

Monday, 7 October 2024

## **CABINET**

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

**Tuesday, 15 October 2024**

commencing at **5.30 pm**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

### **Members of the Committee**

Councillor David Thomas (Chairman)

Councillor Billings

Councillor Jacqueline Thomas

Councillor Bye

Councillor Tranter

Councillor Chris Lewis

Councillor Tyerman

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**A Healthy, Happy and Prosperous Torbay**

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**Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR**

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

# CABINET AGENDA

1. **Apologies**

To receive apologies for absence.

2. **Minutes**

To confirm as a correct record the Minutes of the meetings of the Cabinet held on 11 and 17 September 2024.

(Pages 3 - 20)

3. **Disclosure of Interests**

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

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

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

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

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

4. **Urgent Items**

To consider any other items the Chairman decides are urgent.

5. **Matters for Consideration**

6. **Union Square Land Assembly**

To consider a report that seeks to enable commencement of preparations for a possible Compulsory Purchase Order process for the redevelopment of Union Square shopping centre and surrounding properties.

(Pages 21 - 32)

**Minutes of the Cabinet**

**11 September 2024**

**-: Present :-**

Councillor David Thomas (Chairman)

Councillors Billings, Bye, Chris Lewis, Jacqueline Thomas, Tranter and Tyerman

(Also in attendance: Councillors Amil (virtually), Carter (virtually), Johns (virtually), Long, Maddison (virtually), Penny(virtually) and Twelves (virtually))

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**35. Minutes**

The Minutes of the meeting of the Cabinet held on 20 August 2024 were confirmed as a correct record and signed by the Chairman.

**36. Disclosure of Interests**

No interests were declared.

**37. Matters for Consideration**

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions and recommendations to Council) are set out in the Record of Decisions appended to these Minutes.

**38. Implementation of the Accommodation Re-purposing Project ("Hotels to Homes") and acquisition of Scheme 1**

**39. Levelling Up Fund Round 3 - Torbay Technology Park**

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Chairman/woman

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## Record of Decisions

### Implementation of the Accommodation Re-purposing Project ("Hotels to Homes") and acquisition of Scheme 1

#### Decision Taker

Cabinet on 11 September 2024.

#### Decision

That Cabinet recommend to Council:

1. That the Capital Programme be uplifted by £3m, wholly funded by capital grant received from MHCLG, to commence delivery of the Accommodation Repurposing Project (also known as 'Hotels to Homes');

That subject to 1. above, Cabinet:

2. Approve the turnkey acquisition of Scheme 1 for use as social housing, in accordance with business case provided at Exempt Appendix 1 (and funded by the MHCLG grant award);

That subject to 1. and 2. above:

3. Delegation be provided to the Director of Pride in Place, in consultation with the Cabinet Member for Housing and Finance and Director of Finance, to agree final terms to purchase Scheme 1, and following satisfactory completion of all necessary due diligence, proceed to acquire the scheme as set out at Exempt Appendix 1.
4. The Head of Strategic Housing & Delivery present a report to Cabinet at the appropriate time, to outline and recommend the financial and delivery arrangements necessary to move from a single scheme to a long-term, (largely) self-sustaining programme utilising all grants and external funding available.

#### Reason for the Decision

The Council was awarded a capital grant of £3m to commence delivery of the first project ("Scheme 1"), with conditions to demonstrate substantial delivery progress by March 2025. Whilst the new homes created by this scheme would be let through Devon Home Choice to eligible households with a local connection to Torbay, there was an intention to make these sites attractive to households where at least one adult works in a key industry (what has historically been called "keyworkers"). This was to seek to specially address the chronic recruitment issues faced by parts of the public sector such as the NHS, where a lack of good quality housing that was affordable was having a direct impact on recruitment and retention, creating a major implication for the health service and ultimately the health outcomes of Torbay residents. Providing homes for local workers was essential to ensure the long-term sustainability and health of our population.

#### Implementation

The decision in respect of 2. will be considered at the Council meeting on 12 September 2024. The decision in respect of 2. and 3. will come into force and may be implemented on 20

September 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

## **Information**

Torbay currently has very low levels of new housing supply. With the majority of affordable homes provided through s106 by private sector developers, issues that affect private sector development have a direct implication on the proportion of new affordable homes provided.

Many Registered Providers are also scaling back their delivery programmes, with financial capacity further affected by the significant regulatory issues faced by the sector at present. The cumulative impact of these factors being house price increases; a decline in the quality of private rental stock; diminished supply; and ultimately, a reduced ability for the Council to provide housing options for those in need.

The Council was focussed on increasing the amount of affordable housing delivered in Torbay. One of the delivery streams planned was the Hotels to Homes programme. The programme sought to increase new social housing through the acquisition and conversion of former hotel-type buildings into new, high-quality homes. The Council has been awarded a capital grant of £3m to commence delivery of the first project ("Scheme 1"), with conditions to demonstrate substantial delivery progress by March 2025. The anticipated long-term proposal was to develop a self-sustaining, cyclical investment fund that was capable of using the initial grant funding to purchase and redevelop sites, occupy as affordable housing in the medium-term, and then facilitate an onward disposal to a partner Registered Provider (once a portfolio of homes had been completed), generating a capital receipt for reinvestment into the next project ad infinitum.

At the meeting, Councillor Tyerman proposed and Councillor Bye 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**

Option 1, the preferred option, was to acquire the scheme as set out in Exempt Appendix 1 to the submitted report on a turnkey basis with stakeholder deposit and completion payment in the normal way. This was a relatively low risk way to deliver new homes and would ensure that the Council's investment was protected throughout the build as completion funds would only be released once assurance had been provided that the scheme had been completed appropriately and the contract terms met.

Option 2 would be to withdraw from the current opportunity and attempt to identify another hotel that already has a suitable planning consent, and to directly commission construction by March 2025. However, this would require the Council to take a considerable degree of commercial risk in respect of both commissioning construction of an inherited design and planning consent. The expectation was that this would also cost more than an equivalent turnkey option and would significantly delay delivery; whilst it is hoped that a degree of flexibility could be negotiated with the Ministry of Housing, Communities and Local Government (MHCLG), this would put the Council in direct conflict with the grant award terms. Therefore, this option was discounted.

Option 3 would be to hand back the grant and decline to proceed any further. This would be detrimental to the Council's relationship with MHCLG (and the new government). This may also cause wider implications for other Council delivery programmes and funding streams, too.

Ultimately and very importantly, this would also mean that the additional affordable housing supply that was urgently need, would not materialise. This option was discounted.

**Is this a Key Decision?**

No

**Does the call-in procedure apply?**

Yes

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

None

**Published**

12 September 2024

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

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## Record of Decisions

### Levelling Up Fund Round 3 - Torbay Technology Park

#### Decision Taker

Cabinet on 11 September 2024.

#### Decision

1. That Cabinet recommends to Council;

That the Director of Finance, in consultation with the Director of Pride in Place and Cabinet Member for Place Development and Economic Growth, be given delegated authority to vary the Capital Plan upon confirmation of the final acquisition price of Torbay Tech Park, which is to be funded from Levelling Up Fund grant, be approved.

2. That Cabinet be recommended:

That, subject to 1. above delegated authority be given to the Director of Pride in Place, in consultation with the Cabinet Member for Place Development and Economic Growth and Director of Finance, to agree and finalise the detailed acquisition terms as set out in option 2 to purchase circa 6 acres of employment land on Torbay Business Park, to progress the development of the Torbay Tech Park, subject to the final purchase price being evidenced against an independent valuation for the site and not exceeding the grant funding allocation for acquisition.

#### Reason for the Decision

Torbay's Economic Growth Strategy has a focus on creating high value jobs through the growth of key sectors. Through the Torbay Tech Park project, the Council will attract, retain and grow economic specialisms creating 100 full time equivalent jobs and 22,000 sq ft of new employment space; furthermore, the remainder of the site will enable the future development of circa 40,000 sq ft of additional business space creating a further 182 high value jobs. These projects support delivery of not only the Economic Growth Strategy but the Community and Corporate Plan and the Business Plan.

#### Implementation

The decision in respect of 1. Above will be considered at the Council meeting on 12 September 2024.

The decision in respect of 2. above will come into force immediately as the decision maker has decided that any delay likely to be caused by the call-in process would prejudice the public's and the Council's interest. The Overview and Scrutiny Co-ordinator was consulted on 30 August 2024.

#### Information

In November 2023, the government announced Levelling Up Fund round 3 (LUF3). Unlike previous rounds, this was an allocation-based process with funding being offered to places with high quality bids from Levelling Up Fund round 2 (LUF2). Torbay was one of 55 places chosen.

Torbay's submission was to develop the Torbay Technology Park (Torbay Tech Park), on Torbay Business Park, and a Port Infrastructure Project on Oxen Cove. Torbay had been granted up to £20M of LUF3 to deliver the Tech Park and Brixham Port Infrastructure Project.

The location of the Torbay Tech Park is important. The chosen site's proximity to EPIC and South Devon's College's HI Tech Digital Centre would create something akin to an Innovation Zone, improving collaboration between both the businesses and the College, driving investment and funding leading to growth and more jobs.

A key element of delivering the Torbay Tech Park was the purchase of the site. Authorisation to acquire the site would ensure compliance with the spend profile for the grant that had been agreed with government and would avoid any risk of triggering a review.

At the meeting, Councillor Chris Lewis proposed and Councillor David Thomas 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**

Option 1: Do Nothing.

This option was discounted as it would result in further delays and could jeopardise the project. In exchange for the LUF3 funding, a spending profile had been agreed. Delays would not only result in failure to spend against profile, it would put the project further back, which would likely result in a future deep dive from government. Furthermore, the Council would not be able to deliver a key milestone set out in the Business Plan 2024/27, as well as all the possible outcomes set out in section 8.

Option 2: Deliver the scheme as submitted to Government in March 2024.

This was the preferred option as it was affordable based on the LUF3 grant offered. It provided grow on space for the sector, supported the attraction of inward investment and reassurance to locally based businesses as to Torbay's commitment to the sector.

Option 3: Deliver the site in full.

This option would have been optimal for demonstrating to the sector locally, nationally and internationally that there was a pipeline of space available. However, it was cost prohibitive as further funding was required to deliver the additional 40,000 sq. ft of business space. Therefore, this option was discounted.

### **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**

12 September 2024

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

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## **Minutes of the Cabinet**

**17 September 2024**

**-: Present :-**

Councillor David Thomas (Chairman)

Councillors Billings, Bye, Chris Lewis, Jacqueline Thomas and Tranter

(Also in attendance: Councillors Tyerman (virtual), Douglas-Dunbar (virtual), Johns (virtual), Barbara Lewis (virtual), Long, Spacagna (virtual) and Stevens (virtual))

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### **40. Apologies**

An apology for absence from the physical meeting room was given by Councillor Tyerman, however Councillor Tyerman was present in the virtual meeting room from where he contributed to the meeting but was not part of the decision making process.

### **41. Disclosure of Interests**

No interests were declared.

### **42. Matters for Consideration**

The Cabinet considered the following matters, full details of which including the Cabinet's decisions, are set out in the Record of Decisions appended to these Minutes.

### **43. Local Transport Plan (2025-2040) for Consultation**

### **44. Support Service for Homeless Adults in Temporary Accommodation**

### **45. Adult Social Care - Annual Local Account 2023/2024**

Chairman/woman

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## Record of Decisions

### Local Transport Plan (2025-2040) for Consultation

#### Decision Taker

Cabinet on 17 September 2024.

#### Decision

1. That the Local Transport Plan (2025-2040) for consultation jointly with Devon County Council be approved.
2. That the Director of Pride in Place be given delegated authority, in consultation with the Cabinet Member for Pride in Place, Transport and Parking, to approve minor editing alterations to the Local Transport Plan (2025-2040) for grammatical or presentation purposes ahead of the consultation, alongside the production of supporting consultation materials.

#### Reason for the Decision

To allow Devon County Council and Torbay Council to undertake a consultation on the proposed Local Transport Plan (2025-2040), to develop the strategy document with policies that support the growth of Torbay and enhance the transport opportunities for the community, businesses and visitors.

#### Implementation

This decision will be implemented immediately.

#### Information

Local Transport Plans are statutory documents, required under the Local Transport Act 2008, for the Local Transport Authorities such as Torbay Council to produce. In 2011, Torbay worked in partnership with Devon County Council to adopt a joint Devon and Torbay Local Transport Plan (2011-2026)

Local Transport Plan set out the overarching ambitions for the local transport network with policies for the promotion of safe, integrated, efficient and economic transport, alongside proposals for the implementation of these policies.

The updated Local Transport Plan sets out a clear vision and objectives for a place-based strategy from 2025-2040.

At the meeting Councillor Billings proposed and Councillor Chris Lewis seconded a motion that was agreed by the Cabinet, as set out above.

#### Alternative Options considered and rejected at the time of the decision

An alternative option would be not to consult at this time and wait until further guidance was published by Government, but there is no information currently on whether or not further guidance will be forthcoming. Devon County Council could choose to proceed separately with the plan, removing the linkages and joint sections with Torbay. This would mean that the

March 2025 date in the devolution agreement would be challenging to meet and would likely lead to a disjointed plan for transport across the area, rather than the joined-up approach currently proposed.

A second alternative option would be to similarly pause the current work, and instead wait until the existing plan expires in 2026 and to review whether a separate Torbay or joint Devon and Torbay plan at that time was appropriate. By 2026, an updated strategic plan for transport covering the area would be required. There had previously been indications that updated Local Transport Plans would be used to guide funding awards to Councils – with a longer-term plan there may be scope for longer term funding packages.

**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 September 2024

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet



## Record of Decisions

### Support Service for Homeless Adults in Temporary Accommodation

#### Decision Taker

Cabinet on 17 September 2024.

#### Decision

That authority be delegated to the Director of Adult and Community Services in consultation with the Director of Finance and Cabinet Member for Adult and Community Services, Public Health and Inequalities to award a contract for a building-based housing-related support service for homeless adults in temporary accommodation.

#### Reason for the Decision

The current temporary accommodation model in Torbay was based around dispersed units of accommodation without support. However, it had become clear that for a cohort of people with additional needs, who make up a significant percentage of the local recipients of council-funded temporary accommodation, a more interventionist approach was required. By providing support alongside accommodation, the council would be able to address the underlying causes of homelessness and introduce better flow through the temporary accommodation supply.

#### Implementation

This decision will come into force and may be implemented on 30 September 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

Torbay Council have been offered an opportunity to work with an existing national provider with a local footprint to re-purpose a large building, at their cost, in Torquay that had previously been operated as a residential care home, but which had now closed.

The proposal was to commission a block contracted support service to provide 24:7 support to 20 individuals, together with personalised tailored support to each occupant. There were currently no existing contracts in place for this type of provision and support in Torbay.

At the meeting Councillor David Thomas proposed and Councillor Tranter 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 alternative options considered were:

Do nothing - The current delivery model would remain the same. This would result in insufficient volume of temporary accommodation continuing and would remain a challenge to the Housing Needs team. Costs would also remain the same (or increase depending on need). With the likely impact on demand for unsupported temporary accommodation increasing. This option was therefore discounted.

Purchase of own accommodation - Based on similar services of this type and scale, the full capital cost of acquisition and remodelling of an alternative building in Torbay would be in the region of £2.5 million. If Torbay were therefore to facilitate such a scheme through funding from Homes England, this would apply additional occupation conditions. This would likely require assured shorthold tenancies, rather than occupation under license, therefore reducing the management of a site through moving people quickly and therefore not the provision of temporary accommodation. This option was discounted.

**Is this a Key Decision?**

No

**Does the call-in procedure apply?**

Yes

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

None

**Published**

20 September 2024

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Adult Social Care - Annual Local Account 2023/2024

#### Decision Taker

Cabinet on 17 September 2024.

#### Decision

That the Local Account set out in Appendix 1 to the submitted report be approved to enable the Local Account to be published in accordance with Government requirements.

#### Reason for the Decision

The Annual Local Account is a statutory reporting requirement that reflects how Adult Social Care, delegated to Torbay and South Devon Foundation Trust, has performed against national and local performance indicators.

#### Implementation

This decision will come into force and may be implemented on 30 September 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Local Account for Adult Social Care sets out what has been achieved for local people in relation to adult social care by outlining the level of performance for the last financial year and the Council's commitment to future service delivery.

At the meeting Councillor Tranter proposed and Councillor Bye 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

None

#### Is this a Key Decision?

No

#### Does the call-in procedure apply?

Yes

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

None

**Published**

20 September 2024

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

**Meeting:** [Cabinet/Council](#) **Date:** [15 October 2024/5 December 2024](#)

**Wards affected:** [Tormohun](#)

**Report Title:** [Union Square Land Assembly](#)

**When does the decision need to be implemented?** [November 2024](#)

**Cabinet Member Contact Details:** Cllr Chris Lewis, [Deputy Leader of Torbay Council Cabinet Member for Place Development and Economic Growth](#), [chris.lewis@torbay.gov.uk](mailto:chris.lewis@torbay.gov.uk)

**Director Contact Details:** [David Carter, Divisional Director Strategic Development](#), [david.carter@torbay.gov.uk](mailto:david.carter@torbay.gov.uk)

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## 1. Purpose of Report

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- 1.1 This report sets out the required action by Council to enable commencement of preparations for a possible Compulsory Purchase Order process for the redevelopment of Union Square shopping centre and surrounding properties.

## 2. Reason for Proposal and its benefits

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- 2.1 The 2015 Torquay Town Centre Masterplan set out the framework for re-development and regeneration of Torquay Town Centre as follows:
- A focus for regeneration and renewal – which supports its primary retail & commercial role, particularly expanding the quality of the retail offer
  - A place to be – a reinvigorated town centre which stimulates investment in and renewal of deprived communities
  - High quality development - which improves the public realm and provides an improved, multifunctional town centre
  - A 'point of difference' - a more focused shopping experience with a distinct high street
  - Retail offer to complement new housing and the development of a leisure based retail offer at Torquay Harbour
  - The complete package – for residents, businesses and visitors as a place to live, work, shop, eat and play.

- A wider mix of town centre uses which respond to and are better integrated with each other through improved public spaces
  - A connected town centre – clear, legible and direct connectivity to the town centre is essential for successful regeneration
- 2.2 As a part of delivering against the Masterplan a Strategic Outline Case (SOC) for the redevelopment of Union Square Shopping Centre was recommended at Capital Growth Board in July 2024 to be progressed to a Planning Application/Consent.
- 2.3 The SOC proposals require the acquisition of various properties fronting Union Street and Market Street in addition to the shopping centre (which was acquired in 2022). Negotiation with the owners of these various properties for their purchase are ongoing and are at varying stages of progress - in fact 2 of the properties, 67 & 69 Union Street, have been acquired already.
- 2.4 Every effort will be made to conclude the acquisition of the various properties by negotiation, but the success of the negotiation process for the acquisition of these properties is not guaranteed and therefore a backstop position of a Compulsory Purchase Order (CPO) is needed to ensure that the properties can be acquired.
- 2.5 The CPO process is a long process and therefore must be commenced soon to ensure that it can be completed and implemented to meet the redevelopment programme for Union Square.
- 2.6 An acquiring authority (such as the Council) can pass a resolution providing in principle support for the making of a CPO and the providing authority for the commencement steps preparatory to the making of a CPO. Such a resolution allows officers to progress the actions needed to enable the CPO to be made and provides the authority to enable the CPO to be progressed with a further resolution being required shortly before the CPO is made to confirm the precise extent of the land and rights sought, to approve the Order documents such as the Statement of Reasons and to provide the authority for the making of the CPO. The Order's subsequent implementation would be delegated to officers should it ultimately be necessary to vest property interests pursuant to the confirmed CPO.

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

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3.1 That Cabinet recommend to Council the following:

- (i) that delegated authority be given to the Chief Executive to continue negotiations with the owners of the various properties fronting Union Street and Market Street, Torquay and their tenants as edged red in Appendix 1, and any other land, interests or rights subsequently required in consultation with the Cabinet Member for Place Development and Economic Growth and Section 151 Officer on any Heads of Terms to enable the redevelopment and regeneration of Union Square shopping centre;
- (ii) that, having taken into account the options to acquire the various properties fronting Union Street and Market Street, Torquay, the making of the Compulsory Purchase Order for the site be approved in principle under section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976, as outlined below, for land (as shown edged in red at Appendix 1 to the submitted report) and any other land, interests or rights subsequently required to deliver the redevelopment, the Chief Executive be given delegated authority to give effect to this decision, including:
  - (a) the taking of all necessary steps required to secure the making of the CPO and for the subsequent confirmation and implementation of the CPO including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry, if necessary, to secure confirmation of the Compulsory Purchase Order by the Secretary of State;
  - (b) to carry out any surveys on the Order Land and enter as may be required in order to deliver the proposed development by Compulsory Purchase Order(s) which the Council is authorised to carry out either by consent of the relevant landowner or under section 172 to 179 of the Housing and Planning Act 2016;
  - (c) to enter into agreement(s) with any person or body to secure the withdrawal of objections to the Compulsory Purchase Order(s) and/or to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for the scheme; and
  - (d) to pay all necessary compensation either as agreed or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and other interests or for the overriding or acquisition of rights.
- (iii) that Council delegate to the Chief Finance Officer the approval of the expenditure of monies required to cover the acquisition of the land at various properties fronting Union Street and Market Street identified red on the plan attached at Appendix 1 to the submitted report, and any land, interests or rights as may be required for the scheme, either by agreement or by CPO, on the basis that there continues to be a clear business case for the redevelopment of the area.

#### **Appendices**

Appendix 1 – Plan of the extent of the development site

#### **Background Documents**

[Torquay Town Centre Masterplan \(June 2015\) \(torbay.gov.uk\)](http://torbay.gov.uk)

## 1. Introduction

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- 1.1 Union Square Shopping Centre was acquired by Torbay Council in 2022 with the intent to regenerate the site as mixed use development. The area is subject to anti-social behaviour and falling property values in immediate and adjacent areas that have been recorded since 2008
- 1.2 Change is required to repurpose the land and buildings to provide a catalytic regeneration to the upper part of Torquay Town Centre.

## 2. Options under consideration

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- 2.1 The option to acquire the identified land necessary for the redevelopment by negotiation is being pursued.
- 2.2 Development appraisal modelling both financial and public sector benefits model have determined the extent of land necessary to redevelop.
- 2.3 Not pursuing acquisition via CPO if necessary, could result in non-viability and hence non-delivery of the preferred scheme.

## 3. Financial Opportunities and Implications

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- 3.1 The Finance Team have reviewed the financial viability appraisal submitted to Capital and Growth Board in July that justified the need of the extent of land assembly of the preferred option.
- 3.2 The funding for land assembly is from Government Grant (Towns Deal Funding)

## 4. Legal Implications

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- 4.1 The use of CPO powers is a common mechanism used by Local Authorities to acquire land for Regeneration and Redevelopment. It requires a prescribed process set out in legislation and guidance published by MHCLG to be followed before a CPO can be made.



- 4.2 Torbay Council's legal team are actively engaged in both the current acquisition by negotiation and the development of a potential CPO should it ultimately be required.

## 5. Engagement and Consultation

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- 5.1 The prescribed process for CPO requires extensive formal and informal consultation to be undertaken and documented with affected parties and stakeholders.
- 5.2 If we proceed with a CPO it will require full details of correspondence and consultation.

## 6. Procurement Implications

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- 6.1 There is no specific procurement activity required in a CPO process.

## 7. Protecting our naturally inspiring Bay and tackling Climate Change

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- 7.1 If the CPO is required, the CPO process will require the Council to demonstrate that the implementation of the scheme following confirmation of the CPO is unlikely to be blocked by any physical or legal impediments. This includes the need for planning permission. Accordingly, the Council will need to have in place a clear strategy for securing planning permission for the scheme in tandem with the CPO process. The planning process will take into consideration all extant and emerging Council Policies associated with the proposed development and report on them.

## 8. Associated Risks

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- 8.1 The CPO process is well defined but complex and therefore the procedural risks are moderate. However as property rights are impacted, affected landowners and occupiers will be entitled to claim compensation under the Compensation Code. Provision has been made in the project budget for the likely costs of compensation.
- 8.2 The risk of not making a decision would be to prolong the development process and create uncertainty on the Council's ability to deliver the scheme.

## 9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	None		PiP
Carers	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	Should be positive as project itself will create career opportunities		PiP
Disability	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.</p>	Should improve or maintain the current standard of provision in the urban realm		PiP
Gender reassignment	<p>In the 2021 Census, 0.4% of Torbay's community</p>	Neutral Impact		PiP

	answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.			
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	Neutral Impact		PiP
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	Neutral Impact		PiP
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	Neutral Impact		PiP

Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	Neutral Impact		PiP
Sex	51.3% of Torbay's population are female and 48.7% are male	Neutral Impact		PiP
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	Neutral Impact		PiP
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	Neutral Impact		PiP
<b>Additional considerations</b>				
Socio-economic impacts (Including impacts on child poverty and deprivation)		Positive Impact		PiP
Public Health impacts (Including impacts on the general health of		Positive Impact		PiP

the population of Torbay)				
Human Rights impacts		No Impact		
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	Positive Impact		PiP

## 10. Cumulative Council Impact

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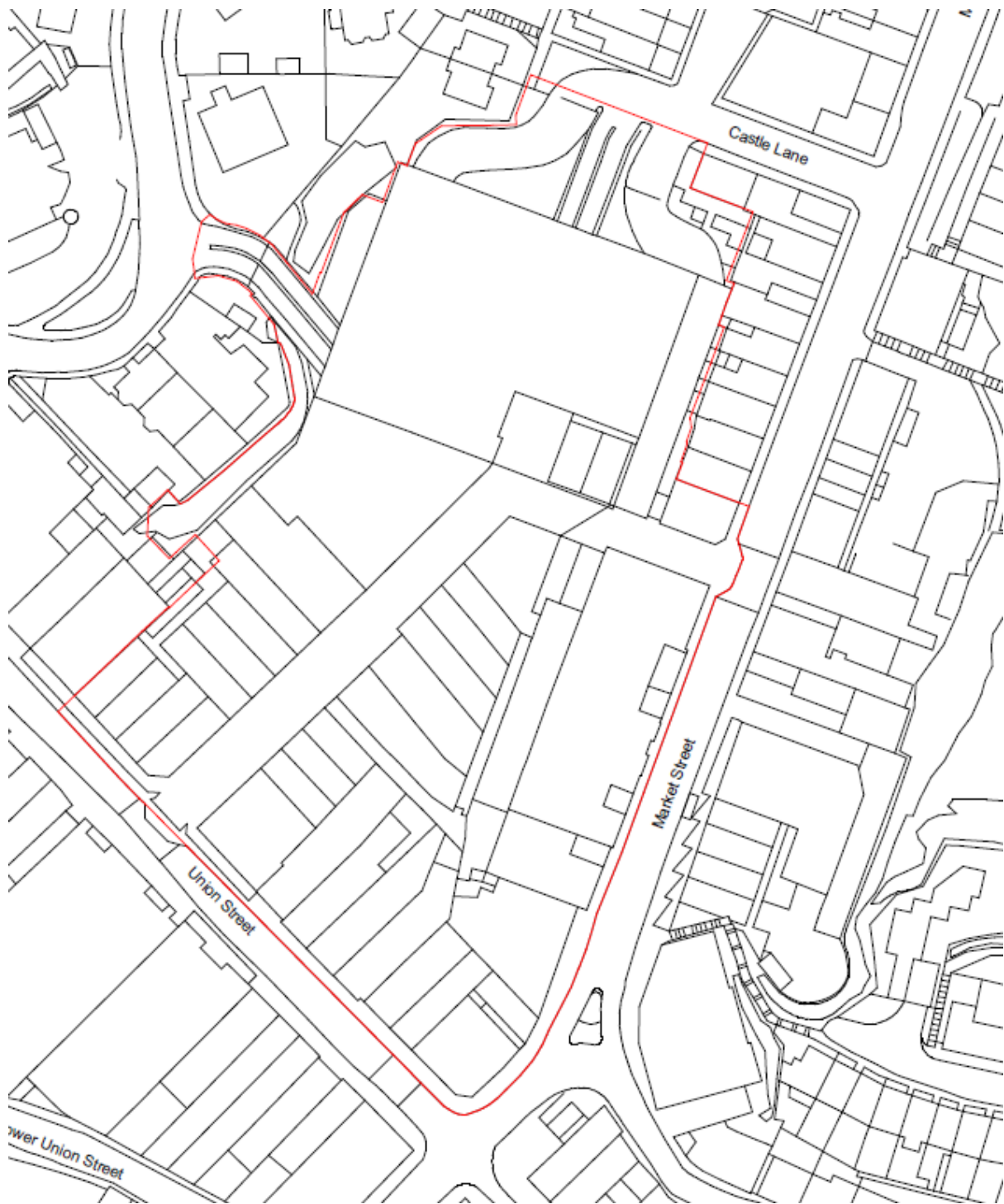
10.1 None

## 11. Cumulative Community Impacts

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11.1 None

*Appendix 1: Extent of Development Site*



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