page 148
PV

It is likely that design proposals will provide large expanses of new interrupted roofscape, thus providing a good opportunity to install PV panels.

SURFACE WATER MANAGEMENT

Due to the site's location within flood zone 3, surface water management should be a key design consideration for any development proposal. This should not only be considered in the context of coastal flooding, but also the threat from rainwater flooding and discharge from the surrounding and proposed built landscape.

Strategies should consider the potential use of green roofs, landscaping and rainwater harvesting in order to hold water and limit unwanted discharge.

ELECTRIC CAR CHARGING POINTS

All design proposals will have to include car parking, both for residents of the apartments and for associated visitors. As a result, electric car charging points should be included in the redevelopment and within the retained car park.

BIM (BUILDING INFORMATION MODELLING) ASSET MANAGEMENT

Design teams should consider implementing BIM to deliver an Asset Information Model (AIM) to be used by clients, end users and facility managers as the buildings enter the operation and end use phases of the project.

This will enable end users to effectively manage, maintain and gather building data throughout the buildings life-cycle, ensuring the most efficient approach is taken to all aspects of the building.

Sustainable solutions should be sought for the design, construction and lifecycle of all proposals



Image 3.11: An example of a successful green roof

4.0 FUTURE DEVELOPMENT

4.1 CREATING OPPORTUNITIES FOR FUTURE DEVELOPMENT

The Council's ambition is for comprehensive redevelopment of the Victoria Centre, as a whole. At this point it's very difficult to know what comprehensive development will comprise. This SPD simply works on the basis that such development will come forward and that development on the site should not prohibit delivery of any future phases.

Site 1, which includes the demolition of the car parking fronting onto Garfield Road, is the focus of this document.



- 1 Site 1
- 2 Potential future development site which should not be compromised by the redevelopment of site 1

Image 4.1: Opportunities for future development

5.0 DEVELOPMENT PARAMETERS

5.1 VICTORIA CENTRE PARAMETERS

Our assessment of the site and its context, alongside constraints and opportunities, results in the set of key parameters and design considerations set out in the table on the following page.

These parameters should be read as a whole, in order to ensure a high quality development is produced.

The key parameters set out in the table provide a framework for future development, in assessing design options at the planning application stage and in assessing the proposed development. However, the parameters do not override the need to meet national, Local Plan and Neighbourhood Plan policies.

Ultimately any development proposals brought forward, shall demonstrate, through active community engagement and design work, that a development proposal (expressed in a planning application) is of high quality and supported by the community.

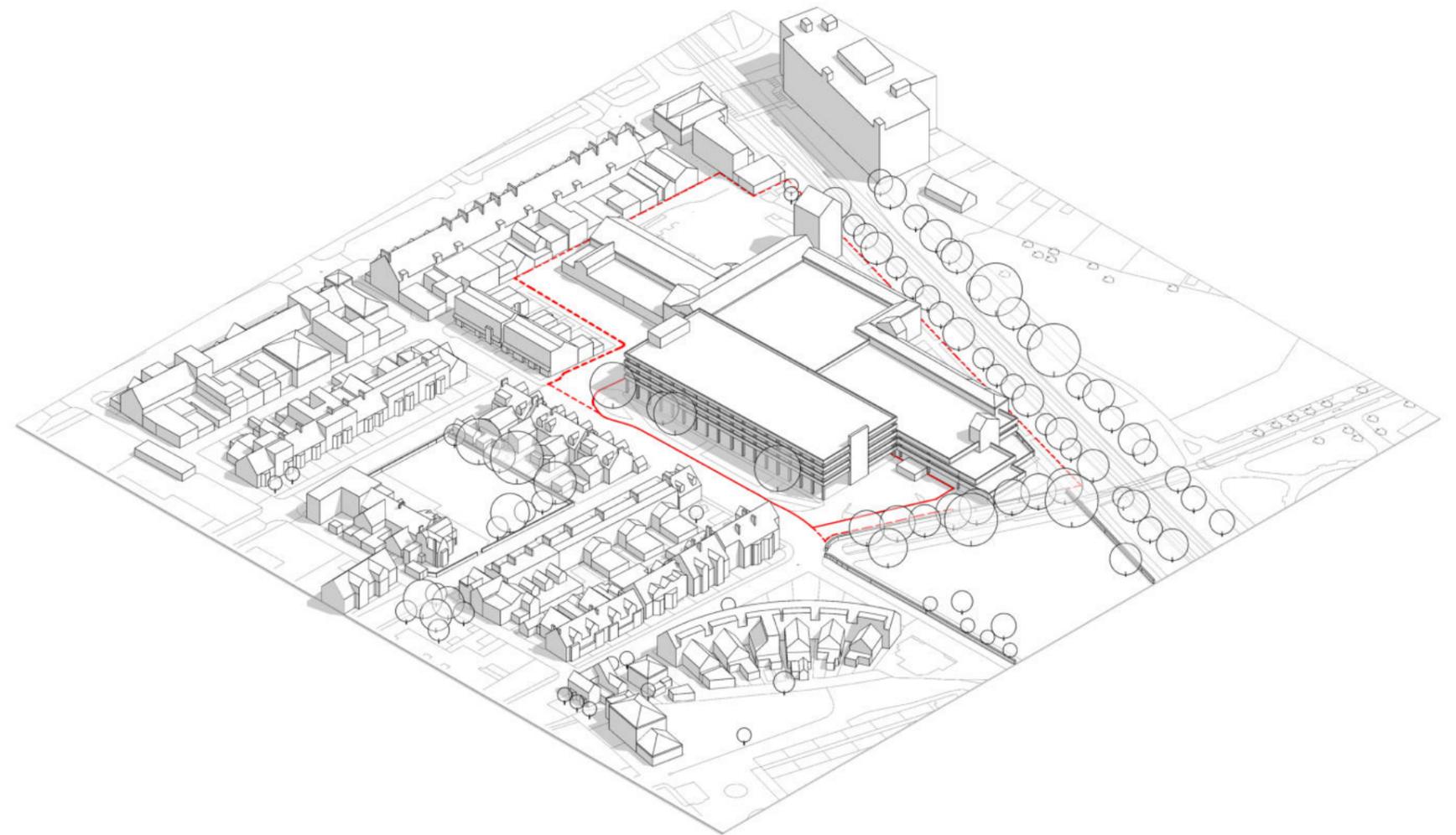


Image 5.1: The existing site.

Adjacencies	For Additional Information Refer to:
• Development must allow for the comprehensive development of the Victoria Centre, therefore development must not restrict or prohibit the delivery of any future phases.	Page 37
• Development should ensure access to all existing buildings and facilities within Victoria Centre, during construction and operation.	Page 18
Form	
• Development should provide a more contextual response to the surrounding street form, reflecting the late Victorian and early Edwardian urban grain (i.e. building footprint / figure ground).	Pages 21 - 27
• Building lines along Garfield Road should be maintained.	Page 30
• Natural surveillance across Victoria Park should be enhanced.	Pages 30 and 32
Use	
• Development should comprise wholly or predominantly of residential development, in-order to add diversity to the town centre which is dominated by retail and hospitality uses, all of which are within walking distance.	Page 14
• The development should include car parking for residents of the apartments and associated visitors. Electric car charging points should be included in the development.	Page 36
Connectivity	
• Development should enhance and reinforce pedestrian and cycle links to the town centre, seafront, green spaces and transport hubs. This should be achieved through physical improvements to the streetscape along Garfield Road and by creating key visual connections to the site.	Pages 19 & 31
• Development should provide opportunity for publicly accessible 'pocket' green space, helping to link Victoria Park with Queens Park and softening the appearance of the development. This will reinforce Paignton's character as a garden town by the sea.	Pages 17 & 32
• Opportunities to create physical green connections (green corridors) between key green and public open spaces should be taken. Development should include urban greening along Garfield Road.	Pages 32 & 33
• Connectivity to future comprehensive development of the Victoria Centre must be considered.	Page 37
Massing and Density	
• Development should provide a more contextual massing than the existing car park.	Page 29
• Development should maximise density / housing numbers on the site, to support town centre regeneration and reduce pressure for greenfield development.	Page 11
Height	
• Development should aim to be 2.5 / 3 storeys along Garfield Road, and should not exceed 5 storeys.	Page 35
• The existing car park has a survey datum of 17.84m on its eastern edge, fronting Garfield Road, rising to 19.37m along its western edge. Two stair cores rise to the car parks highest point which has a survey datum of 23.17m. At these datum heights views out to sea and across Paignton are unbroken, therefore development should seek to capture desirable views out to sea and across Victoria Park.	
• Building heights which exceed 7 storeys or the existing car parks maximum datum must be clearly justified.	
Flood	
• The site is located within flood-zone 3, therefore development must be future proofed in terms of flooding. This will ensure that habitable space is not at risk of flooding and surface water run-off levels are maintained at greenfield run-off rates.	Page 28
• Development will make reasonable financial contribution to flood defences on Paignton Seafront.	
Environment	
• Development should be designed so as to minimise energy use and maximise energy efficiency. A net zero carbon development would be welcomed.	Page 36

6.0 APPENDIX

6.1 APPENDIX 1 - PLANNING POLICY/ GUIDANCE CONTEXT

PLANNING CONSIDERATIONS

This section sets out key local and national policy and legislation relevant to future residential development proposals in association with key topic headings. A more detailed overview of planning policy is included at Appendix 1.

The NPPF (February 2019) provides the framework from which locally-prepared plans for housing and other development can be produced. It has three overarching objectives, which are interdependent and require pursuance in mutually supportive ways. The objectives are economic, social and environmental and should be delivered through the preparation and implementation of plans.

The relevant Development Plan for Torbay is the Local Plan which is supplemented by a series of locally applicable plans such as the Paignton Neighbourhood Plan, Paignton Town Centre Masterplan and other Supplementary Planning Documents/Guidance detailed below.

Principle of Development

The NPPF provides the framework from which locally-prepared plans for housing and other development can be produced. It has three overarching objectives, which are interdependent and require pursuance in mutually supportive ways. The objectives are economic, social and environmental and should be delivered through the preparation and implementation of plans.

Sustainable development runs through the heart of the Framework and as such there is a presumption in favour of sustainable development (paragraph 11). In line with this, development proposals in accordance with the development plan should be approved without delay.

NPPF Chapter 7 seeks to ensure that there is vitality within town centres and emphasises the importance of the role that they play as the heart of a local community. Their growth is required to be defined and maintained and there is recognition that residential development plays an important role in ensuring the vitality of centres.

The ethos behind the Local Plan is growth within the realms of environmental limits and the Neighbourhood Plan elaborates the policies as set out on a local level. There are five aspirations set out for the Bay:

- Secure economic recovery and success;
- Achieve a better connected, accessible Torbay and essential infrastructure;
- Protect and enhance a superb environment;
- Create more sustainable communities and better places; and
- Respond to climate change.

Policy PNP2 of the Neighbourhood Plan concerns Paignton Town Centre and the importance of improving and linking green space within development proposals. It also states that flood risk is of prime importance and that residential proposals must meet the relevant design criteria. Policy PNP7 relates to the strategic site and states that development proposals will be supported where they:

- Improve amenity;
- Include adopted standard parking provision;
- Encourage 'themed' markets on the square;
- Retain public open space, trees, amenity areas and pedestrian links;
- Connect to and enhance green infrastructure; and
- Include electric charging infrastructure.

The site is also allocated as a possible Neighbourhood Plan housing site (ref. PNP13-Victoria Square/Multi-storey car park) within the Local Plan.

Flood Risk

In relation to flooding and coastal change, paragraph 157 of the NPPF sets out that all plans should apply a sequential, risk-based approach to the location of development to avoid flood risk to people and property. To manage risk, the sequential test should be applied, followed by the exception test where applicable. The necessity for an exception test is dependent upon the site-specific Flood Risk Vulnerability Classification. For an exemption test to be passed, it must be demonstrated that the development will have wider sustainability benefits that outweigh flood risk concerns and must be made safe for its lifetime, tailored specifically to user vulnerability.

A search of the Environment Agency Maps reveals that the site is within Flood Zone 3 (see Figure 2 within Appendix 1). Land and property within Flood Zone 3 has a high probability of flooding, and any development in this zone will require a Flood Risk Assessment – this precludes more vulnerable uses (such as residential) except where the development can pass the Sequential and Exception tests. However, the site is stated to benefit from flood risk defences.

Local Plan Policy ER1 sets out that development must be safe for its lifetime and development proposals will be expected to maintain or enhance the prevailing water-flow regime on site and to ensure that

flood risk isn't heightened elsewhere. PNP15 of the Neighbourhood Plan covers flood and sea defences and explains that flood risk should be reduced within the town centre.

The Local Plan also sets out that residential use is not appropriate on the ground floor as a result of the flood designation. Any future development should therefore incorporate flood defence measures such as sustainable urban drainage, where practicable.

Further, the Healthy Torbay SPD sets out that Torbay has been designated as a Critical Drainage Area and therefore the importance of reducing flood risk through reducing surface water run-off is imperative. Future development should therefore seek to achieve this.

Parking, Access and Connectivity

The site allocation sets out under SDP2-Paignton Town Centre and Car Park that sufficient car parking should be retained or improved to provide appropriate provision for the existing Lidl store. The future mixed use of the site area as a whole will also need consideration in terms of its ability to accommodate use appropriate parking.

In terms of getting around the town centre, Policy PNP12 encourages proposals that improve the town centre and sea front area and a number of criteria are set out, including improvement of connections, de-cluttering and improve transport connectivity.

The proposed redevelopment options ensure that access will be open to all users and more pertinently, that equal and convenient access to buildings and spaces is readily achievable.

Mixed Uses

Local Plan Policy SDP1 relates to Paignton itself and its requirement for rejuvenation through high quality mixed use schemes within the town centre. Policy SDP2 more specifically concerns Paignton Town Centre and states that connectivity to the seafront is paramount, as well as the need for need development to compliment area character and bolster its tourism function. Table 13 of the Local Plan lists Victoria Square multi-storey car park as a strategic site for a mixed use development opportunity for a wide range of leisure, commercial use and possibly retail.

Further to the above, table 14 states that the Strategic Housing Land Availability Assessment (SHLAA) has identified the site as 'constrained urban' and sets out that circa 60 residential units are achievable. It also states that ground floor residential will not be appropriate due to flood risk. This is set out on the basis of the entire strategic site and so it should be noted that the site being considered within this brief is one element of it.

The Paignton Town Centre Masterplan includes the transformation of the Victoria Centre into an entertainment complex to house the relocated seafront cinema. This option also includes residential, car parking and employment uses. The Council are however aware of the difficulties that this option presents and are therefore flexible in terms of ensuring that a sustainable proposal comes forward.

Section 3 of the masterplan considers the strategic site as a whole and its importance as an integral part of other aspects of the towns regeneration masterplan. The document also sets out diagrammatic sketches in terms of preferential zones of active frontage and indicative building heights. These are included in Appendix 1.

The mix of used as currently set above also include consideration for a hotel use in place of residential use. More detail on this, including the proposed area, is covered within Appendix 1.

As set out within the Masterplan document, it is anticipated that the redevelopment of the Victoria Centre will result in anchor tenants being attracted to Paignton. This will then have a knock-on effect on the rest of the town centre.

Provision of Housing

Chapter 5 of the NPPF relates to the delivery of a sufficient supply of homes and the support necessary to boost the supply to meet need and specific requirements in terms of housing type. The NPPF acknowledges that small to medium sized sites make an important contribution to the housing requirement of an area.

The overall growth strategy for a prosperous Torbay is set out within Policy SS1 and seeks to identify land for the delivery of an average of circa 495 homes per annum, which equates to 8,900 over the plan period.

Neighbourhood plan Policy PNP 1 is an area wide policy for Paignton that elaborates on the wider Policy for Torbay and seeks to achieve a balanced delivery of growth and biodiversity enhancement. In relation to housing, development must be specific to local need as defined and must protect local identity in a sustainable manner.

Policy H2 of the Local Plan relates to affordable housing and sets out that development in excess of 20 dwellings on brownfield sites will be required to provide onsite 20% affordable. Commuted sums will however be accepted where more effective affordable housing could be secured via this route or if the development would bring significant regeneration benefits.

Design and Amenity

A creative, site specific approach is required to ensure that the options presented achieve good design solutions. For example, the redeveloped scheme will require its own identity, as well as continuity and quality public realm. In addition, it should be permeable and inviting.

The site is located in a visually prominent part of the city centre and as such any future development proposals should deliver high quality design, tailored to the locality.

LP Policy DE1 relates to design and states that proposals should be 'well-designed, respecting and enhancing Torbay's special qualities. Major development should be informed by a townscape and/or landscape assessment, including historical context of the site, existing and previous land uses as well as movement patterns through and/or around the site.

Following from the above, LP Policy DE3 seeks development 'designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding uses'. In terms of building heights, Policy DE4 states that height should be appropriate for the location and commensurate with existing character unless there are sound economic or urban design benefits to justify any deviation.

Delivery

In terms of the strategy for the delivery of the development, it would be logical to gain momentum via dividing the site into parcels. The initiating development would be the redevelopment of the car park which would avoid major disruption to existing occupiers. The rest of the development can then be covered within a separate application.

On both a national and local level, the timing of development is crucial. Across the UK, town centres have been struggling with increasing decline and a tendency to prefer out of centre retail locations for convenience. There is also a substantial, well known need for housing provision both nationally and locally, which emphasises the importance of delivery pace and making efficient use of land available.

Wider Economic/Social Impacts

The benefits of a mixed use proposal will be significant in terms of being of benefit economically, socially and environmentally. The nature of any future development in itself will be sustainable given the town centre location. In addition to this, materials used can be sustainably sourced at a local level where possible.

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 to policies contained within the Local Plan. Local Plan Policies SS11 Sustainable Communities and SC1 Healthy Bay are at the foundation of this document and any forthcoming application will need to have regard to it.

In terms of economic factors, this will relate to heightened growth, prosperity and increased local employment provision both during and after construction. Socially, the proposal would provide new homes within a preferential town centre location. This leads us to the environmental benefit resulting from the re-use of a brownfield site and the aesthetic betterment that a forthcoming scheme would bring in terms of development quality. It is also anticipated that the redevelopment of the site will initiate widespread regeneration, given that it will effectively demonstrate the benefits of redevelopment in such a location. Importantly, it will also provide usable public spaces that are demanded by the public.

Supplementary Planning Documents (SPDs)

Future development proposals will also need to have regard to the detail within Supplementary Planning Guidance listed below.

- Urban Design Guide SPD (2005-2026); and
- Planning Contribution and Affordable Housing SPD (February 2017).

Summary

The site lies within an area of significant focus for mixed use redevelopment, namely residential. There is a widespread requirement for the more efficient use of land and as such, schemes that address the needs of the local community will be encouraged. Within town centres, higher development densities are acceptable (subject to area compatibility), as well as active frontages that take a multitude of forms.

Key opportunities and site features include:

- Highly sustainable location.
- The existing site design is currently not making the best, most sustainable use of the land available. A well-considered scheme can maximise the quantum and mix of development achievable.
- There are a range of potential redevelopment uses suitable in principle which allows flexibility in terms of uses and general adaptability.
- The wider area is diverse in terms of land use, density and storey heights and as a result there is good scope in terms of development options.

Overall the site is in a highly sustainable location, capable of accommodating an impressive scheme that will make efficient use of the land whilst better catering to the needs of the local community.

THE TRANSFORMATION PROGRAMME

Torbay Council and TDA have set a strategy to assist in making Torbay's town centres a better consumer experience. More importantly, there is a significant focus on regeneration work that will set about revitalising each town in terms of high quality development provision and considered place-making practise.

The strategy extends from the Council's wider economic strategy and Local Plan, the Culture Strategy, the emerging Destination Management Plan and Neighbourhood Plans, not to mention completed centre masterplans.

There are multiple priority regeneration sites (Phase 1 Projects) throughout Torbay's Town Centres, one of which is Victoria Square, Paignton. The Ministry of Housing, Communities and Local Government has awarded £900,000 for enabling works to deliver new homes on the site and such new homes will need to be 'unlocked' by April 2020.

Wider regeneration within the area, including Paignton Picture House, Paignton Station Square Townscape and Park Hotel redevelopment, render the site to be a prime area of focus.

Appendix 1-Planning Policy/Guidance Context

This section provides a more detailed overview of the relevant planning policy framework in which any proposed scheme would be assessed. All development should be in accordance with the statutory development plan unless material considerations indicate otherwise as per Section 38 of the Planning and Compulsory Purchase Act 2004.

The statutory development plan against which any application would be considered comprises the following:

- Torbay Local Plan 2012 to 2030 (adopted December 2015);
- Paignton Neighbourhood Plan Referendum Version (March 2019); and
- Paignton Town Centre Masterplan (June 2015).

National Planning Policy

The current national planning policy for England consists of the revised NPPF, which was published in February 2019, and sets out the central Government's planning policies for England and how these are expected to be applied.

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. As such, the NPPF must be considered in the preparation of local plans and is a material consideration in the planning determination process.

At the heart of the NPPF is the presumption in favour of sustainable development, which the NPPF states should be applied to all plan-making and decision-taking. Paragraph 8 of the NPPF outlines the three overarching objectives to sustainable development. These are, an economic objective, a social objective and an environmental objective. These are defined as:

- 'a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including

making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'.

Paragraph 64 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes should be affordable homes unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

Local planning authorities are required to identify and update annually a 'supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies'.

Paragraph 85 of the NPPF states that planning policies and decisions should 'support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation... allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters'.

Paragraph 87 states that when considering the location for development, preference should be given to accessible sites which are well connected to the town centre.

Paragraph 118 states that planning decision should give substantial weight to the value of using suitable brownfield land which is located within existing settlements for homes and other identified needs.

The NPPF places great importance upon the creation of well-designed and high quality places, stating that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities' as per paragraph 124.

Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 158 states 'that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding... The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding'.

Paragraph 159 states that 'if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance'. The application of the exception test should be informed by a strategic or site-specific flood risk assessment.

Local Planning Policy

Torbay Local Plan 2012 to 2030

The site is within the administrative boundary of Torbay Council. The local plan within Torbay comprises of the Torbay Local Plan 2012 to 2030 (LP), which was adopted by the Council in December 2015. The plan covers spatial strategy and strategic delivery objectives for each of the three towns (Torquay, Paignton and Brixham) and provides the basis for planning decisions within Torbay over the plan period.

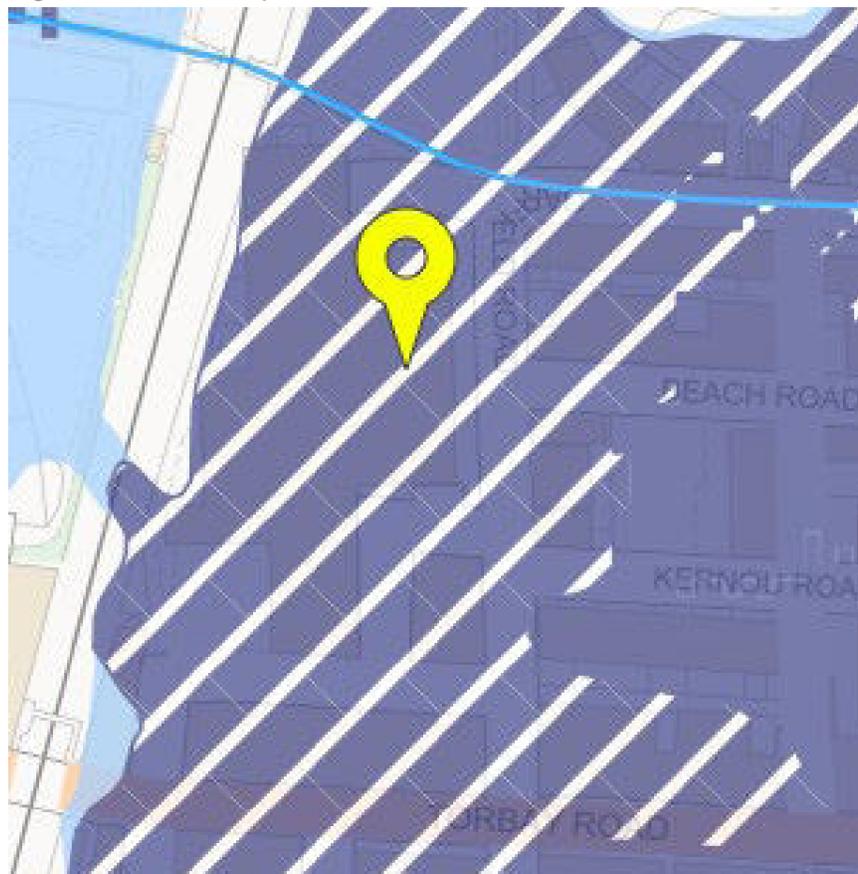
The LP Policies Map extract (see figure 1) demonstrates that the site is allocated for mixed use (ref. PNP13-Victoria Centre).

A search of the Environment Agency Maps reveals that the site is within Flood Zone 3 (see Figure 2). Land and property within Flood Zone 3 has a high probability of flooding, and any development in this zone will require a Flood Risk Assessment – this precludes more vulnerable uses (such as residential) except where the development can pass the Sequential and Exception tests. However, figure 2 also demonstrates that the site benefits from flood defences.

Figure 1 – Local Plan Policy Map Extract



Figure 2 – Flood Map Extract



LP Policy SS1 relates to a growth strategy for a prosperous Torbay and seeks to identify land for the delivery of an overall average of around 495 homes per annum, equating to circa 8,900 new homes over the Plan period of 2012-2030.

In line with the NPPF, LP Policy SS3 states that when considering development proposals, the Council will take a positive approach in accordance with the presumption in favour of sustainable development, 'working proactively and in partnership with landowners, applicants and the community to find sustainable solutions, and enabling development proposals to be approved where they will evidently provide a balanced approach to improving economic, social and environmental conditions'.

LP Policy SS5 recognises the importance of space and facilities for Use Class B employment uses but also for 'other non-Use Class B sectors including health, leisure, retail, tourism and education, which play an important role as employment generators in the Bay'. The provision of new and improvement of existing employment space will be supported in the town centre and existing employment estates in the first instance. This is in order to 'maximise opportunities for economic recovery, employment space will be brought forward within the Strategic Delivery Areas identified around Torquay Gateway and the West of Paignton'.

LP Policy SS7 states that 'major development will be expected to contribute to the provision of an appropriate range of physical, social and environmental infrastructure, commensurate to the type and scale of development, and the needs of the area.'

Development will be assessed against its capability to improve the sustainability of existing and new communities within Torbay as per LP Policy SS1. The Policy states that 'proposals will be assessed according to whether they achieve the following criteria, insofar as they are relevant and proportionate to the development:

1. Meet the needs of residents and enhance their quality of life;
2. Help to close the gap between the most and least disadvantaged people and neighborhoods in Torbay;
3. Help to develop a sense of place and local identity;
4. Promote social inclusion, and seek to eliminate exclusion based on access to housing, health, education, recreation or other facilities;
5. Help to reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict;
6. Support local food production and consumption;
7. Create a well-connected, accessible and safe community;
8. Contribute to the success of the local labour market by improving provision of and/or access to jobs and widening the pool of available labour;

9. Protect and enhance the local natural and built environment, where appropriate through planning contributions;
10. Deliver development of an appropriate type, scale, quality, mix and density in relation to its location;
11. Contribute towards any additional educational or training needs including the promotion and negotiation of local labour training arrangements, placements and apprenticeship schemes, and by promoting the provision of local employment space, in order to tackle worklessness;
12. Enable people to have access to local services to meet their day-to-day needs including open spaces, community halls (or rooms), play areas, leisure and recreation facilities and allotments; and
13. Provide a good standard of residential accommodation, by seeking to retain small to medium sized homes (2-4 bedrooms) and resisting change of use of these homes to HMOs and small self-contained flats. This applies especially in Community Investment Areas, identified on the Policies Map, and other areas with significant living environment deprivation'.

In order to achieve their housing target of 8,000 homes over the plan period, LP Policy SS12 states that 'housing provision will focus upon a sustainable pattern of distribution throughout the Bay, with an emphasis upon the regeneration of brownfield sites and town centre sites, and development of urban sites. Mixed use developments with an appropriate range of dwellings to meet current and future needs will be sought where appropriate. Provision will be made for affordable housing'. In line with this, Policy SDP2 relating to Paignton Town Centre and Seafrost is expected to contribute 590 new homes over the plan period.

LP Policy SS13 states that the Council will maintain a rolling 5-year housing land supply, in line with the requirements of the NPPF. The trajectory is expected to be:

- 400 dwellings per year for the period 2012/13 - 2016/17.
- 495 dwellings per year for the period 2017/18 - 2021/22.
- 555 dwellings per year for the period 2022/23 - 2029-30.

LP Policy SP14 requires proposals, commensurate with their scale and nature, to minimise carbon emissions and the use of natural resources expected to arise during the lifetime of the development. The Policy states that 'in particular, applications for major development will be expected to clearly demonstrate how taking a low carbon approach has influenced the design strategy for the development proposed. As a key part of delivering environmental sustainability in a holistic manner, this could typically include the consideration of construction methods and materials, design, energy, water consumption, waste management, travel planning and carbon offsetting'.

With concern to town centre regeneration, SDP 2 states that the Victoria Centre is appropriate for a mixed use scheme as part of Paignton's overall regeneration strategy. More specifically, it is anticipated that the site can achieve around 60 dwellings (as per the SHLAA). Paragraph 5.3.2.7 also states:

'Parking will need to be retained and appropriate provision made for the existing retail store. Due to flooding issues, residential use of the ground floor would not be appropriate and this site should incorporate flood defence measures, such as sustainable urban drainage, as far as practicable. The community has expressed a strong desire to see the open space at Victoria Park protected.'

LP Policy TC1 identifies that 'the primary locations for retail and other town centre services and facilities in Torbay will be the town centres of Torquay, Paignton and Brixham... The vitality and viability of these town centres will be enhanced through the regeneration of key sites'. The LP will support 'Mixed use regeneration of key sites in town centres as identified in the relevant 'place' Policies ...including the provision of major retail, leisure, cultural, recreational and event space, and the comprehensive redevelopment of parts of the town centres'.

The Council seeks to develop 'a sustainable and high quality transportation system which makes sustainable travel the first choice when travelling, thereby meeting the accessibility needs of everyone and promoting Torbay's economic competitiveness, whilst reducing the need to travel and its environmental impact', as per LP Policy TA1. The site is within an Air Quality Management Area and LP Policy TA1 states that development must minimize its effect upon these areas.

The policy goes on to state that the Council will promote 'development in locations that are easily accessible and safely reached by foot, cycle, public transport, other sustainable transport or car' and have regard to the following hierarchy of sustainability:

- (i) walking;
- (ii) cycling;
- (iii) public transport;
- (iv) car sharing;
- (v) low/ultra low emission vehicles; and
- (vi) private (high emission) transport.

A good standard of access for walking, cycling, public and private transport should be provided in major development schemes and consideration must be given to the need to make appropriate provision of facilities for disabled persons, such as suitable levels, signage and parking bays as per LP Policy TA2. This policy also requires a Travel Plan for all major developments likely to have

significant transport implications, setting out how at least 30% of the potential users can gain access by foot, cycle or public transport, and how this will be monitored.

The Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development in line with LP Policy TA3 which sets out parking requirements. The site is currently a public car park and Policy TA3 states that the 'loss of on-street or public parking provision will be a material consideration in planning applications, with additional weight being given to loss of provision in those areas where there is congestion and/or heavy use of public or on- street spaces'.

LP Policy H1 relates to applications for new homes and states that residential proposals within the identified Strategic Delivery Areas, and elsewhere within the built-up area, will be supported subject to consistency with other Policies of the Plan.

LP Policy DE2 states that 'major development proposals with a residential component will be assessed against the Building for Life 12 (BfL12) design tool (or equivalent version/ methodology)'. A development proposal will be supported by the Council when it performs positively against BfL12 and secures as many 'green lights' as possible under its 'traffic light' system.

Affordable housing contributions will be sought on brownfield sites of 15 dwellings or more, to meet the housing needs of local people as per LP Policy H2. Brownfield sites of 15-19 dwellings will have an affordable housing target of 15%, to be delivered through on-site provision. Brownfield sites of 20+ dwellings have an affordable housing target of 20%, to be delivered on-site. Commuted sums will only be accepted where this would achieve more effective provision of affordable housing or bring significant regeneration benefits. The provision of affordable housing, or contributions on smaller sites, will be sought on the basis of one third social rented housing, one third affordable rent and one third shared ownership housing.

LP Policy DE1 relates to design and states that proposals should be 'well-designed, respecting and enhancing Torbay's special qualities. These include the waterfront and natural setting of the Bay, and the character of the natural and built environment, including areas and buildings of historic interest and settlement patterns. Major development should be informed by a townscape and/or landscape assessment, including historical context of the site, existing and previous land uses as well as movement patterns through and/or around the site.

LP Policy DE3 seeks development 'designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding uses'. Policy DE4 states that the height of new buildings should be

appropriate to the location, historic character and the setting of the development and should be to the prevailing height within the character area in which it is located, 'unless there are sound urban design or socio-economic benefits to justify deviation from this approach'.

Neighbourhood Plans

Neighbourhood Plans focus on the local areas and are produced by communities with Parish and Town Councils (formally designated as a 'Forum'). In Torbay, there are three neighbourhood forums: Torquay, Paignton and Brixham Peninsula. Paignton Neighbourhood Forum applied to designate the forum and area of Paignton in 2012 and applied for renewal in 2017. The Forum submitted their Neighbourhood Plan in 2017 and it was subject of an independent examination in 2018. Torbay Council, as Local Planning Authority (LPA), approved the Plan with post examination modifications for referendum at a Full Council meeting on 15 November 2018. The Referendum version of the Paignton Neighbourhood Plan was published in March 2019.

Paignton Neighbourhood Plan

The Neighbourhood Plan sets out that Paignton is a busy seaside town with many attractions, situated within the centre of Torbay. The Plan seeks to make sustainable use of this unique situation and existing assets in order to better prosperity, quality of life and the environment.

PNP 1 is an area wide policy that seeks to achieve a balanced delivery of growth and biodiversity enhancement, as well as encouraging more sustainable modes of transport. In terms of housing, criteria (c) explains that housing growth must be appropriate to local need and strategic needs. This Policy also seeks to ensure that local identity is protected and that sustainable development is achieved by ensuring a balanced provision of new development.

PNP 1(c) relates to design principles and sets out a number of criteria that new development must adhere to, such as applying methods to strengthen local identity. Policy PNP 1(d) in relation to residential development sets out that development should be of the highest standards of sustainable construction and provide safe access and cycle provision. Subsections (g) and (h) are also applicable and relate to designing out crime and sustainable transport.

Policy PNP2 considers the Town Centre and emphasises the importance of improving and linking green spaces. Proposals that adhere to this will be supported where they are in-keeping with various criteria including improving vibrancy, taken account of flood

risk, increase residential accommodation and meet the relevant design criteria as set out in PNP1(c).

Policy PNP7 relates to Victoria Square, or Lidl Square as it is otherwise referred to. It covers the entire strategic site and sets out that redevelopment proposals will be supported where they:

- Improve amenity;
- Include adopted standard parking provision;
- Encourage 'themed' markets on the square;
- Retain public open space, trees, amenity areas and pedestrian links;
- Connect to and enhance green infrastructure; and
- Include electric charging infrastructure.

In terms of getting around the town centre, Policy PNP12 encourages proposals that improve the town centre and sea front area and a number of criteria are set out, including improvement of connections, de-cluttering and improve transport connectivity.

	Proposed area	Equivalent no. of units
Retail	1,070 m ²	
Leisure	11,600 m ²	
Office	2,640 m ²	
Residential	13,200 m ²	161
Car Parking		526
Hotel	(13,200 m ² in place of the residential provision above)	

Policy PNP13 has regard for housing opportunities within the town centre and considers that development proposals will be supported where residential accommodation does not discourage public use of an area. It acknowledges that additional housing is planned for Victoria Square and that proposals must comply with the relevant flood risk policies.

Flood and sea defenses and covered by Policy PNP 15 and explain that flood risk should be reduced within the town centre. More specifically, it states that proposals to remove buildings and other physical features that act as a break on areas liable to flooding from the sea will not be supported unless alternative compensation is Policy PNP13 has regard for housing opportunities within the town centre and considers that development proposals will be supported where residential accommodation does not discourage public use of an area. It acknowledges that additional housing is planned for Victoria Square and that proposals must comply with the relevant flood risk policies.

Flood and sea defenses and covered by Policy PNP 15 and explain that flood risk should be reduced within the town centre. More specifically, it states that proposals to remove buildings and other physical features that act as a break on areas liable to flooding from the sea will not be supported unless alternative compensation is put into place.

Paignton Town Centre Masterplan (June 2015)

The masterplan sets out a number of different yet interconnected proposals that essentially represent future aspirations. Redevelop Victoria Centre as an entertainment complex to house the relocated seafront cinema. Will also include residential, car parking and employment uses (p.15).

Section 3 relates to the Victoria Centre Specifically and considers the strategic site as a whole and its importance as an integral part of other aspects of the towns regeneration masterplan, including the relocation of the cinema to open up the sea front. It is however appreciated within the delivery section at the end of the masterplan document that the relocation of the cinema won't be without constraints. As a result, alternative proposals have been considered.

The masterplan sets out zones of active frontage in relation to the site and indicative building heights, which are set out on the diagrams illustrated adjacent

The mixture of uses proposed within the masterplan include:

There are also three Supplementary Planning Documents (SPD) documents that would form a material consideration with concern to any forthcoming application and they are:

- Planning Contributions and Affordable Housing SPD;
- Urban Design Guide SPD (2005-2026); and
- Healthy Torbay (April 2017).

Urban Design Guide SPD (2005-2026)

Future development proposals will need to have regard for the Council's adopted Urban Design Guide. Planning Contribution and Affordable Housing SPD (February 2017) Local Plan Policy H2 requires that development in excess of 20 dwellings on brownfield sites will be required to provide onsite 20% affordable. Commuted sums will however be accepted where more effective affordable housing could be secured via this route or if the development would bring significant regeneration benefits. Healthy Torbay (April 2017)

This 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 to policies contained within the Local Plan.

Local Plan Policies SS11 Sustainable Communities and SC1 Healthy Bay are at the foundation of this document and any forthcoming application will need to have regard to it.



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KTA

Kensington Court
Woodwater Park
Pynes Hill
Exeter
EX2 5TY

01392 360338



Architects | Urban Designers

Meeting: Council

Date: 3 December 2020

Wards Affected: All Wards

Report Title: Statutory Officer Appointments – Director of Public Health

Director/Assistant Director Contact Details: Anne-Marie Bond, Interim Chief Executive, anne-marie.bond@torbay.gov.uk

1. Purpose of Report

- 1.1 Following the decision of the Employment Committee on 6th November 2020 to appoint Lincoln Sargeant as Torbay's Director of Public Health, this report requests the Council to confirm the statutory element of the appointment and provides introductory information on Dr Sargeant.

2. Reason for Proposal and its benefits

- 2.1 The reason for the decision is to confirm the statutory element of the appointment of the new Director of Public Health which is a legal requirement to be made by the Council.
-

3. Recommendation(s) / Proposed Decision

- (i) That Lincoln Sargeant be appointed as the Statutory Officer for the Director of Public Health with effect from 1 February 2021.

Supporting Information

1. Introduction and background

1.1 Dr Lincoln Sargeant

Dr Lincoln Sargeant has been Director of Public Health for North Yorkshire since November 2012. Lincoln has been instrumental, with colleagues, in establishing and leading the Public Health services and functions in England's largest county by geography since the transfer of responsibilities from the NHS to Local Government in April 2013. As well as developing and improving North Yorkshire's healthy child, sexual health and substance misuse services, he has also played an important role in creating, funding and supporting programmes such as Stronger Communities, Living Well (social prescribing) Discoveries on your Doorstep (physical activity), falls prevention and adult weight management. More recently, he has worked hard in providing Public Health leadership and expertise to respond to the Covid-19 pandemic.

He was previously a Consultant in Public Health Medicine with NHS Cambridgeshire and his portfolio included health protection, social inclusion, mental health, and Epidemiology with the University of Cambridge and a Recognised Clinical Teacher at the medical school there. Lincoln is a medical graduate of University of West Indies and holds postgraduate degrees from University of Cambridge in Epidemiology and Public Health.

**Meeting: Audit Committee
Council**

**Date: 23rd November 2020
3rd December 2020**

Wards Affected: All Wards in Torbay

Report Title: Treasury Management Mid-Year Review 2020/21

Is the decision a key decision? No

When does the decision need to be implemented? Immediate

Cabinet Member Contact Details: Councillor Darren Cowell, Darren.Cowell@torbay.gov.uk

Supporting Officer Contact Details: Pete Truman, Principal Accountant,
pete.truman@torbay.gov.uk

1. Purpose and Introduction

- 1.1 This report provides Members with a review of Treasury Management activities during the first part of 2020/21. The Treasury function aims to support the provision of all Council services through management of the Council's cash flow and debt & investment operations.
- 1.2 The key points in the Treasury Management review are as follows:
- No new borrowing planned in 2020/21
 - Bank Rate reduced to 0.1% in March 2020
 - Investment rates close to zero with negative rates a risk
 - Internal cash resources applied to capital funding and loan repayments
 - Cash flow influenced by MHCLG and BEIS grant and funding changes

2. Proposed Decision

Audit Committee

- 2.1 **that the Audit Committee provide any comments and/or recommendations on the Treasury Management decisions made during the first part of 2020/21**

Council

- 2.2 **that the Treasury Management decisions made during the first part of 2020/21 as detailed in this report be noted.**

3. Reason for Decision

- 3.1 The preparation of a mid-year review on the performance of the treasury management function forms part of the minimum formal reporting arrangements required by the CIPFA Code of Practice for Treasury Management.

Supporting Information

4. Position

- 4.1 In February 2019 the Council adopted the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the CIPFA Code) which requires the Council to approve treasury management semi-annual and annual reports.
- 4.2 The original Treasury Management Strategy for 2020/21 was approved by Council on 13th February 2020. The successful identification, monitoring and control of risk remains central to the Council's treasury management strategy.
- 4.3 The 2017 Prudential Code includes a requirement for local authorities to provide a Capital Strategy, a summary document approved by full Council covering capital expenditure and financing. The Capital Strategy, complying with CIPFA's requirement, was approved by full Council on 13th February 2020.
- 4.4 In April 2020 the Council changed its Treasury Management advisor to Arlingclose Ltd after a full tender process.

5. Economic Commentary

- 5.1 The significant economic events impacting the Treasury Management strategy during the year were:
- MPC lowered Bank Rate from 0.75% to 0.25% on 11th March 2020 followed by a further cut to 0.1% on 19th March 2020 as a result of the of the Covid-19 pandemic on the economy.
 - The potential use of negative interest rates has not been ruled in or out by BoE policymakers
 - Market interest rates have fallen to little more than zero with negative levels being priced in on some instruments
- 5.2 A full economic commentary by Arlingclose Ltd is provided at Appendix 1 to this report.

6 Local Context

- 6.1 On 31st March 2020, the Council had net borrowing of £329m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in Table 1 below.

Table 1: Balance Sheet Summary

	31.3.20 Actual £m
Total CFR	413.4
Less: Other debt liabilities (e.g. PFI)	(17.5)
Loans CFR	395.9
External borrowing	395.2
Internal borrowing	0.7
Less: Usable reserves	(48.0)
Less: Working capital	(18.9)
Net Position	329.0

- 6.2 Lower official interest rates have reduced the cost of short-term, temporary loans and investment returns from cash assets that can be used in lieu of borrowing. The Council pursued its strategy of keeping borrowing and investments below their underlying levels, i.e. internal borrowing, in order to reduce risk.
- 6.3 The treasury management position on 30th September 2020 and the change over the six months is shown in Table 2 below.

Table 2: Treasury Management Summary

	31.3.20 Balance £m	Movement £m	30.9.20 Balance £m	30.9.20 Rate %
Long-term borrowing	395.2	(3.4)	391.8	2.99
Short-term borrowing	0	0	0	0
Total borrowing	395.2	(3.4)	391.8	2.99
Long-term investments	10.0	0	10.0	1.64
Short-term investments	48.5	17.5	66.0	0.45
Cash and cash equivalents	7.7	(4.9)	2.8	0.20
Total investments	66.2	12.6	78.8	0.59

7. Borrowing Update

- 7.1 On 9th October 2019 the Public Works Loan Board (PWLB) raised the cost of certainty rate borrowing to 1.8% above UK gilt yields making it relatively expensive. Officers have investigated market alternatives, however these offer limited rate advantages and require significant resource to transact (compared to PWLB). The financial strength of individual authorities will be scrutinised by investors and commercial lenders.
- 7.2 The Chancellor's March 2020 Budget statement included significant changes to PWLB policy and launched a wide-ranging consultation on the PWLB's future direction. Announcements included a reduction in the margin on new Housing Revenue Account (HRA) loans to 0.80% above equivalent gilt yields.

- 7.3 The consultation titled “Future Lending Terms” allows stakeholders to contribute to developing a system whereby PWLB loans can be made available at improved margins to support qualifying projects. It contains proposals to allow authorities that are not involved in “debt for yield” activity to borrow at lower rates as well as stopping local authorities using PWLB loans to buy commercial assets primarily for yield. The consultation also broaches the possibility of slowing, or stopping, individual authorities from borrowing large sums in specific circumstances.
- 7.4 The consultation closed on 31st July 2020 with the announcement and implementation of the revised lending terms expected in the latter part of this calendar year or early next year. A response was submitted for Torbay Council by the Chief Finance Officer.
- 7.5 **Municipal Bonds Agency (MBA):** The MBA revised its standard loan terms and framework agreement. Guarantees for the debt of other borrowers are now proportional and limited and a requirement to make contribution loans in the event of a default by a borrower has been introduced. The agency has issued 5-year floating rate and 40-year fixed rate bonds in 2020, in both instances Lancashire County Council is the sole borrower and guarantor.
- 7.6 If the Council intends future borrowing through the MBA, it will first ensure that it has thoroughly scrutinised the legal terms and conditions of the arrangement and is satisfied with them.
- 7.7 Since the 1% increase in PWLB rates Councils have been monitoring options for alternative borrowing sources. Torbay will also continue to review options including those taken by other Councils.

8. Borrowing Strategy during the period

- 8.1 At 30th September 2020 the Council held £391.8m of loans, (a decrease of £3.4m) as part of its strategy for funding previous years’ capital programmes. Outstanding loans on 30th September are summarised in Table 3 below.

Table 3: Borrowing Position

	31.3.20 Balance £m	Net Movement £m	30.9.20 Balance £m	30.9.20 Weighted Average Rate %	30.9.20 Weighted Average Maturity (years)
Public Works Loan Board	385.2	(3.4)	381.8	2.946	28
Banks (LOBO)	5.0	0	5.0	4.395	58
Banks (fixed-term)	5.0	0	5.0	4.700	54
Total borrowing	395.2	(3.4)	391.8	2.987	29

- 8.2 The Council’s chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Council’s long-term plans change being a secondary objective.

- 8.3 In keeping with these objectives, no new borrowing was undertaken, while a £3m existing loan was allowed to mature without replacement. This strategy enabled the Council to reduce net borrowing costs and reduce overall treasury risk.
- 8.4 Going forward - with short-term interest rates remaining much lower than long-term rates and temporary investments earning virtually zero, it will be more cost effective in the near term to use internal resources or short-term loans instead of long term borrowing.

9 Treasury Investment Activity

- 9.1 On 30th March 2020 the Council received central government funding to support small and medium businesses during the coronavirus pandemic through grant schemes. £47.5m was received, which added to the Council's already significant invested funds. £38.9m of grants was disbursed by the end of September with the balance due to be repaid to central government. In addition to business grants, MHCLG have changed the profile of the council's NNDR payments and have also advanced in full a number of grants
- 9.2 The investment position is shown in table 4 below.

Table 4: Treasury Investment Position

	31.3.20 Balance £m	Net Movement £m	30.9.20 Balance £m	30.9.20 Income Return %	30.9.20 Weighted Average Maturity days
Banks	30.7	(5.9)	24.8	0.16	23
Government	0.00	15.0	15.0	0.01	12
Local Authorities	8.0	(3.0)	5.0	1.00	414
Money Market Funds	18.5	6.5	25.0	0.07	1
Other Pooled Funds:					
- Short-dated bond funds	4.0	0	4.0	0.77	-
- Property fund	4.7	(0.2)	4.5	4.03	-
Total Investments	65.9	12.4	78.3	0.59	59

- 9.3 Both the CIPFA Code and government guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income. In these uncertain economic times the Council will keep an emphasis on the security of its investments.
- 9.4 Continued downward pressure on short-dated cash rates brought net returns on sterling deposits and money market funds close to zero by the end of September 2020.
- 9.5 On 25th September the overnight, 1- and 2-week deposit rates on Debt Management Account Deposit Facility (DMADF) deposits dropped below zero percent to -0.03%,

the rate was 0% for 3-week deposits and 0.01% for longer maturities. Since then the level for one month has fallen from 0.01% to zero.

- 9.6 In the light of the pandemic crisis and the likelihood of unexpected calls on cash flow, the Council kept more cash available at very short notice than is normal. Liquid cash was diversified over several counterparties and Money Market Funds to manage both credit and liquidity risks. The danger to this approach is the prospect of exposure to negative rates and an element will remain in fixed term deposits, likely with the government as safest counterparty.
- 9.7 **Externally Managed Pooled Funds:** £5m of the Council's investments are held in the CCLA Local Authorities Property Fund where short-term security and liquidity are lesser considerations, and the objectives instead are regular revenue income and long-term price stability. The fund has generated an average income return of £109k (4.3%), which is used to support services in year. There was an unrealised capital loss of £197k (4.2%) on the fund value which will not impact the Revenue Account in the current year.
- 9.8 Similar to many other property funds, dealing (i.e. buying or selling units) in the Fund was suspended by the managers in March 2020. The relative infrequency of property transactions in March as the pandemic intensified meant that it was not possible for valuers to be confident that their valuations correctly reflected prevailing conditions. To avoid material risk of disadvantage to buyers, sellers and holders of units in the property fund, the management company was obliged to suspend transactions until the required level of certainty is re-established. The dealing suspension was lifted in September 2020. There has also been a change to redemption terms for the CCLA Local Authorities Property Fund; from September 2020 investors are required to give at least 90 calendar days' notice for redemptions.
- 9.9 Because the Council's externally managed fund has no defined maturity date, but is available for withdrawal after a notice period, its performance and continued suitability in meeting the Council's investment objectives is regularly reviewed. Strategic fund investments are made in the knowledge that capital values will move both up and down on months, quarters and even years; but with the confidence that over a three- to five-year period total returns will exceed cash interest rates.
- 9.10 In 2020/21 the Council expects to receive significantly lower income from its cash and short-dated money market investments and from its externally managed funds than it did in 2019/20 and earlier years. However given the greater volumes of cash early on in the year the budget position for 2020/21 has not been severely compromised although there remains uncertainty over the 2021/22 outlook.

10 Non-Treasury Investments

- 10.1 The definition of investments in CIPFA's revised Treasury Management Code now covers all the financial assets of the Council as well as other non-financial assets which the Council holds primarily for financial return. This is replicated in the Investment Guidance issued by the Ministry of Housing, Communities and Local Government (MHCLG) in which the definition of investments is further broadened to also include all such assets held partially for financial return.

10.2 A full list of the Council's non-treasury investments is provided at Appendix 2 to this report

11 Impact of Treasury Performance on the Revenue Budget

11.1 The net revenue budget for treasury management is projected to be underspent after the suspension of new borrowing and use of internal resources to fund capital expenditure in the near term.

Table 5: Revenue Budget Performance

As at end September 2020	Revised Budget 2020/21	Projected Outturn 2020/21	Variation
	£M	£M	£M
Investment Income	(0.4)	(0.4)	0.0
Interest Paid on Borrowing	12.5	11.8	(0.7)
Net Position (Interest)	12.1	11.4	(0.7)
Minimum Revenue Provision	6.4	6.4	0.0
Net Position (Other)	6.4	6.4	0.0
Net Position Overall	18.5	17.8	(0.7)

12 Compliance

12.1 The Chief Finance Officer reports that all treasury management activities undertaken during the quarter complied fully with the CIPFA Code of Practice and the Council's approved Treasury Management Strategy Compliance with specific investment limits is demonstrated in table 8 below (para 12.4).

12.2 Compliance with the authorised limit and operational boundary for external debt is demonstrated in table 7 below.

Table 6: Debt Limits

	Maximum in period	30.9.20 Actual	2020/21 Operational Boundary	2020/21 Authorised Limit	Complied?
Borrowing	£395.1m	£391.8m	£570m	£690m	Yes
PFI and Finance Leases	£17.5m	£17.5m	£20m	£20m	Yes
Total debt	£412.6m	£409.3m	£590m	£710m	Yes

12.3 Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure. Total debt did not exceed the operational boundary during the period.

- 12.4 The Head of Finance confirms that the approved limits set by him under delegated powers and in accordance with the Annual Investment Strategy were not breached during the period of this report. Detail in table 8 below

Table 7: Investment Limits

	Maximum in period	30.9.20 Actual	2020/21 Limit (Highest in period)	Complied? Yes/No
Any single organisation, except the UK Government	£12M	£9M	£12M	Yes
Any group of organisations under the same ownership	£17M	£17M	£18M	Yes
Money Market Funds	£12.9	£12.9m	£15M	Yes

13 Treasury Management Indicators

- 13.1 The Council measures and manages its exposures to treasury management risks using the following indicators.
- 13.2 **Maturity Structure of Borrowing:** This indicator is set to control the Council's exposure to refinancing risk. The upper and lower limits on the maturity structure of all borrowing were:

	30.9.20 Actual	Upper Limit	Lower Limit	Complied?
Under 12 months	1%	0%	40%	Yes
12 months and within 24 months	1%	0%	40%	Yes
24 months and within 5 years	4%	0%	30%	Yes
5 years and within 10 years	7%	0%	40%	Yes
10 years and within 20 years	18%	0%	50%	Yes
20 years and within 30 years	8%	0%	60%	Yes
30 years and within 40 years	33%	0%	50%	Yes
40 years and above	29%	0%	50%	Yes

- 13.3 **Principal Sums Invested for Periods Longer than a year:** The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end were:

	2020/21	2021/22	2022/23
Actual principal invested beyond year end	£10m	£10m	£5m
Limit on principal invested beyond year end	£20m	£20m	£20m
Complied?	Yes	Yes	Yes

14 Other

14.1 **IFRS 16:** The implementation of the new IFRS 16 Leases accounting standard has been delayed until 2021/22.

15 Outlook for the remainder of 2020/21 (Arlingclose Ltd)

	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23
Official Bank Rate													
Upside risk	0.00	0.00	0.00	0.15	0.15	0.15	0.15	0.30	0.30	0.30	0.30	0.30	0.30
Arlingclose Central Case	0.10												
Downside risk	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50

15.1 The medium-term global economic outlook is weak. While the strict initial lockdown restrictions have eased, coronavirus has not been suppressed and second waves have prompted more restrictive measures on a regional and national basis. This ebb and flow of restrictions on normal activity will continue for the foreseeable future, at least until an effective vaccine is produced and importantly, distributed.

15.2 The global central bank and government responses have been significant and are in many cases on-going, maintaining more stable financial, economic and social conditions than otherwise. This has supported a sizeable economic recovery in Q3.

15.3 However, the scale of the economic shock to demand, on-going social distancing measures, regional lock downs and reduced fiscal support will mean that the subsequent pace of recovery is limited. Early signs of this are already evident in UK monthly GDP and PMI data, even before the latest restrictions.

15.4 This situation will result in central banks maintaining low interest rates for the medium term. In the UK, Brexit is a further complication. Bank Rate is therefore likely to remain at low levels for a very long time, with a distinct possibility of being cut to zero. Money markets have priced in a chance of negative Bank Rate.

15.5 Longer-term yields will also remain depressed, anchored by low central bank policy rates, expectations for potentially even lower rates and insipid inflation expectations. There is a chance yields may follow a slightly different path in the medium term, depending on investor perceptions of growth and inflation, or if the UK leaves the EU without a deal.

- 15.6 Arlingclose Ltd expects Bank Rate to remain at the current 0.10% level and additional monetary loosening in the future most likely through further financial asset purchases (QE). While Arlingclose Ltd's central case for Bank Rate is no change from the current level of 0.1%, further cuts to Bank Rate to zero or even into negative territory cannot be completely ruled out.
- 15.7 Gilt yields are expected to remain very low in the medium term. Shorter-term gilt yields are currently negative and will remain around zero or below until either the Bank of England expressly rules out negative Bank Rate or growth/inflation prospects improve.
- 15.8 Downside risks remain in the near term, as the government dials down its fiscal support measures, reacts to the risk of a further escalation in infection rates and the Brexit transition period comes to an end.

Appendices

Appendix 1: Economic commentary

Appendix 2: Non-Treasury Management Investments

Additional Information

[Treasury Management Strategy 2020/2021](#)

Appendix 1

Economic background (provided by Arlingclose Ltd, October 2020)

The spread of the coronavirus pandemic dominated during the period as countries around the world tried to manage the delicate balancing act of containing transmission of the virus while easing lockdown measures and getting their populations and economies working again. After a relatively quiet few months of Brexit news it was back in the headlines towards the end of the period as agreement between the UK and EU on a trade deal was looking difficult and the government came under fire, both at home and abroad, as it tried to pass the Internal Market Bill which could override the agreed Brexit deal, potentially breaking international law.

The Bank of England (BoE) maintained Bank Rate at 0.1% and its Quantitative Easing programme at £745 billion. The potential use of negative interest rates was not ruled in or out by BoE policymakers, but then a comment in the September Monetary Policy Committee meeting minutes that the central bank was having a harder look at its potential impact than was previously suggested took financial markets by surprise.

Government initiatives continued to support the economy, with the furlough (Coronavirus Job Retention) scheme keeping almost 10 million workers in jobs, grants and loans to businesses and 100 million discounted meals being claimed during the 'Eat Out to Help Out' (EOHO) offer. GDP growth contracted by a massive 19.8% (revised from first estimate -20.4%) in Q2 2020 (Apr-Jun) according to the Office for National Statistics, pushing the annual growth rate down to -21.5% (first estimate -21.7%). Construction output fell by 35% over the quarter, services output by almost 20% and production by 16%. Recent monthly estimates of GDP have shown growth recovering, with the latest rise of almost 7% in July, but even with the two previous monthly gains this still only makes up half of the lost output.

The headline rate of UK Consumer Price Inflation (CPI) fell to 0.2% year/year in August, further below the Bank of England's 2% target, with the largest downward contribution coming from restaurants and hotels influenced by the EOHO scheme. The Office for National Statistics' preferred measure of CPIH which includes owner-occupied housing was 0.5% y/y.

In the three months to July, labour market data showed the unemployment rate increased from 3.9% to 4.1% while wages fell 1% for total pay in nominal terms (0.2% regular pay) and was down 1.8% in real terms (-0.7% regular pay). Despite only a modest rise in unemployment over the period, the rate is expected to pick up sharply in the coming months as the furlough scheme ends in October. On the back of this, the BoE has forecast unemployment could hit a peak of between 8% and 9%.

The US economy contracted at an annualised rate of 31.7% in Q2 2020 (Apr-Jun). The Federal Reserve maintained the Fed Funds rate at between 0% and 0.25% but announced a change to its inflation targeting regime. The move is to a more flexible form of average targeting which will allow the central bank to maintain interest rates at low levels for an extended period to support the economy even when inflation is 'moderately' above the 2% average target, particularly given it has been below target for most of the last decade.

The European Central Bank maintained its base rate at 0% and deposit rate at -0.5%.

Financial markets: Equity markets continued their recovery, with the Dow Jones climbing to not far off its pre-crisis peak, albeit that performance being driven by a handful of technology stocks including Apple and Microsoft, with the former up 75% in 2020. The FTSE 100 and 250

have made up around half of their losses at the height of the pandemic in March. Central bank and government stimulus packages continue to support asset prices, but volatility remains.

Ultra-low interest rates and the flight to quality continued, keeping gilts yields low but volatile over the period with the yield on some short-dated UK government bonds remaining negative. The 5-year UK benchmark gilt yield started and ended the June–September period at -0.06% (with much volatility in between). The 10-year gilt yield also bounced around, starting at 0.21% and ending at 0.23% over the same period, while the 20-year rose from 0.56% to 0.74%. 1-month, 3-month and 12-month bid rates averaged 0.02%, 0.06% and 0.23% respectively over the period.

At the end of September, the yield on 2-year US treasuries was around 0.13% while that on 10-year treasuries was 0.69%. German bund yields remain negative across most maturities.

Credit review: Credit default swap spreads eased over most of the period but then started to tick up again through September. In the UK, the spreads between ringfenced and non-ringfenced entities remains, except for retail bank Santander UK whose CDS spread remained elevated and the highest of those we monitor at 85bps while Standard Chartered was the lowest at 41bps. The ringfenced banks are currently trading between 45 and 50bps.

After a busy second quarter of the calendar year, the subsequent period has been relatively quiet for credit changes for the names on our counterparty list. Fitch assigned a AA- deposit rating to Netherlands lender Rabobank with a negative outlook and prior to that, while not related to our counterparty list but quite significant, revised the outlook on the US economy to Negative from Stable while also affirming its AAA rating.

There continues to remain much uncertainty around the extent of the losses banks and building societies will suffer due to the impact from the coronavirus pandemic and for the UK institutions on our list there is the added complication of the end of the Brexit transition period on 31st December and what a trade deal may or may not look like.

Non Treasury Management Investments

13th November 2020

Appendix 2

Investment Properties

The criteria the Council has adopted for the recognition of an investment priorities is :-

A property held primarily to generate rental income or for capital appreciation or both.

A property that is used solely to facilitate delivery of services, or to facilitate delivery of services as well as rentals does not meet the definition.

Asset	Value at 31.03.2019 *	Value at 31.03.2020 *	Year Purchased	Purchase Price for investment fund assets including acquisition cost	Asset life for the calculation of MRP	Asset life at March 2020 provided by Valuer
	£ million	£ million		£ million	years	years
Distribution Warehouse at Medway	28.8	31.2	2017/18	31.4	50	55
Ferndown	26.1	26.2	2017/18	27.5	50	50
Fugro House	19.8	19.6	2017/18	20.6	50	50
Gadeon House	15.3	15.4	2017/18	16.9	50	50
Gala Bingo Club	0.3	0.3	n/a	n/a	n/a	20
Torquay Golf Course (Petitor)	1.2	1.2	n/a	n/a	n/a	60
Unit 3 Riviera Park	0.8	0.8	n/a	n/a	n/a	25
Waterside Caravan Park	2.5	2.8	n/a	n/a	n/a	60
Wren Retail Park	18.1	11.5	2016/17	21.1	50	60
Twyver House, Gloucester	12.3	12.8	2018/19	12.5	50	40
Woodwater House Exeter	9.3	9.5	2018/19	9.9	50	60
The Range, Babbacombe	8.8	7.8	2018/19	8.8	40	60
3 Lucknow Road, Bodmin	2.8	2.9	2018/19	3.0	35	30
Travelodge, Chippenham (asset under construction as at 31/3/2019)	0.1	6.5	2019/20	6.3	35	60
Distribution facility, Exeter (asset under construction as at 31/3/2019)	2.6	15.4	2019/20	15.2	50	60
Crown Records, Exeter		1.7	2019/20	1.8	30	30
Bookers, Didcot, Oxfordshire		32.8	2019/20	34.6	40	40
Odeon, Taunton		10.5	2019/20	11.1	40	60
Total	148.8	208.9		220.7		

* Note: Valuation are made inline with the CIPFA Accounting Code as required for the Council's Statement of Accounts

COVID19

Please note due to COVID 19, the Council's Valuer has issued the 31st March 2020 valuation report on the basis of 'material valuation uncertainty'. This is in line with RICS guidance. Therefore a higher degree of caution should be attached to the valuation.

Loans (over £50k balance outstanding)

All loans over £50k have received Council or Investment Committee Approval in line with Financial Regulations

Debtor	Value Principal	Loan Term (years)	Remaining term as at 31/03/20	Interest rate per annum	Outstanding Balance 30.03.2020	Note	Mitigation of risk
	£ million				£ million		
South Devon College	4.0	25	22 years & 3 months	2.80%	3.6		None - Council decision to accept risk as public sector
TDA ¹ - Cockington Car Park	0.6	n/a		n/a	0.0	Not yet taken up	Wholly owned subsidiary of the Council
TDA ¹ - Unit E, Torbay Business Park	1.5	40	40 years	1.99%	1.5	New loan 2019/20	
TDA ¹ - Tor Vista - Working Capital	1.0				0.1	£0.5m - end Oct 20	
TDA ¹ - Tor Vista - Capital loan	25.0	n/a		n/a	0.0	Not yet taken up	
TDA ¹ - Kings Ash House	1.5	25	22 years & 3 months	4.50%	1.4		
THAT Group	9.3	Capital repayment starts in 2025 (7 years after the agreement)	36 years from 2025	5.25% to increase in 2023 to 8.5% over BR	9.3	New loan 2019/20	legal agreement and personal guarantee
Effect Photonics Ltd	0.5	6	6	8.00%	0.5	New loan 2019/20	Charge on the equipment
SWISCO - Working Capital	1.0				0.0	Not yet taken up	
Total	44.4				16.4		

Guarantees
None as at 31.3.20

Pension Guarantees (to Pension Fund not Employer)		Note: Any approved guarantees to new entities will be included once operational				
<u>Employer</u>	Nature of Guarantee **	Fund Start Date	Bond Renewal Date	Existing Bond Amount £'000	***2017 Assessed Risk £'000	Mitigation of risk
Action for Children	A	01.08.2012	31.12.2016	80	22	Council contract
Mama Bears	A	08.12.2012	08.01.2018	22	9	Council contract
Healthwatch Torbay	A	01.05.2013	Cash held in Escrow A/C with DCC	13	21	Escrow a/c
Churchill Services (Sherwell Valley)	A	01.10.2014	30.09.2017	24	7	Low value
Torbay Community Development Trust	A	01.03.2014	Cash held in Escrow A/C with DCC	21	18	Escrow a/c
Sanctuary Housing (Intergrated Domestic Abuse)	A	02.09.2014	01.10.2019	10	39	Bond in place until 1.10.19
Torbay Coast and Countryside Trust	C	01.12.1999	n/a	n/a	223	linked charity
Torbay Development Agency ¹ - see note	C	01.07.2011	n/a	n/a	525	wholly owned subsidiary
The Childrens Society (Services) Ltd	C	01.01.2014	n/a	n/a	8	Low value
SWISCo	C	01.07.2020	n/a	n/a	tbc	wholly owned subsidiary
Torbay Education Services	C	01.01.2021	n/a	n/a	tbc	wholly owned subsidiary
ISS Torbay Schools	C	01.08.2014	n/a	n/a	21	Low value
LEX Leisure (transfer of Velopark staff)	n/a	1.12.17	If deficit materialises, through LEX becoming insolvent, amount will be added to Council's existing deficit			
Libraries Unlimited (transfer of Libraries staff)	n/a	01.04.18	Any liability arising through Libraries Unlimited becoming insolvent, the amount will be added to the Council's existing fund deficit. In addition, any liability at the end of the contract will also be added to the Council's fund deficit			
Youth Service	n/a	1.2.20	Any liability arising through Youth Service becoming insolvent, the amount will be added to the Council's existing fund deficit. In addition, any liability at the end of the contract will also be added to the Council's fund deficit			
CSW Group (Cornwall Local Government Pension Scheme)	n/a	2008	Torbay Council's liability limited to 8.1% based on population			
TDA¹ Pension Liability Pass Through						
In 2019/20 the Council recognised, under a pass through arrangement, a financial guarantee for the pension liability for the TDA (a subsidiary company) that would require the Council to pay the TDA employer pension payments to the Devon County Pension Fund if the TDA defaulted on the payments. The TDA remains an admitted body to the pension scheme and is making higher employer contributions to mitigate any financial risk to the Council. The TDA will continue to recognise a pension liability under IAS19 and also recognises an asset to the value of that IAS19 Liability. The Council's liability is therefore the value of the TDA IAS19 pension liability.						
¹ Torbay Economic Development Company Limited Trading as the TDA also known as Torbay Development Agency						
**A= Bond is required as part of the organisation's admission agreement						
C= A bond is not in place and either the letting authority or a guarantor has responsibility for any residual deficit						
***The summary shows the 2017 Assessed Risk Value as supplied by the Devon Local Government Pension Scheme						

Subsidiary Companies (wholly owned by Torbay Council) - see Statement of Accounts 2019/20

<https://www.torbay.gov.uk/media/14531/soa-1920.pdf>

**Standing Order D11 (in relation to Overview and Scrutiny) – Call-in and Urgency
Council Meeting, 3 December 2020**

In accordance with Standing Order D11, the call-in procedure does not apply where the executive decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Council's or the public's interests.

Before deciding whether a decision is urgent the decision making person or body must consult the Overview and Scrutiny Co-ordinator, or in his absence either:

- (a) (if the decision is a Key Decision and Standing Order E14 (General Exception) applies) each member of the Overview and Scrutiny Board shall be consulted; or
- (b) (in all other cases) the Civic Mayor, or (if there is no Civic Mayor appointed) the Deputy Civic Mayor, shall be consulted.

Decisions taken as a matter of urgency shall be reported to the next available meeting of the Council, together with the reasons for urgency and a summary of the consultation undertaken.

The table below sets out this information:

Matter for decision	Decision-taker	Reasons for urgency	Consultation
Investment Opportunity 8/01/20 and Economic Growth Fund Opportunity 9/01/20	The Cabinet	<p>The Cabinet took an exempt decision, at its meeting held on 4 February 2020, to purchase new investments from the Council's Investment and Regeneration Fund and Economic Growth Fund. The details of the investments were exempt as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the Council interests and result in the Council losing these investment opportunities.</p>	The Overview and Scrutiny Co-ordinator was consulted on 3 February 2020

Matter for decision	Decision-taker	Reasons for urgency	Consultation
New Economic Growth Fund Opportunity 10/2/20	The Cabinet	<p>The Cabinet took an exempt decision, at its meeting held on 20 February 2020, to provide a loan from the Council's Economic Growth Fund in order to generate income for the Council. The details of the loan was exempt as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the Council interests and result in the Council losing this investment opportunity.</p>	The Overview and Scrutiny Co-ordinator was consulted on 18 February 2020
Application to list Plainmoor Stadium as an Asset of Community Value	The Leader of the Council	<p>The Leader of the Council took a decision, on 24 March 2020, to re-list Plainmoor Football Stadium on the Council's list of assets of community value from 1 April 2020 due to the current listing expiring on 30 March 2020.</p> <p>The decision taken by the Leader of the Council needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the Council and public's interests.</p>	The Overview and Scrutiny Co-ordinator was consulted on 13 March 2020
New Economic Growth Fund Opportunity 19/05/20(a)	The Cabinet	<p>The Cabinet took an exempt decision, at its meeting held on 19 May 2020, to provide a loan from the Council's Economic Growth Fund in order to generate income for the Council. The details of the loan was exempt as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the Council interests and result in the Council losing this investment opportunity.</p>	The Overview and Scrutiny Co-ordinator was consulted on 15 May 2020

Matter for decision	Decision-taker	Reasons for urgency	Consultation
Future Highstreets Funding	The Cabinet	<p>The Cabinet took a decision, at its meeting held on 14 July 2020, to submit a bid to the government for future highstreets funding. The bid and full business case had to be submitted to government by the end of July. There was no scope for deviation from this deadline.</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the Council and public's interests and result in the Council losing the opportunity to bid for funding to improve our high streets.</p>	The Overview and Scrutiny Co-ordinator was consulted on 30 June 2020
Torquay Town Deal	The Cabinet	<p>The Cabinet took a decision, at its meeting held on 14 July 2020, to submit a bid to the government for funding for the Torquay Town Deal. The bid and full business case had to be submitted to government by the end of July. There was no scope for deviation from this deadline.</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the Council and public's interests and result in the Council losing the opportunity to bid for funding to improve Torquay Town Centre.</p>	The Overview and Scrutiny Co-ordinator was consulted on 2 July 2020
Consultation Response to the Planning for the Future White Paper	The Cabinet	<p>The Cabinet took a decision, at its meeting held on 20 October 2020, to respond to consultation Response to the Planning for the Future White Paper. The deadline for response to the consultation was 29 October 2020.</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the Council and public's interests and result in the Council losing the opportunity to have its say on this important consultation document which would impact on future planning delivery in Torbay.</p>	The Overview and Scrutiny Co-ordinator was consulted on 7 October 2020