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Friday, 21 October 2011

Extraordinary Meeting of the Council

Dear Member

I am pleased to invite you to attend an extraordinary meeting of Torbay Council which will be held in **Ballroom, Oldway Mansion, Torquay Road, Paignton, TQ3 2TE on Monday, 31 October 2011 commencing at 5.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

Elizabeth Raikes
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.)

Our vision is working for a healthy, prosperous and happy Bay

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

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(i)
THE MJ
2010
Achievement Awards
COMMENDED

Meeting of the Council Agenda

1. **Opening of meeting**

2. **Apologies for absence**

3. **Minutes**

To confirm as a correct record the minutes of the meeting of the Council held on 29 September 2011 and the adjourned meeting held on 30 September 2011.

(Pages 1 - 28)

4. **Declarations of interests**

(a) To receive declarations of personal interests in respect of items on this agenda

For reference: Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda

For reference: A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial 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 Democratic Services or Legal Services prior to the meeting.)

5. **Communications**

To receive any communications or announcements from the Chairman, the Mayor, the Overview and Scrutiny Co-ordinator or the Chief Executive.

6. **Members' questions**

To answer any questions asked under Standing Order A13.

7. Notice of motion

To consider the following motion, notice of which has been given in accordance with Standing Order A14 by the members indicated:

(a) Timing of Council Meetings

That this Council reaffirms the decision taken at its Annual Meeting held on 24th May 2011 that all meetings of the Full Council commence at 5.30pm as set out in Appendix 1 to the submitted report Calendar of Meetings 2011/2012.

Submitted by Councillors Cowell and Parrott

- 8. Mayoral Decision - Disposal of Assets - Subject to Call-in** (Pages 29 - 34)
To consider the submitted report on the proposed disposal of three assets which are surplus to Council operating requirements.
- 9. Mayoral Decision - Transfer of Brixham Town Hall to Brixham Town Council - Subject to Call-in** (Pages 35 - 58)
To consider the submitted report on the above.
- 10. Proposed Business Case for Review of Parking Services** (Pages 59 - 88)
To consider the submitted report setting out the recommendations of the Transport Working Party on the above.
- 11. Princess Promenade Refurbishment** (Pages 89 - 96)
To consider the submitted report on options regarding the refurbishment of Princess Promenade.

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Minutes of the Council

29 September 2011 and adjourned meeting 30 September 2011

-: Present :-

Chairman of the Council (Councillor Mills) (In the Chair)
Vice-Chairman of the Council (Councillor Stringer)

The Mayor of Torbay (Mayor Oliver)

Councillors Addis, Amil, Baldrey, Barnby, Bent, Brooksbank, Butt, Cowell, Davies, Darling, Doggett, Ellery, Excell, Faulkner (A), Faulkner (J), Hernandez, Hill, James, Kingscote, Lewis, McPhail, Morey, Parrott, Pentney, Pountney, Pritchard, Scouler, Stocks, Thomas (D), Thomas (J) and Tyerman

295 Opening of meeting

Members observed a minute's silence as a mark of respect in memory of the following members of the Rifles who had lost their lives in Afghanistan: Lieutenant Daniel Clack (12 August 2011), Corporal Mark Palin (18 July 2011), Rifleman Martin Lamb (5 June 2011) and Colour Sergeant Kevin Fortuna (23 May 2011). The Chairman's Chaplain then opened the meeting with a prayer.

296 Apologies for absence

Apologies for absence were received from Councillors Hytche, Richards and Stockman.

Apologies for absence were received from Councillors Bent, Ellery, Hytche, Richards, Stocks and Stockman for the adjourned meeting.

297 Minutes

The Minutes of the meeting of the Council held on 13 July 2011 and the adjourned meeting held on 14 July 2011 were confirmed as a correct record and signed by the Chairman.

298 Declarations of interests

The following personal interests were declared:

Councillor	Minute Number	Nature of interest
Baldrey	305b	Friend of Michael Byfield/Wreck the World
Doggett	302	Member of the R.S.P.B.
Faulkner A	305a	Member of the Board of the Torbay Economic Development Agency
McPhail	316	She occasionally volunteers in a charity shop
Mayor Oliver	311	Owns a property in Plainmoor (St Marychurch BID)
Pentney	307	She has a granddaughter who receives care from Children's Services
Thomas D	305a	Director of Torbay Economic Development Company
Tyerman	305a	Director of Torbay Economic Development Company

Caroline Taylor and Clare Tanner declared a personal interest in respect of Minute 321.

299 Communications

The Chairman:

- (a) encouraged people to attend the Civic Church Service on Sunday, 9 October 2011 at 11.00 a.m. at the Parish Church of St Mary the Virgin, Churston Ferrers; and
- (b) welcomed Bryony Holden, Chief Executive of South West Councils, who presented the Council with its award for achieving the South West Charter Plus for Member Development;

The Mayor:

thanked all Members for their cross party support for the South Devon Link Road and support for additional resources being invested in Children's Services.

300 Members' questions

Members received a paper detailing the questions, as attached to these Minutes, notice of which had been given in accordance with Standing Order A13.

Supplementary questions were asked and answered by Councillor Thomas D (questions 2, 8 and 11), Councillor Excell (questions 3, 4 and 9), Councillor Tyerman (question 5), Councillor Pritchard (question 7) and Mayor Oliver (questions 6 and 10).

301 Motion - Safeguarding Young People in Torbay

Members considered a motion in relation to safeguarding young people in Torbay, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Lewis and seconded by Councillor Faulkner (J):

that Torbay Council supports Barnado's campaign to cut children free from sexual exploitation and will work to ensure that the local authority takes the necessary steps to tackle the risk of this abuse. The Council will work with all parties to achieve this, particularly the Children's Society who have recently received funding to tackle this issue in Torbay.

In accordance with Standing Order A14.3(b), the Chairman advised that the motion stood referred to the Mayor. The Mayor considered the recommendation of the Council set out above at the meeting and the record of his decision is attached to these Minutes.

302 Motion - Torbay Council Against the Government Inspired Badger Cull

The Council considered a motion in relation to the Government inspired badger cull, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Parrott and seconded by Councillor Doggett:

that Torbay Council rejects totally the government's plans to implement a badger cull from 2012. In view of its stance, Torbay Council requires that the killing of badgers is prohibited on all land that is under the protection of the Torbay Coast and Countryside Trust. Furthermore, Torbay Council is completely opposed to any pilot cull taking place in the South West.

Torbay Council's position is supported by the overwhelming consensus that there is no scientific basis for the culling of badgers as planned, and, therefore, as required by the coalition's own undertaking to "introduce a carefully managed and science-led policy of badger control in areas with high and persistent levels of bovine tuberculosis". For example:

the government's own advisor, Natural England has stated that the cull will have a drastic effect on badger populations (up to 95% of badgers may be wiped out). Furthermore, Natural England has said

that it has a 'low level of confidence' that the cull will be effective in reducing TB in cattle;

Lord Krebs, scientific advisor, has said that the latest round of randomised badger culling trials has provided evidence that 'if you cull intensively for at least four years, you will have a net benefit of reducing TB in cattle of between 12 to 16 per cent. So you leave 85 per cent of the problem still there...It does not seem an effective way of controlling the disease', and

the RSPB has said that 'Allowing the shooting of free-ranging badgers is an untested and dangerous move. It has no place in a science-led policy. Rather than solving the problem, it risks making matters worse by disrupting (badgers') social structures leading them to spread to new areas. We will not be culling badgers on our nature reserves. Licensing the shooting of one of our best loved native species is likely to generate considerable public opposition'.

In taking this step, Torbay Council is supporting the anti-cull stance of our MP, Adrian Sanders.

In accordance with Standing Order A14.3(b), the Chairman advised that the motion stood referred to the Mayor. The Mayor informed the Council that he would defer his decision on the motion to allow the matter to be examined further.

(Note: prior to consideration of the item in Minute 302, Councillor Doggett declared his interest.)

303 Motion - Cutting Tourism VAT

Members considered a motion in relation to cutting tourism VAT, notice of which was received in accordance with Standing Order A14.

It was proposed by Councillor McPhail (in the absence of Councillor Richards) and seconded by Councillor Stringer:

that the Council notes that the Irish government has moved to reduce VAT on hotel accommodation and food to 9% for at least 18 months from 1 July 2011; recognises that EU rules allow such a sectorally-targeted VAT reduction to support tourism; observes that Germany reduced VAT in hotels from 19% to 7% in January 2010 with successful results; recalls that France reduced VAT on restaurant meals from 19.6% to 5.5% from July 2009 saving businesses and creating jobs; further recognises that such targeted VAT reductions to help employment and private sector growth are also compatible with the deficit reduction programmes being pursued by the governments who have introduced them; calls on the Government to introduce such a measure to help the tourism sector and consumers in the UK; and points out that the International Monetary Fund has said that the Government should consider some tax cuts to stimulate economic activity.

Such tax break could significantly boost Torbay's tourism industry and help 2012 be a 'year of tourism'.

In accordance with Standing Order A14.3(b), the Chairman advised that the motion stood referred to the Mayor. The Mayor considered the recommendation of the Council as set out above at the meeting and the record of his decision is attached to these Minutes.

304 Motion - Elected Police Commissioner

In accordance with Standing Order A14.2(c) Councillors Baldrey and Faulkner (Mr A) have given notice, in writing, that they wish the notice of motion regarding the Elected Police Commissioner to be withdrawn.

305 Mayoral Decisions

The Council made the following recommendations to the Mayor, which were considered at the meeting. The Mayor's Record of Decisions, which also includes further information on each decision, are attached to these Minutes.

305a Torbay Economic Development Company Business Plan 2011/12

It was proposed by Councillor Tyerman and seconded by Councillor Thomas (D):

that the Mayor be recommended that, subject to the Commissioner of Place and Environment having delegated authority to approve any minor amendments in consultation with the Mayor, the Torbay Economic Development Company Ltd (TDA) Business Plan 2011-2012, set out at Appendix 1 to the submitted report be approved.

On being put to the vote, the motion was declared carried (unanimous).

The Mayor considered the recommendation of the Council as set out above at the meeting and the record of his decision is attached to these Minutes.

(Note: prior to consideration of Minute 305a, Councillors Faulkner (A), Thomas (D) and Tyerman declared their personal interests.)

305b Creation of an Artificial Reef off Tor Bay

It was proposed by Councillor Ellery and seconded by Councillor Baldrey:

- (i) that, subject to (ii) below, the Mayor be recommended to authorise the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority, to accept a 125-year lease for part of the seabed from the Crown Estate on acceptable terms, and that, in determining the acceptable terms, the Mayor is recommended to seek further legal advice as to the level of the Council's risk exposure;

- (ii) that the Mayor be recommended to authorise the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority, to grant a sub-lease (and if considered appropriate an agreement for that lease) for part of the seabed to a local charitable organisation on acceptable terms;
- (iii) that the Mayor be recommended to authorise the Head of Commercial Services, in consultation with the Executive Head of Tor Bay Harbour Authority and the Chief Executive of Torbay Development Agency, to enter into such other legal documentation on acceptable terms as deemed necessary; and
- (iv) that the exact position of the sinking of any vessel within Tor Bay Harbour limits will be determined by the Executive Head of Tor Bay Harbour Authority in his capacity as Harbour Master, following consultation with harbour users and the Harbour Committee.

On being put to the vote, the motion was declared carried.

The Mayor considered the recommendation of the Council in (i) to (iv) above at the meeting and the record of his decision is attached to these Minutes.

(Note: prior to consideration of Minute 305b, Councillor Baldrey declared his interest.)

306 Annual Parking Report

The Council noted the annual parking report for 2010/2011 as set out in the submitted report.

307 Revenue Budget Monitoring 2011/12 Quarter 1

The Council noted the current projected outturn for the Revenue Budget 2011/2012 based on quarter 1 information, as set out in the submitted report.

308 Options for future delivery of tourism, marketing and events support - Call-In

The Council considered the recommendations of the Overview and Scrutiny Board following the call-in of the Mayor's decision regarding the options for future delivery of tourism, marketing and events support as set out in the submitted report.

It was proposed by Councillor Thomas (J) and seconded by Councillor Darling:

That the Mayor be recommended:

- (i) that any options review is not conducted until 2014 as this will coincide with the need to refresh our Tourism Strategy, Turing the Tide for Tourism in Torbay 2010 – 2015;

- (ii) working with key events organisations in the Bay the Mayor immediately creates an Events & Marketing Forum with the objective of generating far greater integration and coordination of tourism marketing (including business tourism activities) and events activity. In recognition of the financial support the Council provides to the English Riviera Tourism Company and Riviera International Conference Centre they would be expected to play a leading role in the forum and delivering its objectives; and
- (iii) the English Riviera Tourism Company and Riviera International Conference Centre are challenged to increase their collaborative working to reduce duplication, increase economies of scale and improve the product that both organisations are able to offer. Without creating a target or ceiling to the efficiencies that can be created they should be challenged to create identifiable efficiency savings within one year in a manner that at least maintains the outcomes they create and ideally improves them. Then they should create a business plan to demonstrate how they can continue to create efficiencies to reduce public subsidy and improve outcomes for the Bay in years to come.

On being put to the vote, the motion was declared carried (unanimous).

The Mayor considered the recommendation of the Council set out in (i) to (iii) above at the meeting and the record of his decision is attached to these Minutes.

(Note: prior to consideration of Minute 308, the Vice-Chairman, Councillor Stringer declared a personal interest as a Board Member.)

309 Tourism, Inward Investment and Maritime Marketing Support

The Council received a report on a proposal to invest £250,000 from reserves over two years to increase tourism inward investment and marketing activity to help improve visitor numbers and spending in line with the Council's objectives.

It was proposed by Councillor Excell and seconded by the Vice-Chairman, Councillor Stringer:

- (i) that £250,000 be released from reserves over two years to support the key areas of tourism, maritime event and inward investment marketing; and
- (ii) that the Chief Executive of the Torbay Development Agency be instructed to identify appropriate delivery options for the marketing spend.

On being put to the vote, the motion was declared carried.

310 Princess Promenade Refurbishment

The Council considered a report on a proposal to provide an immediate solution to repair the 'banjo' and the eastern section of Princess Parade, Torquay, which would enable the closed sections to be re-opened as soon as possible.

With the agreement of the meeting in accordance Standing Order A16.8(a) it was proposed by the Mayor and seconded by Councillor Ellery:

- (i) that tenders be invited and a contract be let to carry out repairs to the eastern promenade and the banjo. The first contract to commence in early 2012 with a break in the summer of 2012 with no works carried out in June, July and August and will be completed by the end of 2012;
- (ii) that the capital programme for 2011/12 be amended to provide £800,000 to carry out the first phase of repairs to the promenade and upper level of the Banjo to be opened for the Summer of 2012;
- (iii) that the capital programme for 2012/13 be amended to provide £2.15 million to fund the second phase under a second contract which will not be entered into until April 2012; and
- (iv) that, subject to alternative capital resources being identified, the project is funded from prudential borrowing to be financed from the Council's revenue budget. The financial implications to be reflected in future year revenue budgets.

An amendment was proposed by Councillor Darling and seconded by Councillor Baldrey:

- (i) that tenders be invited and a contract be let to carry out repairs to the eastern promenade and the banjo. The contract to commence in early 2012 with a break in the summer of 2012 with no works carried out in June, July and August and will be completed by the end of 2012;
- (ii) that the capital programme for 2011/12 be amended to provide £800,000 to carry out the first phase of repairs to the promenade and upper level of the banjo to be opened for the Summer of 2012;
- (iii) that the capital programme for 2012/13 be amended to provide £2.15 million to fund the second phase of the repairs to the eastern promenade and banjo to secure its long term future;
- (iv) that the Chief Executive of the Torbay Development Agency be requested to secure firm proposals from the private sector, without prejudice, to repair and improve the banjo and for such works to dovetail with the Council funded repairs to the eastern promenade, and to provide a briefing to Members prior to formal consideration at the

Council meeting on 1 February 2012;

- (v) that no tenders for the second phase be sought until after the Council meeting referred to in (iv) above;
- (vi) that, subject to alternative capital resources being identified, the project is funded from prudential borrowing to be financed from the Council's revenue budget. The financial implications to be reflected in future year revenue budgets; and
- (vii) that the Commissioner of Place and Environment, in consultation with the Mayor, Group Leaders and the Chief Executive of Torbay Development Agency, be authorised to negotiate the delay of the works to the banjo, subject to the receipt of firm proposals for the same as referred to in 2.4 above.

It was proposed by the Chairman and seconded by the Vice-Chairman that the item be adjourned until Friday, 30 September to enable the Group Leaders to meet to agree a way forward:

On being put to the vote, the motion was declared carried.

(Note: prior to consideration of Minute 310, Councillor Tyerman declared a personal interest as a Director of Torbay Economic Development Company.)

At the adjourned meeting Councillor Darling and Councillor Baldrey withdrew the amendment as set out in (i) to (vii) above.

An amendment was proposed by Councillor Pentney and seconded by Councillor Darling:

- (a) that tenders to be invited for two contracts to carry out repairs to the Eastern Promenade and the repair or replacement of the banjo. The first contract to commence in early 2012 and to be completed by end of May 2012. There shall be a clause in this first contract which will allow the Council to not proceed with the banjo element of the works in the event that these prove to be unnecessary because of alternative plans from developers;
- (b) the second contract to commence in September 2012 and is not to be signed before end of April 2012 in order to allow time for amendments to be made in the event of a developer coming forward;
- (c) that the capital programme for 2011/2012 be amended to provide £800,000 to carry out the first phase of repairs to be the promenade unless private funding is not available and the upper level of the banjo to be opened for the Summer of 2012;

- (d) that the capital programme for 2012/2013 be amended to provide £2.15 million to fund the second phase of the repairs to the eastern promenade and banjo area to secure its long term future;
- (e) that the Chief Executive of the Torbay Development Agency be required to investigate proposals from the private sector, without prejudice, for such works to dovetail with the Council funded repairs to the Eastern Promenade, and to provide a briefing to members prior to formal consideration; and
- (f) that subject to alternative capital resources being identified the project is funded from prudential borrowing to be financed from the Council's revenues budget the financial implications to be reflected in future year revenue budgets.

On being put to the vote, the motion was declared lost.

An amendment was moved by the Mayor and seconded by Councillor Pentney:

That the original motion be withdrawn and consideration of the Report be deferred to the next meeting of Council.

On being put to the vote, the motion was declared carried (unanimous).

311 Brixham Town Centre and Babbacombe with St Marychurch Business Improvement District (BID)

The Council received a report on a proposal to create a Business Improvement District within Brixham town centre and the Babbacombe and St Marychurch district of Torquay, to facilitate high profile events, better co-ordinated marketing, environmental improvements (such as street cleaning) and increased security.

It was proposed by Councillor Pritchard and seconded by Councillor Faulkner (A):

- (i) that a ballot of businesses within the prescribed areas in Brixham town centre and the Babbacombe and St Marychurch district of Torquay to assess the wish to establish a Business Improvement District; and
- (ii) that the Deputy Chief Executive, in consultation with the Mayor and Group Leaders, be nominated to cast the Council vote.

On being put to the vote, the motion was declared carried.

(Note: prior to consideration of Minute 311, the Mayor declared his personal interest.)

312 Revenue Income Optimisation (RIO) - Generating Income From Charging For Planning Pre-application Advice

The Council received a report on a proposal in response to the need to generate income to help offset the impact of budget savings within the Spatial Planning Team and to better recover the costs of providing a high quality Spatial Planning Service. There would be an interim charging policy for six months with a view to developing a comprehensive charging schedule which would be effective from April 2012.

It was proposed by Councillor Thomas (D) and seconded by Councillor McPhail:

- (i) that Torbay Council implements the interim charging schedule set out in paragraph A1.7 of the submitted report, with effect from 1 November 2011 to 31 March 2012 at the latest; and
- (ii) that Torbay Council develops, over the next 6 months, a comprehensive charging schedule for pre-application advice, based on the charging schedule set out in paragraph A1.9 of the submitted report and the further risks / opportunities to be explored.

On being put to the vote, the motion was declared carried.

313 Household Waste Recycling Centre (HWRC) Charging for Waste Rubble or Similar Material that was Previously Free of Charge

The Council received a report on a proposal to charge for waste rubble and vehicle tyres which were previously accepted free of charge in line with a similar scheme introduced by Devon County Council on 1 April 2011.

It was proposed by Councillor Thomas (D) and seconded by Councillor Morey:

- (i) that Torbay Council implements a charging system for waste material associated with rubble and for vehicle tyres at the Paignton Household Waste Recycling Centre, six weeks after approval by the Council, as follows (Charges are inclusive of VAT):

1. Soil, rubble, ceramics, paving slabs, bricks, building blocks etc	£2 per bag *
2. Asbestos (a 6' x 3' sheet) or a bag *	£20
3. Plasterboard (a 8' x 3' sheet) or a bag *	£7
4. Car Tyres (no commercial) each	£2
* A bag should be no bigger than 20" x 30"	

On being put to the vote, the motion was declared carried.

(Note: during consideration of Minute 313, Councillor Pentney declared a personal interest as her son works for TOR2 and Councillor Hernandez declared a personal interest as her husband works for May Gurney.)

314 Adjournment

At this juncture the meeting was adjourned until 9.30 a.m. on Friday, 30 September 2011.

315 Communications

The Deputy Chief Executive advised members a governance survey would be circulated in due course in preparation for the Governance meeting on 19 October 2011.

Councillor Faulkner (J) advised members an award ceremony for Looked After Children was due to be held later that evening at the Imperial Hotel, Torquay which all members were welcome to attend.

316 Stop Textile Recycling Credit Payments to Charities and Community Groups

The Council considered a report on a proposal to cease payment of the recycling credit to charity and community groups that claim credits for items other than furniture, paper and garden waste.

It was proposed by Councillor Thomas (D) and seconded by Councillor Brooksbank:

- (i) that the Council ceases payment of the recycling credit to charity and community groups that claim credits for items other than furniture, paper and garden waste; and
- (ii) that this decision be implemented six weeks after charity and community groups affected have received a letter from Torbay Council advising them of this decision.

On being put to the vote, the motion was declared carried.

(Note: prior to consideration of Minute 316, Councillor Darling declared a personal interest due to his involvement with the 11th Torbay Sea Scouts, Councillor McPhail declared a personal interest as she occasionally volunteers in a charity shop and Councillor Thomas (J) declared a personal interest as a member of the Shekinah Mission).

317 Annual Statement of Accounts 2010/2011

The Council received the Statement of Accounts for 2010/11 as recommended by the Audit Committee and set out in the submitted report.

It was proposed by Councillor Tyerman and seconded by Councillor Hill:

- (i) that the Council's Statement of Accounts for 2010/11, as set out in pages 3 to 139 in Appendix 1 to the submitted report, be approved; and

- (ii) that following approval in (i) above the person presiding at this meeting sign and date the accounts on behalf of the Council, to represent the completion of the Council's approval process of the accounts, in the "Statement of Responsibilities for the Statement of Accounts" shown on page 16 of the Statement of Accounts.

On being put to the vote, the motion was declared carried (unanimous).

Following the above, the Chairman of the Council signed the Statement of Accounts.

318 Capital Budget Monitoring 2011/12 (1st Quarter)

The Council considered a report on Capital Plan monitoring and variations from quarter 1. The report provided details of expenditure and funding of service and community assets within the Council's approved Capital Plan.

It was proposed by Councillor Tyerman and seconded by Councillor Hill:

that two un-ring-fenced capital grants of £778,000 be allocated to Disabled Facilities Grants and £77,000 be allocated to Short Breaks for Disabled Children in line with central government intentions.

On being put to the vote, the motion was declared carried (unanimous).

319 Annual Report 2010/2011 and Council Wide Priorities 2011+ - Policy Framework

The Council received a paper which set out the Council's Annual Report for 2010/2011 and the Council-wide priorities for 2011+.

It was proposed by the Mayor and seconded by Councillor Excell:

- (i) that the Mayoral pledges and priorities as outlined in paragraph A1.4 to the submitted report be agreed as Council-wide pledges and priorities for the term of this Administration, and as an amendment to the relevant plans within the Council's Policy Framework; and
- (ii) that, subject to any additional recommendations from the Mayor and Group Leaders, the Council be recommended to approve the Annual Report 2010/2011 set out in Appendix 1 to the submitted.

On being put to the vote, the motion was declared carried (unanimous).

320 Office Rationalisation Project

This item was withdrawn as there were no recommendations from the Overview and Scrutiny Board.

321 Top Team Restructuring

The Council received a report on the outcome of the restructuring of the Councils Chief Executive and Commissioners.

It was proposed by Councillor Pritchard and seconded by Councillor Hernandez:

- (i) that the Council maintains the role of full time Chief Executive;
- (ii) that the Council maintains the role of Director of Children's Services;
- (iii) that the three current Commissioner posts be deleted from the structure;
- (iv) that a Director of Adult Services (DAS), Part time (0.6 FTE) post be created; and
- (v) that a Director of Place and Resources, full time post be created (see Appendix 1 of the submitted report for structure charts).

On being put to the vote, the motion was declared carried (unanimous).

(Note: prior to consideration of Minute 321, Caroline Taylor and Clare Tanner declared personal interests as post-holders of positions which could potentially be affected if the proposals were approved.)

322 Composition and Constitution of the Executive and Record of Delegations of Executive Functions

Members noted the submitted report which provided details of a change made by the Mayor to his Executive.

Chairman

Minute Item 300

Meeting of the Council

Thursday, 29 September 2011

Questions Under Standing Order A13

Question (1) by Councillor Parrott to the Executive Lead for Safer Communities and Transport – Councillor Excell	Why it is that, despite being placed on the priority list for a ‘build out’ or pedestrian crossing, Ellacombe School, Ellacombe Church Road entrance, has been overlooked in favour of a less deserving scheme in Paignton?
Question (2) by Councillor Darling to the Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor Thomas (D)	Please supply me with a year by year break down of what works have been conducted on community centres, at what cost, and what costs have been met by the Local Authority or its proxy over the past four years?
Question (3) by Councillor Parrott to the Executive Lead for Safer Communities and Transport – Councillor Excell	What consideration has been given to providing effective traffic calming measures or a pedestrian crossing for Quinta Road in Ellacombe? And, if he is aware of the great danger, particularly to children and young people attending Babbacombe and Westlands schools (and after school clubs) caused by the ‘boy racers’ who persist in turning Quinta Road into a race track each evening?
Question (4) by Councillor Darling to the Executive Lead for Safer Communities and Transport – Councillor Excell	During the Easter Bank Holiday weekend many Barton residents suffered disturbance at their home due to gas works on the highway through out this holiday weekend. It has recently been drawn to my attention that the local authority could regulate such works if they operated a “Permit Scheme” to control public utilities. What plans does the local authority have to develop such a scheme?
Question (5) by Councillor Parrott to the Executive Lead for Finance and Audit – Councillor Tyerman	For each of the past five municipal years (to 2010/11), how much was paid by Torbay Council to Common Purpose, and what numbers of staff were in receipt of ‘training’ from Common Purpose?

<p>Question (6) by Councillor Darling to the Mayor</p>	<p>With the cancellation of cabinet meetings and the introduction of Policy Development Groups, Torbay Council have never had so many secret meetings as a proportion of meetings held in the local authority. Do you agree that the new way of doing business on Torbay Council is disenfranchising the public?</p>
<p>Question (7) by Councillor Parrott to the Executive Lead for Business Planning and Governance – Councillor Pritchard</p>	<p>Would he agree with me, that the public should reasonably expect all of their serving councillors to have been successfully CRB checked?</p>
<p>Question (8) by Councillor Darling to the Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor Thomas (D)</p>	<p>The new doorstep recycling system in Torbay has led to much needed improvement of our recycling rates in Torbay. The public have a hunger for more materials to be collected. Over recent months I have received assurances that the items collected would be shortly increased to include; yogurt pots, margarine and ice cream tubs, fruit juice containers. Are you able to give me a date for such items to start to be collected from residents doorsteps?</p>
<p>Question (9) by Councillor Davies to the Executive Lead for Safer Communities and Transport – Councillor Excell</p>	<p>Between June 2009 and November 2010 reports to Highways Maintenance and Adrian Sanders MP were made of several accidents on Norman Road, Paignton, caused by the very poor quality of the road surface. Among these have been a mobility scooter and a child’s pushchair overturning, a 70 year old resident requiring stitches in her knee and a resident suffering a broken wrist (legal action ongoing).</p> <p>In the last week 2 more accidents have occurred; an 84 year old holiday maker fell over the top of his wheeled walker and an 81 year old resident also on a wheeled walker. Both are badly bruised and shaken. It could have been much worse.</p> <p>In view of both elderly residents and the holiday trade on this sea front area, when will Torbay Council respond to the urgency of this situation?</p>
<p>Question (10) by Councillor Faulkner (A) to the Mayor</p>	<p>Could the Mayor advise us of why he is sitting on the Police Authority. When in the past a Councillor has been nominated to that Authority as it is a full time post and needs 100% attention. Surely the Mayor could designate that post?</p>

<p>Question (11) by Councillor Darling to the Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor Thomas (D)</p>	<p>For some months I have been given mixed messages about improving the management of the large grass bank on Truro Avenue Torquay. For the record please advise me how the Council plan to improve the management of this site?</p>
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RECORD OF DECISIONS

**Digest of Mayoral Decisions taken at the Council meeting on
29 September 2011**

**For information relating to the Record of Decisions or to request a copy in
another format or language please contact:**

Teresa Buckley (01803) 207013

Email: democratic.services@torbay.gov.uk

CONTENTS

Decisions taken by the Mayor

	Page
Creation of an Artificial Reef off Tor Bay	1
Motion - Cutting Tourism VAT	3
Motion - Safeguarding Young People in Torbay	5
Options for Future of Delivery of Tourism, Marketing and Event Support - Call In	6
Torbay Economic Development Company Business Plan 2011/12	8

Record of Decisions

Creation of an Artificial Reef off Tor Bay

Decision Taker

Mayor on 29 September 2011

Decision

- (i) that, subject to (ii) below, the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority, be authorised to accept a 125-year lease for part of the seabed from the Crown Estate on acceptable terms, and that, in determining the acceptable terms, the Mayor is recommended to seek further legal advice as to the level of the Council's risk exposure;
- (ii) that the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority, be authorized to grant a sub-lease (and if considered appropriate an agreement for that lease) for part of the seabed to a local charitable organisation on acceptable terms;
- (iii) that the Head of Commercial Services, in consultation with the Executive Head of Tor Bay Harbour Authority and the Chief Executive of Torbay Development Agency, be authorised to enter into such other legal documentation on acceptable terms as deemed necessary; and
- (iv) that the exact position of the sinking of any vessel within Tor Bay Harbour limits will be determined by the Executive Head of Tor Bay Harbour Authority in his capacity as Harbour Master, following consultation with harbour users and the Harbour Committee.

Reason for the Decision

To help a local charitable organisation create an artificial reef off Tor Bay by the sinking of a vessel.

Implementation (resource implications tab to be renamed Implementation)

This decision will come into force and may be implemented on Wednesday, 12 October 2011 unless the call-in process is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Council had received a request from a local charitable organisation to help facilitate the creation of an artificial reef, by the sinking of a vessel either within the jurisdiction of, or off, Tor Bay Harbour limits, which involved agreeing to take a lease of the seabed from the Crown Estate and then granting a sub-lease to a charitable organisation. The proposal was expected to lead to economic benefits for Torbay particularly in the tourism sector.

Members noted that the organisation had submitted its own bid to purchase the 'Ark Royal' a decommissioned aircraft carrier from the Ministry of Defence.

The Mayor supported the recommendation of the Council as set out in his decision above.

Alternative Options considered and rejected at the time of the decision

The alternative options were set out in the submitted paper and not discussed at the meeting.

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)

Councillor Baldrey declared a personal interest as a friend of Michael Byfield/Wreck the World.

Published

4 October 2011

Record of Decisions

Motion - Cutting Tourism VAT

Decision Taker

Mayor on 29 September 2011

Decision

That the motion be supported.

Reason for the Decision

To respond to the motion.

Implementation (resource implications tab to be renamed Implementation)

This decision will come into force and may be implemented on Wednesday, 12 October 2011 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny.)

Information

At the Council meeting held on 29 September 2011, Members received a Motion, as set out below, notice of which had been given in accordance with Standing Order A14 by Councillors Richards and Stringer:

‘That the Council notes that the Irish government has moved to reduce VAT on hotel accommodation and food to 9% for at least 18 months from 1 July 2011; recognises that EU rules allow such a sectorally-targeted VAT reduction to support tourism; observes that Germany reduced VAT in hotels from 19% to 7% in January 2010 with successful results; recalls that France reduced VAT on restaurant meals from 19.6% to 5.5% from July 2009 saving businesses and creating jobs; further recognises that such targeted VAT reductions to help employment and private sector growth are also compatible with the deficit reduction programmes being pursued by the governments who have introduced them; calls on the Government to introduce such a measure to help the tourism sector and consumers in the UK; and points out that the International Monetary Fund has said that the Government should consider some tax cuts to stimulate economic activity.

Such tax break could significantly boost Torbay’s tourism industry and help 2012 be a ‘year of tourism’.

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

4 October 2011

Record of Decisions

Motion - Safeguarding Young People in Torbay

Decision Taker

Mayor on 29 September 2011

Decision

That the Motion be supported.

Reason for the Decision

To respond to the Motion.

Implementation (resource implications tab to be renamed Implementation)

This decision will come into force and may be implemented on Wednesday, 12 October 2011 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

At the Council meeting held on 29 September 2011, Members received a Motion, as set out below, notice of which had been given in accordance with Standing Order A14 by Councillors Lewis and Faulkner (J):

‘That Torbay Council supports Barnado’s campaign to cut children free from sexual exploitation and will work to ensure that the local authority takes the necessary steps to tackle the risk of this abuse. The Council will work with all parties to achieve this, particularly the Children’s Society who have recently received funding to tackle this issue in Torbay.’

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

4 October 2011

Record of Decisions

Options for Future of Delivery of Tourism, Marketing and Event Support - Call In

Decision Taker

Mayor on 29 September 2011

Decision

- (i) that any options review is not conducted until 2014 as this will coincide with the need to refresh our Tourism Strategy, Turing the Tide for Tourism in Torbay 2010 – 2015;
- (ii) working with key events organisations in the Bay the Mayor immediately creates an Events & Marketing Forum with the objective of generating far greater integration and coordination of tourism marketing (including business tourism activities) and events activity. In recognition of the financial support the Council provides to the English Riviera Tourism Company and Riviera International Conference Centre they would be expected to play a leading role in the forum and delivering its objectives; and
- (iii) the English Riviera Tourism Company and Riviera International Conference Centre are challenged to increase their collaborative working to reduce duplication, increase economies of scale and improve the product that both organisations are able to offer. Without creating a target or ceiling to the efficiencies that can be created they should be challenged to create identifiable efficiency savings within one year in a manner that at least maintains the outcomes they create and ideally improves them. Then they should create a business plan to demonstrate how they can continue to create efficiencies to reduce public subsidy and improve outcomes for the Bay in years to come.

Reason for the Decision

To respond to the call-in.

Implementation (resource implications tab to be renamed Implementation)

This decision will come into force and be implemented on 30 September 2011.

Information

At the Council meeting held on 29 September 2011 Members considered the recommendations of the Overview and Scrutiny Board following the call-in of the Mayor's decision regarding the options for future delivery of tourism, marketing and events support as set out in the submitted report.

The Mayor had submitted an amendment to his original decision which was circulated at the meeting and agreed by the Council. The Mayor considered the recommendations of the Council and approved their recommendations as set out in (i) to (iii) above.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

Yes – Reference Number: I005566

Does the call-in procedure apply?

No

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

Councillor Stringer declared a personal interest as a Board Member.

Published

4 October 2011

Record of Decisions

Torbay Economic Development Company Business Plan 2011/12

Decision Taker

Mayor on 29 September 2011

Decision

That, subject to the Commissioner of Place and Environment having delegated authority to approve any minor amendments in consultation with the Mayor, the Torbay Economic Development Company Ltd (TDA) Business Plan 2011-2012, set out at Appendix 1 to the submitted report be approved.

Reason for the Decision

To approve the Torbay Economic Development Company Business Plan for 2011/2012 in line with the company's memorandum and articles of association.

Implementation (resource implications tab to be renamed Implementation)

This decision will come into force and may be implemented on Wednesday, 12 October 2011 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Torbay Economic Development Company Business Plan outlines the function and plans of the Torbay Economic Development Company over the next twelve months. The Mayor supported the recommendation of Council as set out in his decision above.

Alternative Options considered and rejected at the time of the decision

There were no alternative options considered.

Is this a Key Decision?

Yes – Reference Number: I003938

Does the call-in procedure apply?

Yes

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

Councillors Faulkner (A), Thomas (D) and Tyerman declared a personal interest as Board Members of the Torbay Economic Development Company.

Published

4 October 2011



Title: **Disposal of Assets**

Public Agenda Item: **Yes**

Wards Affected: **Blatchcombe; Clifton with Maidenway; Tormohun**

To: **Council**

On: **31 October 2011**

Key Decision: **Yes – Ref. 1006240**

Change to Budget: **No**

Change to Policy Framework: **No**

Contact Officer: **Garth Millard**

☎ Telephone: **01803 207805**

✉ Email: **Garth.Millard@tedcltd.com**

1. What we are trying to achieve and the impact on our customers

1.1. To report upon the public consultation process with the appropriate Ward Members and Community Partnerships and to make recommendations relating to asset management efficiency and cost savings.

2. Recommendation(s) for decision

2.1 That the three assets listed in Appendix 1 be declared no longer required for service delivery and that the Chief Executive of the Torbay Development Agency be requested to advertise their intended disposal in accordance with the Council's Community Asset Transfer Policy.

2.2 That, subject to any expressions of interest received in respect of 2.1 above, the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency, be authorised to dispose of the assets listed in Appendix 1.

3. Key points and reasons for recommendations

3.1 Expenditure and repair liability across the Council's assets significantly exceeds available resources. On behalf of the Council, the Torbay Development Agency continues to review the suitability and challenge the present use of Council assets with a view to reducing running costs and generating capital receipts, which could be used to support the Council's approved Capital Programme.

3.2 In 2008 the Council established a Community Asset Transfer Policy whereby, before a surplus asset was sold, the community would be given the opportunity to bid for it. If there is no community interest then the asset will be sold.

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

**Steve Parrock
Chief Executive - Torbay Development Agency**

**Charles Uzzell
Commissioner of Place and Environment**

Supporting information to Report

A1. Introduction and history

- A1.1 The Council has retained a large amount of property and land, some of which is not fit for purpose. It has a maintenance backlog and a Capital Programme which partly relies on the generation of capital receipts for funding.
- A1.2 The Council's established policy as incorporated in the Corporate Capital Strategy states that "receipts from disposal of surplus assets are generally pooled and used to fund projects from the Reserve List in line with the Capital Prioritisation procedure..." Members are reminded of the significant existing demands for capital resources as outlined in recent reports on the Annual Review of the Capital Plan Budget. Members will also be aware of the Council's need to generate receipts to provide match funding for projects currently being considered or seen as a future commitment.
- A1.3 The Corporate Asset Management Plan highlights that the Council needs to dispose of more non essential and poorly utilised assets to:
- a) Maintain efficiency;
 - b) To service the capital programme by bringing forward assets for disposal as the programme dictates;
 - c) To achieve wider regeneration objectives as appropriate; and
 - d) Prioritise the disposal of assets that no longer have valid use or are not cost effective.
- A1.4 The views of the appropriate Ward Members and Community Partnerships have been sought, as contained in Appendix 1 to this report.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

- A2.1.1 The disposal of surplus assets has been identified as one of several initiatives to provide additional funding to tackle the urgent land and building backlog maintenance liability and to fund the Capital Programme. Inevitably, there may be some objections to the disposal of some of the assets identified. Failure to consult adequately may lead to abortive disposal work should some of the disposals not proceed. This risk has been mitigated by consulting adequately and by advertising prior to any marketing taking place.
- A2.1.2 The local commercial and residential property markets remain depressed and continue to be adversely affected by global financial issues. This continues to make it harder to maximise the receipts over the short term. The disposals project team has therefore needed to consider the timing and phasing of disposals, against the need to generate capital receipts.
- A2.1.3 As a consequence of the consultation and at a later stage Ward Members and/or Community Partnerships may request that some of the capital receipts are ring fenced for specific capital projects with Community Partnership outcomes. If such requests are made then a further report will be brought back to Members as it is a Council function to determine how capital receipts are allocated.

A2.1.4 There is a risk on some assets that title restrictions may limit or restrict subsequent sales and/or affect the potential value of the assets. However this may be mitigated by providing appropriate and robust legal advice.

A2.2 Remaining risks

A2.2.1 The cost of disposals, including agent's fees, has to be funded from existing revenue budgets and cannot be funded from the potential capital receipts although a contribution may be sought from purchasers towards the Council's costs of disposal.

A3. Other Options

A3.1 The Council is required to ensure that its assets are fit for purpose and that it only holds assets for its strategic requirements. Whilst the extent of disposals and timing continues to be subject to review, to take no action would not be appropriate.

A4. Summary of resource implications

A4.1 The disposal programme impacts on the Head of Commercial Services and the Asset Management Team within the Torbay Development Agency.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 Good asset management improves the quality of life and creates safer environments for all.

A6. Consultation and Customer Focus

A6.1 Initial consultation has taken place between internal officers (all services represented), Ward Members, Community Partnership Groups and at the capital Programme and Asset Management Board.

A6.2 If deemed surplus then the assets will be offered to the wider community through the Community Asset Transfer Policy process.

A7. Are there any implications for other Business Units?

A7.1 Relevant heads of services have been consulted in the identification of assets for possible disposal.

Appendices

Appendix 1 List of assets that are deemed to be no longer required for service delivery

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Corporate Capital Strategy & Asset Management Plan & Individual Asset Management Files.

Appendix 1

Asset	Name , Area & Description	Comments Received	Recommendation
T3025/1	<p>87 Abbey Road, Torquay. TQ2 5NN</p> <p>Semi detached Victorian office building of approx 169 sq.m. (1822 sq.ft.)</p>	Possible use for Community use, youth centre.	Not required for service delivery
P0478ZZ	<p>Ex Cemetery Lodge, 88 Colley End Road, Paignton TQ3 3QX</p> <p>Detached 2/3 Bed, ex Cemetery Lodge, with parking, at Cemetery entrance.</p>		Not required for service delivery
P1070	<p>289 Totnes Road Paignton TQ4 7HE</p> <p>Semi detached post war 3 bed house, with parking, in need of substantial refurbishment</p>	Possible disposal to Housing Association.	Not required for service delivery



Title: **Transfer of Brixham Town Hall to Brixham Town Council**

Public Agenda Item: **Yes**

Wards Affected: **Berry Head with Furzeham**

To: **Council** On: **31 October 2011**

Key Decision: **Yes – Ref 1005097**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Chris Bouchard, Asset Management**

☎ Telephone: **01803 207920**

✉ E.mail: **Chris.Bouchard@tedcltd.com**

1. What we are trying to achieve and the impact on our customers

1.1 To respond to a request from Brixham Town Council to transfer the freehold of the Town Hall (excluding the library and museum) to provide it with a permanent base.

2. Recommendation for decision

2.1 **That, subject to receiving the South West Regional Development Agency's consent , the Mayor be recommended to authorise the Executive Head Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency, to transfer the freehold of the Brixham Town Hall to Brixham Town Council, as identified on plan EM2151 for no capital receipt .**

2.2 **That, subject to receiving the South West Regional Development Agency's consent, the Mayor be recommended to authorise the Executive Head Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency and the Executive Head Children, Schools and Communities, to simultaneously enter into a 125-year lease at a peppercorn rent from Brixham Town Council for use by Torbay Council for an area within the Town Hall for the Torbay Youth Service.**

3. Key points and reasons for recommendations

3.1 The Council has received a request from Brixham Town Council to transfer the freehold of the Town Hall to the Town Council.

- 3.2 It is considered that the request should be granted for the land and buildings shown on plan EM2151, which excludes the library and the museum – see Appendix 1.
- 3.3 Under the Local Government Act 1972: General Disposal Consent 2003 ('the Consent') Councils may dispose of land for less than the best consideration that can reasonably be obtained.
- 3.4 The Consent means that where the undervalue is £2,000,000 or less specific Secretary of State consent is not required for the disposal of any interest in land which the Authority considers will help to secure the promotion or improvement of the economic, social or environmental well-being of any part of its area.
- 3.5 Continued occupation by Torbay Council can be regularised by the Town Council granting a lease to Torbay Council.
- 3.6 It is considered that the proposal will have such economic and social benefits. It is proposed that there is no restriction on what the Town Council might do with the Town Hall in the future (other than the proposed long lease back to Torbay Council).
- 3.7 The transfer of the Town Hall requires the consent of the South West Regional Development Agency having regard to the terms of an agreement dated 08 May 2008.

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

**Steve Parrock
Chief Executive, Torbay Development Agency**

**Charles Uzzell
Commissioner of Place and Environment**

Supporting information

A1. Introduction and history

- A1.1 The Town Council currently occupies part of the Town Hall by way of a 5-year lease from 21 May 2007. To provide them with a permanent base they have requested that the freehold of the Town Hall be transferred to them. The transfer would exclude the library and the museum. The latter is leased to the Brixham Heritage Museum & History Society.
- A1.2 Other tenants of the Town Hall include Brixham Does Care and the Police. The theatre and Scala Hall are run by the Facilities Management Section of the Torbay Development Agency on behalf of Torbay Council. It has an informal arrangement with the Brixham Arts and Theatre Society (BATS) to manage these facilities with any income over and above the budgeted income target being shared 50:50 with BATS.
- A1.3 Part of the premises is also currently used by Torbay Council for the Youth Service and as a Connections Office. Re-location options have been considered for the Connections Office and a decision has been taken to move this function into Brixham Library. The intention is that this will take place before the end of the financial year.
- A1.4 The continued occupation by Torbay Council for the Youth Service after the transfer will need to be regularised. The proposal is that this be dealt with by way of a 125-year lease back to Torbay Council at a peppercorn rent.
- A1.5 A summary of the remaining repairs contained in the Costed Condition Survey is contained in Appendix 2 with the repairs remaining for the period 2010 – 15 being £76,100. Repairs costing in the region of £113,600 have been carried out since 2007.
- A1.6 Torbay Council is being asked to transfer the freehold of the Town Hall site for nil consideration. Under the Local Government Act 1972: General Disposal Consent 2003 ('the Consent') Councils may dispose of land for less than the best consideration that can reasonably be obtained.
- A1.7 The Consent removes the requirement for a Council to seek specific consent from the Secretary of State for the disposal of any interest in land where the difference between the unrestricted value of the interest to be disposed of and the consideration accepted (the 'undervalue') is £2,000,000 or less and the Council considers the disposal will help secure the promotion or improvement of the economic, social or environmental well-being of any part of its area. The unrestricted value is the best price reasonably obtainable.
- A1.8 It is considered that the transfer of the Town Hall will have economic and social benefits since it is the local council with direct accountability to the population of Brixham which will have an asset and take control of.

It is proposed that there are no restrictions imposed in the transfer specifying what the Town Council can use the Town Hall for in the future.

A1.9 External valuers consider that the unrestricted value of the freehold of the Brixham Town Hall, as identified on plan EM2151, is £465,000. The undervalue, especially having regard to the value of the recommended 125-year peppercorn lease back of an area for the Youth Service, would therefore be well within £2,000,000 even with Torbay Council not obtaining any capital receipt.

A1.10 In 2008 the South West Regional Development Agency (RDA) provided a grant to Torbay Council for various projects within Brixham. One of the terms of the agreement, which expires on 31 December 2026, is that, if any land or buildings is disposed of (including a sale, lease, licence, assignment or transfer by another means) which is within the red line on a plan of central Brixham then the RDA's consent will be required. The Town Hall is within this red line (see Appendix 3). There are exceptions but none appear applicable in this case.

A1.11 The agreement also states that in the above circumstances the Council should use any capital receipt or accumulated income for a variety of purposes. Since the transfer of the Town Hall would be at nil consideration then these provisions do not apply.

A2. Risk Assessment

A2.1 Outline of significant key risks

A2.1.1 Torbay Council would lose the revenue generated by the Town Hall, both in terms of the rental income and the income from the Scala Hall/Theatre. Appendix 4 shows the relevant income. The total annual rental income (net of the Council grant and the rent from Youth Enquiry Service (Brixham) Ltd) is £8,330.

A2.1.2 Should Torbay Council require additional office accommodation within Brixham after the transfer then it would need to either reach agreement with Brixham Town Council or seek an alternative solution.

A2.1.3 As mentioned in A1.7 above it is proposed that there are no restrictions imposed in the transfer specifying what the Town Council can use the Town Hall for in the future. If the Town Council obtained planning permission for an alternative use (e.g. residential) and sold it for this purpose then Torbay Council would not receive a share in the uplift in value. This risk is considered to be minimal as long as Torbay Council remain in occupation under the terms of the 125-year lease.

A2.2 Remaining risks

A2.2.1 None

A3. Other Options

A3.1 The Council could decide not to support this initiative and retain the freehold of the Town Hall in its ownership and:

- a) Instead of re-newing the 5-year lease in 2012 Torbay Council could grant a long lease to Brixham Town Council. This would provide a base for the Town Council for the duration of the lease with them being responsible for the

insurance, repairs and other running costs for the asset or;

- b) Torbay Council could re-new the short-term lease to the Town Council when it expires in 2012.

A4. Summary of resource implications

A4.1 Asset Management of the Torbay Development Agency (TDA) and the Head of Commercial Services would be involved with the negotiation and preparation of the legal documentation.

A4.2 The Town Council will become responsible for the operational costs associated with the running of the Town Hall but they will receive the rental income from the leases, which is currently received by Torbay Council.

Whilst Torbay Council would be foregoing a rental income of £8,330 per annum it would be saving the following operational costs (2011/12 figures unless advised otherwise):

Business Rates – £11,582.75

Insurance Premium - £1,037.82

Electricity – £905

Gas – £4,873.95

Water – £2,100.04

Water Hygiene testing - £44.06 per month = £528.72 per annum

Asbestos re-inspection - £259

Reactive maintenance costs – Approximately £7,000

CCTV – Maintenance costs associated with the CCTV system is approximately £500 with approximately £1,400 being paid for a line rental to BT to allow the images to be monitored from the Council's control room.

Torbay Council would also not be responsible for the remaining repairs contained in the Costed Condition Survey, as outlined in A1.4 of this report (£76,100) and any future repairs.

The above utility costs (electricity, gas and water) are an average for the financial years 2009/10 & 2010/11.

A4.3 The Council may, however, become responsible for a share of the above costs arising from the terms of the 125-year lease so the net savings could be less than the above figures. For example there are 5 CCTV cameras operating at the Town Hall some of which cover the areas occupied by Torbay Council staff and as such Torbay Council may need to contribute towards the costs. Detailed terms have, however, yet to be discussed with the Town Council.

A4.4 Torbay Council offers a grant to Brixham Does Care (BDC) to help off-set the market rent for the 2 leases it holds from the Council. The Council currently provides this grant by foregoing part of the rent. If, after the transfer, Brixham Town Council requires BDC to pay the full market rent then BDC may expect Torbay Council to carry on paying the grant. In this case Torbay Council would not be in a position to forego rent (as it will not be entitled to receive it) but would have to pay them a grant. A revenue budget for this payment would need to be found.

A4.5 There may be Stamp Duty Land Tax on the value of the asset but this would be a cost to the Town Council.

A4.6 It is not proposed that any of the TDA's Facilities Management staff are transferred to the Town Council so there are no human resource implications.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 It is not considered that the proposal will have an impact on equalities or crime and disorder.

A5.2 The intention is that the Town Council becomes responsible for the repair and maintenance of the asset following the transfer.

A6. Consultation and Customer Focus

A6.1 The Brixham Community Partnership is aware of the proposal and was of the view that the Town Council should lead on the public consultation. Brixham Town Council sent all households in Brixham a questionnaire on the issue of the Town Council taking over the Town Hall with 61% being in favour with the same percentage being in favour of increasing the precept if it was found to be required in order to fund the running of the Town Hall.

It is understood, however, that the response to the questionnaire was low with a return rate of only 0.3%.

A6.2 The Town Council has also discussed this in public sessions at meetings with the idea being generally supported. This matter was also discussed at the Town Council meeting on 11 August and it was proposed and resolved to accept the transfer of the Town Hall from Torbay Council to Brixham Town Council.

A6.3 The tenants, Brixham Art & Theatre Society (BATS) and the organiser of the markets in the Scala Hall were contacted and invited to comment on the proposal by 01 September. The letters stated that, if they did not respond by then it would be assumed that they did not have any comments to make. No correspondence was received by this date.

An email has subsequently been received from BATS. This email was forwarded to BTC for its comments. The email and response has been replicated in Appendix 5 of this report. Further comments by Officers have also been included.

A7. Are there any implications for other Business Units?

A7.1 Library staff have the use of car parking spaces to the rear of the library. The transfer documentation will need to protect their ability to use these spaces, together with access rights for delivery vehicles.

A7.2 The Facilities Management and the Asset Management teams within the TDA manage the building on behalf of Torbay Council and the Town Council will need to decide whether to commission these services from the TDA. It is understood that the Town Council have indicated that it intends to commission the Facilities

Management service from the TDA for a 5-year period. The Town Council has confirmed that it is content for this time period to be included as a stipulation in the transfer.

A7.3 If the Town Council commissions services from an external organisation other than the TDA then, depending upon the values involved, it will probably need to undertake some form of quote / procurement exercise. This, however, is for the Town Council to consider.

Appendices

- Appendix 1 - Plan showing the extent of land to be transferred.
- Appendix 2 - Summary of the Costed Condition Survey
- Appendix 3 - Regional Development Agency Agreement Plan
- Appendix 4 - Income from leases and hiring of Scala Hall / Theatre
- Appendix 5 - Response from BATS and Comments by Brixham Town Council & Torbay Council

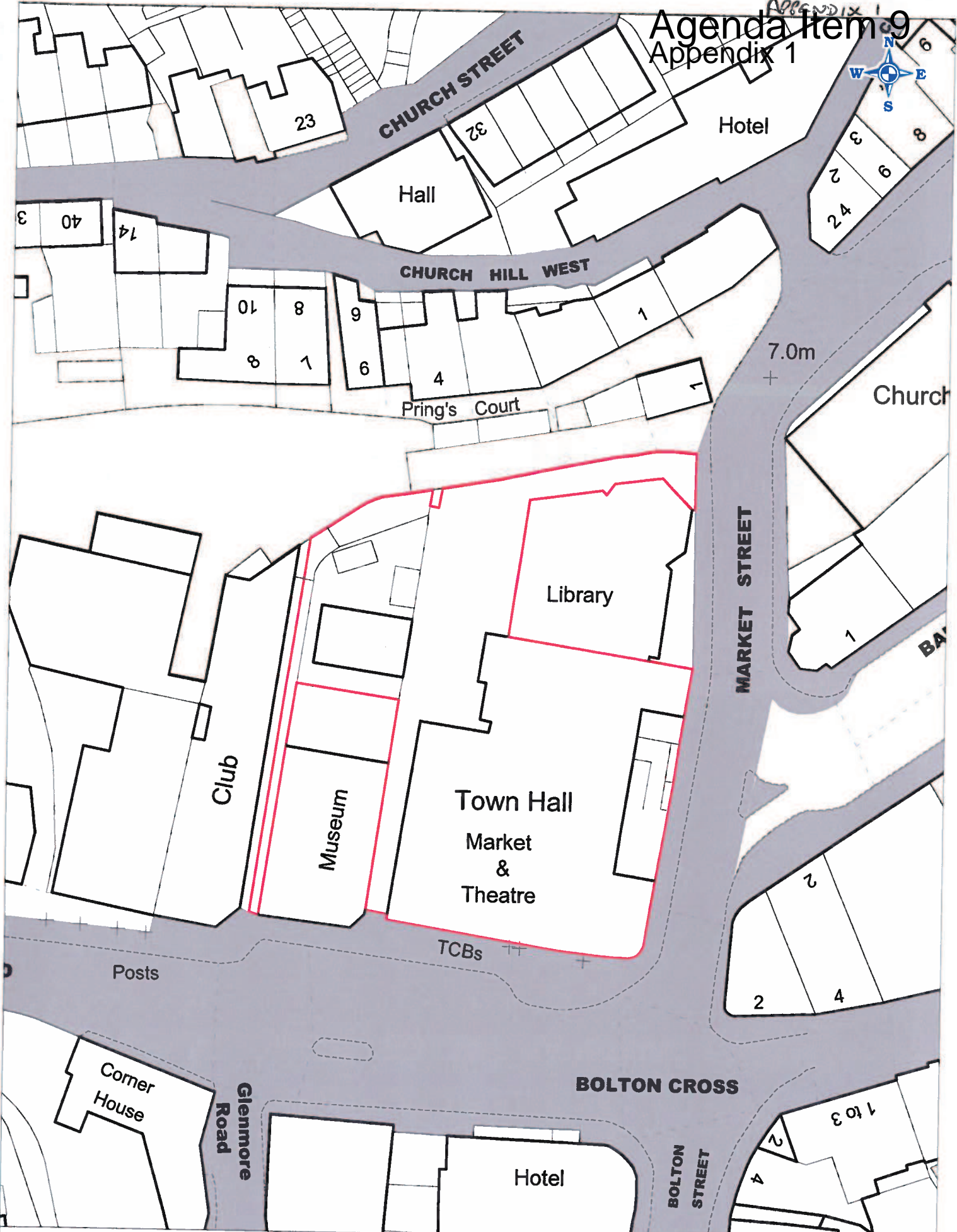
Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report: B0139

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Title: Brixham Town Hall Complex minus Museum & Library

EM Plan No: EM2151
Asset No: B0139
Date: 12th August 2011



TORBAY DEVELOPMENT AGENCY - ESTATES SERVICE

Page 49 Scale: 1:500



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ASSET MANAGEMENT PLAN

CONDITION SURVEY



PROPERTY	Brixham Town Hall Complex	BLOCK REF NUMBER	B0139
ASSET REFERENCE	B0139	BLOCK NUMBER	Brixham Town Hall Complex
SURVEY DATE	11 Jun 2010	GROSS FLOOR AREA	0.00
PRICING BASE DATE	01 Apr 2010	TYPE GROUP	1
SURVEYED BY	Mumford, P, Langridge, N, Clemens, N		

Agenda Item 9 Appendix 2

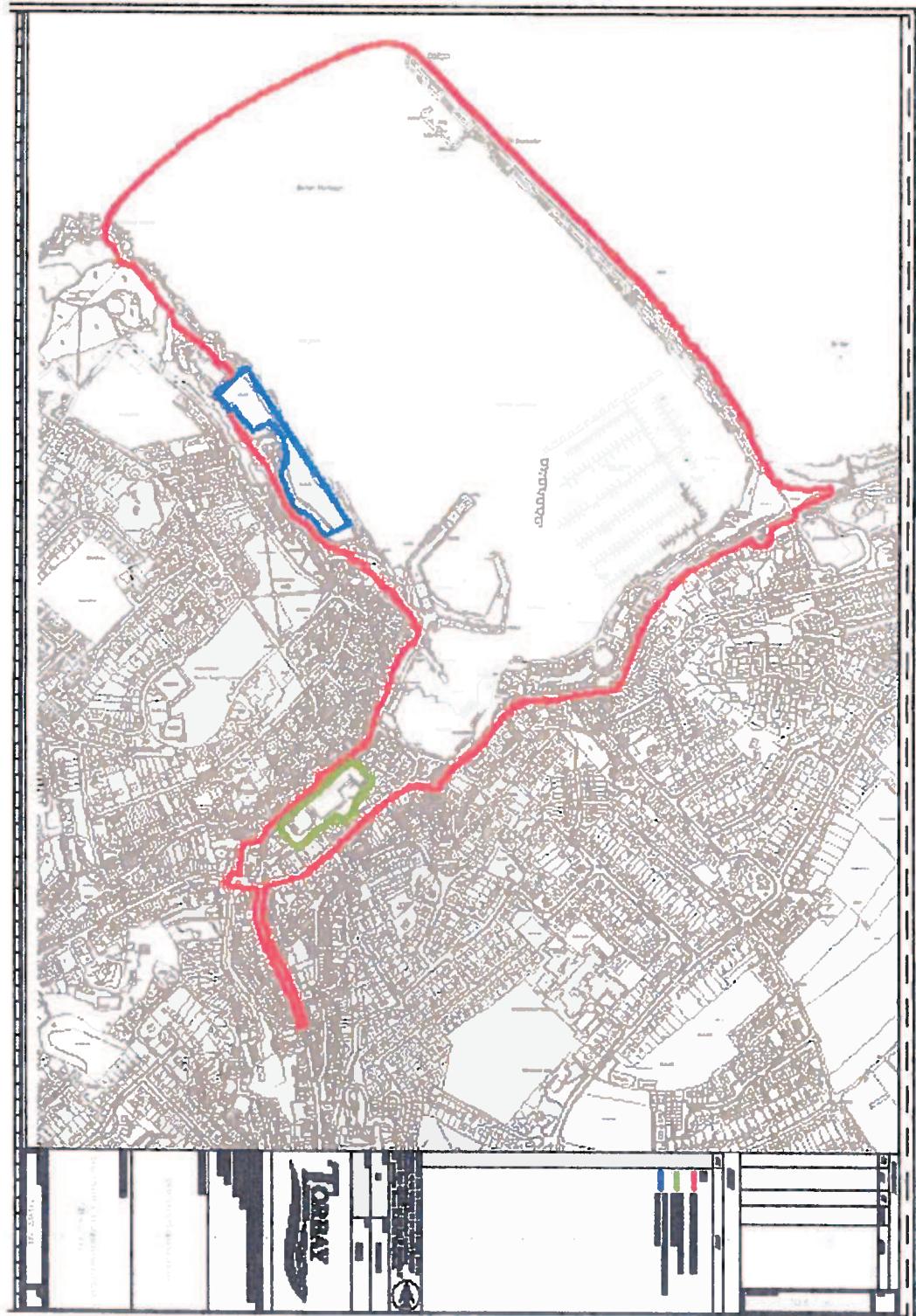
BRIEF DESCRIPTION OF THE CONSTRUCTION
Victorian building with solid Ashlar limestone walls, with decorative natural stone details to windows doors etc all under a pitched slate roof. Mechanical Report - Norman Langridge - 06/04/2010 Electrical Report - Nick Clemens - 06/04/10 Meter Location G016 Kitchen 100A 3 TNS supply - Meter No. L00D00163 Installation Age 2 years - 50 years

CONDITION SUMMARY

Element	Condition	Priority 1	Priority 2	Priority 3	Priority 4
1 Roots	C	0	0	3,000	0
2 Floors and Stairs	B	0	550	6,200	0
3 Ceilings	C	0	9,800	3,000	0
4 External Walls, Windows and Doors	B	0	2,500	15,000	0
5 Internal Walls and Doors	C	0	3,600	0	0
6 Sanitary Services	C	0	0	10,000	0
7 Mechanical Services	B	0	0	0	700
8 Electrical Services	C	1,200	11,100	5,200	1,600
9 Redecorations	B	0	2,500	27,450	25,000
10 Fixed Furniture and Fittings	A	0	0	0	0
11 External Areas	C	0	0	2,300	0
12 Playing Fields	X	0	0	0	0
TOTALS		1,200	30,050	72,150	27,300
TOTAL ALL PRIORITIES					130,700

Condition Grading	
Grade A	Good. Performing as intended and operating efficiently.
Grade B	Satisfactory. Performing as intended but exhibiting minor deterioration.
Grade C	Poor. Exhibiting major defects and/or not operating as intended.
Grade D	Bad. Life expired and/or serious risk of imminent failure.
Priority Grading	
Priority 1	Urgent work that will prevent immediate closure of the premises and/or address an immediate high risk to the health and safety of occupants and/or remedy a serious breach of legislation.
Priority 2	Essential work required within two years that will prevent serious deterioration of the fabric or services and/or address a medium risk to the health and safety of occupants and/or remedy a less serious breach of legislation.
Priority 3	Desirable work required within three to five years that will prevent deterioration of the fabric or services and/or address a low risk to the health and safety of occupants and/or remedy a minor breach of legislation.
Priority 4	Long term work required outside the five year planning period that will prevent deterioration of the fabric or services.

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South West of England Regional Development Agency



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Income from Leases and the Hiring of the Scala Hall and Theatre

The following table sets out the current leases held from Torbay Council at Brixham Town Hall

Asset	Tenant	Start Date	Term (years)	Rent	Council Grant	Comments
B0139AB	Brixham Does Care	01/09/01	5	2,650	1,070	
B0139AB	Brixham Does Care	01/10/01	5	2,750	1,500	Old Police House (Rear Storage)
B0139AC	Police	27/09/04	5	3,000	0	Ground & first floors
B0139AC	Brixham Town Council	21/05/07	5	2,500	0	
B0139AD	Youth Enquiry Service (Brixham) Ltd	01/04/10	10	5,000	0	Part of ground floor

N.B. The Youth Enquiry Service (Brixham) Ltd has vacated the premises and work is being carried out to remove the lease from the Council's title.

Scala Hall / Theatre

The Scala Hall and Theatre were under used and failing to achieve the income target of £14.4k pa with the only long term booking being the pannier market that generates £7.3K pa.

The actual income for the last couple of years is as follows:

2009/10	Scala Hall	£12,025
	Theatre	<u>£ 2,846</u>
		£14,871
2010/11	Scala Hall	£ 8,435
	Theatre	<u>£ 2,164</u>
		£10,599

It was agreed that the Brixham Arts & Theatre Society (BATS) would undertake the marketing and pricing policy function for the Scala Hall and Theatre for a 2-year period from 01 April 2010.

If the income exceeds the figure of £14.4 k pa then the additional income is to be split equally between Torbay Council and BATS with the intention that BATS reinvest their share in future productions and facilities within the theatre.

Response from BATS and Comments by Brixham Town Council / Torbay Council

The following is a replication of an email received on 22 September from BATS in response to a letter sent to them seeking their views on the proposed transfer of the Town Hall (excluding the library and museum) to Brixham Town Council (BTC).

BTC has seen the email and their comments are shown in red below. Further comments by Council Officers are shown in blue.

Dear Mr Bouchard,

Andrew Baldrey has forwarded your letter to me. I don't recollect receiving it previously but I am replying on behalf of BATS (Brixham Arts & Theatre Society) and ask that this reply is presented completely to Full Council when the transfer of Brixham Town Hall to Brixham Town Council is discussed.

As you are aware, BATS are currently acting as the agents for Torbay Council to operate Brixham Theatre. Originally we also operated the Scala Hall for a brief while, until a re-assessment of the agreement, when it was decided that the Scala Hall was able to generate sufficient usage as to not really need additional voluntary support.

The Theatre operation has been a tremendous success, increasing greatly in usage and, perhaps more importantly, giving the people of Brixham back their theatre as a lively, thriving cultural centre, with a considerable increase in events of all art forms, both amateur and professional.

The agreement with Torbay Council is in effect until 1st April 2012. BATS were proposing to assess how this agreement has operated and sign to a new one for a longer period. This has now been suspended pending further outcomes.

Since the proposal for Brixham Town Council to take over the operation of 'Brixham Town Hall' we have been in limbo as to what exactly this meant for the Theatre and the rest of the complex.

There was a very poorly worded questionnaire circulated in the Brixham Signal, seeking Brixham residents views. There was no clear explanation of which areas of the complex BTC intended to run. Several press statements were made that confused matters even further, rumours circulated that BTC only wanted to operate on half the building and the Scala and the Theatre were not to be included in the deal, and the Library and Museum were exempt.

An explanation of the proposal was published in the March issue of the Brixham Signal, consultation was put out in the May issue and the result were published in

the July issue. The questionnaire was clearly worded and the areas were not mentioned as the words Brixham Town Hall are deemed to include all areas. BTC is not responsible for the content of press articles or for rumours. The library and museum are separate buildings and so were not named in the survey as they were not relevant.

To this date, BATS have had no meetings officially with BTC or been consulted in any manner as to how the Theatre operates or what agreement terms BATS would be seeking in the future. Therefore all calculations that BTC have made into the operation of Brixham Town Hall complex is purely their own conjecture and supposition.

All figures have been calculated from the figures supplied by Torbay Council. As an agent for Torbay BATS should request information from that source, it is not for BTC to advise Torbay Council agents of Torbay's considerations or decisions.

There are many areas of great concern that BATS have about the transfer of operation of the building to Brixham Town Council, which will also be raised at the BTC public meeting tonight (Thursday 22 Sept).

1. Cost to the Brixham ratepayers of the transfer of the Town Hall complex to BTC?

This was estimated and included as a question in the May survey on the BTC take over, delivered to every household.

At the moment the complex is subsidised by all ratepayers across Torbay, not just landed on the shoulders of Brixham precept payers. There have been no results issued of the questionnaire sent out to residents in the Brixham Signal so there has been no indication whatever how many residents responded and whether those that did were in favour of the change or not.

The results of the survey were published in the 'Signal' in July this year (page 5).

2. What are the correct costings and income of running the complex and how can BTC commit to taking something over without any idea of this?

BTC has investigated costs thoroughly over the last two years and Torbay Council officers have been very helpful in providing figures over this period and so can verify that proper investigation has taken place. Town Councillors have all been in receipt of a report on these figures and members of the asset management working party have studied them in close detail. The statement by BATS is not researched.

An article appeared in the Herald Express, with completely inaccurate figures. The Theatre does not contribute anything like the amounts stated, only about £4 - £4,500 a year in hirings.

BTC is not responsible for articles in the press or the incorrect information contained within them.

BATS is still trying to get to the bottom of the amount of hirings for the Theatre for 2009/10 to sort out the targets we are required to reach.

BTC had this figure two years ago.

3. How will BTC fund the cost of running the building?

At present only the Theatre and the Scala Hall are the cash cows contributing to the overheads. Brixham Does Care is on a peppercorn rent, Connections pays nothing, BTC offices - a minimal rent? and Youth Services - a minimal rent?

BTC will have the income from the rented areas and also has a precept. All rents will be at market value, unless otherwise agreed with Torbay Council for select areas.

BTC does not pay a minimal rent but a full rental value.

4. Commercial development of the building?

The article in the paper detailed BTC were planning to rent out the Connections office and other spaces at commercial rates.

Hasn't BTC seen how many empty shops and offices there are in town? It's completely unrealistic to think of getting the commercial rents quoted in the papers.

Brixham is in fact very low on empty premises through the town and is experiencing an upturn. There has not been any commercial development proposed for the Town Hall, but there are potential users enquiring after space already – not commercial businesses but service providers.

5. How is renting spaces out at commercial rates to businesses continuing the community use of the building?

The Scala Hall and theatre will continue to be available for community use, as at present. Renting out office space is no different to that being offered by Torbay Council.

6. There is a need for better and increased community use, not less i.e. possible development of the Youth Services area as a re-established entrance and link up to the Theatre main stairs and art gallery space and putting a Tourist Information

office at the back of it because of the coach drops outside, luring people up to the Bolton Cross end of town, so the tourist footfall is throughout the town, not just congregated around the harbour.

Jenny Harriman, artist and doyen is in support of the need for increased display space in the town. Torbay generally is very low in gallery space and this is an development topic that draws people to the Bay, as shown by the success of the Spanish Barn exhibitions.

It would also be possible to put in a cafe area so that people are encouraged to use the building more and have easier access on the ground floor for the disabled and mothers with young children.

Artistic innovation and development have been proven successful catalysts for regional and town development across the South West, specifically in St Ives Whilst Brixham is small, it does share many characteristics with this Cornish town and has, indeed, been described in national media as 'the second St Ives' because of the burgeoning number of artists in the town.

Following on from the fishing industry development, artistic encouragement has always been on the agenda for TDA and would be a second regeneration tool, aimed at the higher spending tourism sector, especially overseas visitors.

BATS mission statement has always been to develop Brixham Town Hall into a social and artistic community centre for the town, combined with the Museum and the Library, into a Cultural Corner.

BATS is not just concerned with running a theatre, but also eventually encouraging growth and development of other art forms and activities throughout Brixham. Art classes are very popular in Brixham and the growth of artist led holiday activities could be a real boost for the town.

The Town Hall would not be viable with all the areas mention used for arts space. While BTC recognises the need for arts space the need to make the Town Hall a sustainable entity for future generations of users is the main priority at this stage. This does not preclude exhibition space being provided in the future.

7. Chairman of BTC, Martyn Hodge, told the BATS Chairman, Andrew Baldrey, that BTC was planning on taking the theatre out of its existing space and moving it downstairs.

It should be obvious that the cost of this would preclude its happening, funds for such an enterprise are not available and it would be detrimental to the current layout and usage of the building.

This will scrap the proper use of the Scala for the markets, exhibitions, flat floor hire space etc, and negate all the work BATS has been doing for the past two years, building up the facilities in the theatre and establishing audiences.

The cost of refurbishing the Scala with retractable seating will be colossal. There are NO more ACE/Lottery grants for building development. The emphasis is on sport, the Olympics and programme development, not facilities and infrastructure.

There is no intention to scrap the Scala Hall for use by markets or any other community use. This is taking comments out of context and misunderstanding what is being said. The concerns of some members of BATS are recognised but the above concerns are not based on truth. There are grants available for Town and village halls.

To date, in just 18 months, BATS has invested many thousands of pounds in

- redecorating the Scala Hall,
- purchasing an exhibition gallery hanging system for the encouragement of artistic displays in the Scala,
- refurbished the Scala kitchen so a cafe can be operated during Market Days and for events,
- purchasing materials to be make the Theatre attractive as a conference venue
- completely rebuilding the technical operation control box at the back of the theatre
- (that used to be an old table perched on the back of seats)
- purchased display stands for both conference use and spreading the word of how the theatre is thriving nowadays.
- Investing in better marketing materials for all performances and usage of the Theatre in a regular brochure and posters.
- Researched publicity outlets and is starting to establish a cohesive marketing strategy
- Undertaken volunteer training and created an Operations Manual for the operation of the Theatre.
- Set up both a regular monthly Folk Club and a weekly Youth Theatre.
- Acting as mentors and advisors for several young people seeking careers in the cultural industries.

Future plans, before April 2012, include the division of the Theatre with curtaining, to create three flexible options on use of the space, with the possibility of having a Studio Theatre suitable for smaller scale events, and the purchase of a cinema screen, with plans for a Brixham Film Club.

All of this would be pointless if the Theatre is relocated and the Scale Hall scrapped.

The theatre is not to be relocated. BTC supports all innovative ideas for use of the theatre as a theatre and has supported BATs in their refurbishment works from the outset.

8. What is the truth in the talk of BTC wanting the Theatre space so they can have a Council Chamber to rival Torquay Town Hall and who will pay for the cost of this? Are BTC exceeding their brief as an authority/council and are seeking to become an alternative to Torbay Council in Brixham?

This is speculation and rumour. It has no substance in fact. BTC do not want the theatre space as a council chamber.

9. BATs currently have an agreement with TDA that all hiring money from the Theatre goes back to them. Even when BATs uses the building themselves they pay a hire fee for it.

The agreement is that 50% of the sum over the level of income achieved by Torbay Council through the theatre income would go back to BATs. This has not yet been achieved as far as we have been informed.

The only money BATs has to fund the above list of improvements to the facilities, market the theatre for all shows and bring in professional performance programmes is through their own fund raising of running a bar, raffles and items such as having stalls at the Old Quay once a year.

BATs are not looking to continue under the same financial arrangements in the future.

This is a matter for BATs to decide and not one BTC should comment on.

10. All BATs members working in the Theatre, whether on the Management Committee or as Stewards etc are volunteers.

In the original statements given to BATs by TDA, they were told that they would be covered by the Torbay Council insurance as employees, because they were acting as Council Agents in the operating the facilities.

There is now some doubt as to whether this is the case and many volunteers have dropped out until the matter is resolved.

As Torbay Council still owns the Town Hall and provide this level of cover this is not a reason for volunteers to leave BATs, if there is such a haemorrhage of members BATs should look elsewhere for the reason. BTC has a high level of

public liability insurance at the moment and would not ignore its responsibilities to users of the building over insurance or any other matters.

The Council's Insurance policy provides an indemnity to persons volunteering to assist the Council in the Business of Torbay Council, providing they are under the direct control and management of a Council Officer and adhere to the Council's volunteer policy.

The activities of BATS is described as "events of all art forms, both amateur and professional" and furthermore the wider activities which fall under the description of community use, all of which are not the business activities of Torbay Council. BATS will need to ensure they have the appropriate insurances to cover their legal liability for their activities as mentioned above. Failure to do so could result in personal liability attaching to individual members of BATS.

Torbay's Council's liability as owners of the building will respond to any actions which result in personal injury or damage to property where legal liability exists.

The Chairman of BTC, Martyn Hodge, is constantly demanding that the sound and lighting technicians working on the shows should be paid. He is currently the main Technical Manager for BATS, and several other local amateur companies and undertakes it voluntarily, because he states that he is the only person allowed by Torbay Council to use the equipment. We have been unable to get to the bottom of this statement but are seeking to do so in order to encourage other young people to get involved in technical operations, particularly in connection with South Devon College on a planned placement system.

Other people have used the sound and lighting equipment in the theatre, even for BATS presentations. Martyn Hodge has undertaken work for BATS on a voluntary basis as he has for many organisations for no remuneration. However BATS have now come to expect this support more often and it was pointed out that at some stage when the number of productions has increased the role would become too much for one volunteer. This statement that Cllr Hodge has demanded payment is a misunderstanding of the truth.

BATS volunteers undertake all the cleaning of the Theatre and surrounding facilities as there is no Hall Keeper support for the space any more. This was removed by Torbay Council, although they still retain all fees for use of the space.

This situation would remain as it is part of the existing agreement.

The Management Committee of BATS are working extremely hard, in some cases virtually on a full time basis, on the planning, promotion and operation of events. They have been fortunate that they have qualified and skilled professionals to help them do this on a free basis.

BTC has no intention of stopping BATS in their endeavours, nor has it doubted the calibre of its volunteers, with a retired Councillor being a past chairman and current president and the clerk having been a founding member of BATS.

If BTC take over the Town Hall complex who will be doing the operating of it?
The Town Clerk?

The Town Council is a corporate body and as such it will manage the operating of it.

Will the Clerk need an increase in her salary level for increased responsibilities?
Will there be paid salaries for the Caretaker and for technicians to operate the Theatre equipment? Where will the money come from to pay for this extra if the place is already running at a loss?

This is not an issue that should affect consideration of the transfer of the building.

The whole issue of the volunteers being used to run the Theatre as a community resource will be undermined and other people will also expect to be paid, or BTC will be left with the operation of a space they have no expertise or skills in.

BTC do not intend to operate the space in place of BATS, as has been stated all agreements in place would continue.

BATS has an internship already planned for a young German graduate for next summer. What will be the situation for her if BTC takes over the building?

BTC has no intention of interfering with the running of BATS and would not interfere with any internship that they have planned.

As already stated, BATS have had no information, other than rumour or ad hoc statements by the Chairman of BTC, as to the plans for the future, so the Town Clerk's statement that 'BTC plan to continue with the current management arrangements' is highly inaccurate.

The Town Clerk statement is entirely accurate and not founded on rumour. Some members of BATS have spoken to the clerk and are in support of the transfer.

BATS has grave doubts about the future of the Theatre outside the cultural support network of Torbay Council and would seek that this proposed transfer of the building to the control of Brixham Town Council be rejected.



Title: **Proposed Business Case for Review of Parking Services**

Public Agenda Item: **Yes**

Wards Affected: **All Wards in Torbay**

To: **Full Council** On: **31 October 2011**

Key Decision: **Yes – Ref. 1003937**

Change to Budget: **Yes** Change to Policy Framework: **No**

Contact Officer: **Sue Cheriton Executive Head Residents and Visitors Services**

☎ Telephone: **01803 207972**

✉ E.mail: **sue.cheriton@torbay.gov.uk**

1. What we are trying to achieve and the impact on our customers

1.1 The Council has needed to respond boldly to the Coalition Government's plans and the state of public finances that became evident through the second half of 2010.

As a result of this the Council established the Productivity Improvement Programme (PIP) in October 2010 which aimed to:

- Identify opportunities for improved fees, charging arrangements and proposals for commercial income generation for Torbay Council.
- Gain maximum value from the procurement of the Council's £104m annual non-pay spend – known as the "Procurement Project".
- To establish a design for the Council's future way of working – known as the Council Design Project.

1.2 In conjunction with the PIP Project the Council has reviewed the current parking arrangements across Torbay and is proposing additional measures for on and off street car parking services, exploiting the commercial opportunities within the parking service, and the improved management of parking on the highway, including the efficient turn over of limited on street parking areas.

1.3 As part of this process the Council's Transport Working Party have undertaken extensive consultation with those affected.

2. Recommendation(s) for decision

- 2.1 That, subject to consideration of the feedback from the Preston Community Partnership raised on 27 October (as set out in the Supplementary Document – to follow), the recommendations of the Transport Working Party in respect of the outcome of the Parking Review identified in paragraph 3.2 to the submitted report be noted.
- 2.2 That the Mayor be recommended to authorise the advertisement of Orders introducing paying parking places (parking meters) on highways as identified in Appendix 2 to the submitted report.
- 2.3 That the Mayor be recommended to authorise the Commissioner for Place and Environment, in consultation with the Executive Lead for Safer Communities and Transport, to consider any objections received and approve or reject the making of any such Orders.
- 2.4 That, in the event that the Orders referred to in 2.3 above are made and are implemented, the Council's Capital Plan be amended to include up to £369,000 for the investment in new on-street car parking meters and that this is funded from prudential borrowing, financed over a 10 year period from additional revenue provision of £47,000 per annum.

3. Key points and reasons for recommendations

- 3.1 The overall PIP programme was established to help the Council identify significant savings and meet the financial challenges that are set to impact us over the next 4 years.
- 3.2 The original project team worked in partnership with PricewaterhouseCoopers (PWC) to develop a Parking business case. This original business case was completed in April. Subsequently Council officers and the Transport Working Party reviewed the original business case, consulting widely with local traders and community partnerships to develop a more robust and acceptable set of proposals. This new business case is now completed and is included in this report as Appendix 1.

The Parking Review revised Business Case contains the following proposals (for more details please see Appendix 1, and Appendix 2 specifically for on street parking meter recommendations):

- Clamp persistent PCN evaders who do not pay their fines.
- Rent space to car washing and valeting services in car parks.
- Increase the cost of parking permits for off street car parks by 10%.
- Review seasonal tariffs in relation to non seasonal tariff rates (being developed separately in conjunction with the 2012/13 budget setting process).
- Use mobile enforcement vehicles to enforce illegal parking at schools/bus stops and where necessary to improve safety.
- Offer parking management solutions to private car park operators.
- Differentiate off street parking charges related to location (being developed separately in conjunction with the 2012/13 budget setting process).
- Review options on provision of parking charges for disabled permit holders and charge a nominal administration fee for permits.
- Charge skip providers the on street parking charges as well as the skip

- licence where located on chargeable spaces .
 - Introduce more on-street parking areas (as proposed in Appendix 2).
 - Review management options of on-street and off-street motorbike parking areas.
 - Provide additional commercial advertising hoarding space in car parks.
 - Pay on exit options for multi storey car parks.
- 3.3 The business case did not include details on the levels of Prudential Borrowing because it was unclear at the time of development as to how the Council wished to fund this opportunity. The details of the Prudential Borrowing for the proposed business case is as follows:
- The investment required is £369,000. This will equate to a revenue cost of £47,000 per annum (Principal and Interest) per annum if borrowed over a 10 year period. This period equates to the expected life of the machines installed.
- 3.4 In order to proceed with the proposals, the Council needs to agree to Prudentially Borrow as outlined in section 3.3 in support of the recommendations of this Parking Review.

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

Sue Cheriton - Executive Head Residents and Visitors Services

Supporting information

A1. Introduction and history

- A1.1 The Council needs to respond boldly to the Coalition Government's plans and the state of public finances that became evident through the second half of 2010. As a result of this the Council established the Productivity Improvement Programme (PIP) in October 2010. PIP included the following three projects: 1. Torbay Council Design (currently on hold); 2. Procurement; and 3 Revenue Income and other associated efficiency programmes.
- A1.2 A collaborative approach was used to identify and develop income generating opportunities working closely with lead officers from across the Council. As a result of the initial proposals the Transport Working Party considered that further review and consultation on the proposals would be required before presenting its recommendations to Council.
- A1.3 An initial open Public Meeting of the Transport Working Party was held on 5th September to consider the proposals included in the parking opportunities originally included within the PIP Project. Following the meeting further consultations took place with town traders, local groups and Community Partnerships in the areas affected specifically by the introduction of more parking meters.
- A1.4 The recommendations in the report reflect the proposals put forward by the Transport Working Party following consultation with the local traders and businesses, community partnerships and other interested parties.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

- A2.1.1 A risk assessment is contained within the business case. Please see Appendix 1 for more details.

A3. Other Options

- A3.1 Not to proceed with the business case.

A4. Summary of resource implications

- A4.1 In order to deliver the business case significant resources will be required from the Business Services Business Unit and the Residents and Visitors Services Business Unit.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

- A5.1 An initial overview equality impact assessment (EIA) for the overall PIP project has been completed.

A6. Consultation and Customer Focus

A6.1 Extensive consultation has taken place by officers and members of the Transport Working Party. This process has included an open meeting on 5th September for all interested members of the public to attend including verbal representations from community leaders and businesses. There has also been consultation with a local traders group and the following Community Partnerships:

- Shiphay and the Willows Community Partnership
- Torquay Town Centre Community Partnership
- Torre and Upton Community Partnership
- Preston Community Partnership and Public Meeting
- St Marychurch and District Community Partnership
- Wellswood and Torwood Community Partnership
- Ellacombe Community Partnership
- Paignton Community Partnership

In addition specific location related consultation has taken place with Upton Park Friends Group and Torquay Museum.

Verbal and written declarations from the public have been received including two formal petitions both relating to the on-street parking proposals.

The Transport Working Party has considered all representations received prior to making the recommendations in this report. Expected feedback from the Preston Community Partnership will be circulated before Full Council meets.

A7. Are there any implications for other Business Units?

Commercial Services Business Unit and Procurement will be required to assist with the implementation of this business case.

Appendices

Appendix 1 – Business Case for the Parking Review

Appendix 2 – On Street Pay and Display Parking Area proposals

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Opportunity Title	Parking Review
Subject / Service Area	Parking Services

Opportunity type and description

Cost recovery	Restructured charges	New income stream	Traded service
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

<p>Opportunity Description</p>	<p>The Parking Business case contains 13 opportunities for income generation</p> <ol style="list-style-type: none"> Clamp persistent PCN evaders who do not pay their fines Rent space to car washing and valeting services in car parks Increase the cost of parking permits for car parks by 10% Review seasonal tariffs in relation to the non seasonal tariffs rates Use mobile enforcement vehicles to enforce illegal parking at schools/bus stops and where necessary to improve safety Offer parking management solutions to private car park operators Differentiate off street parking charges related to location Restructure the parking charges for disabled permit holders and charge a nominal fee for the permit. Charge skip providers the on street parking charges as well as the skip licence where located on chargeable spaces Introduce more on-street parking areas Review management options of on-street and off-street motorbike parking areas Provide additional advertising hoarding space in car parks Investigate pay on exit options for car parks across Torbay <p>1. Clamp persistent PCN evaders who do not pay their fines</p> <p>This is an opportunity to clamp vehicles of owners who continually ignore parking fines and whose vehicles are not registered to the correct address. This is part of the Traffic Management Act 2004.</p> <p>The greater benefit to this opportunity is to stop people continually re-offending. It is proposed that the Council would set a threshold of 5 unpaid fines and clamp the vehicle on the next offence. The clamp could be administered by either a subcontractor or the Council itself. If it is the latter, there would need to be someone available to release the clamp.</p> <p>It is anticipated that the income from this opportunity would drop off over time as the offenders are caught and deterred from re-offending.</p> <p>There are presently 1,200 PCN evaders each on average owing £90 per penalty charge notice. The costs of this to the Council can be broken down as follows:</p> <ol style="list-style-type: none"> 54 PCNs for not paying in a car park 54 x £7 = £378 lost car park income and the costs of issuing penalty charge notices. 89 PCNs in limited waiting bays in a local shopping area - this stops trade to this area as well as the costs of issuing the penalty charge notices. The owner of the vehicle is aware at bailiff stage the car is not worth recovering. 50+ PCNs issued for parking in pay and display on street and loss of income at an average of £10 = £500. <p>2. Rent space to car washing and valeting services in car parks</p> <p>The Council could rent spaces in car parks to small vendors to provide associated services such as car washing. The locations in the car parks would need to be arranged so there is no loss of car parking</p>
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Appendix 1 - Parking Review Business Case

Cost recovery	Restructured charges	New income stream	Traded service
	<p>spaces and possible parking income. A survey of the most appropriate spaces is still to be determined.</p> <p>3. Increase the cost of parking permits for off street car parks by 10%</p> <p>The Council currently differentiates its parking charges according to the time of year. The main opportunity here is to increase the cost of a seasonal parking permit. There are a series of different effects that this opportunity could have on revenue generation;</p> <ul style="list-style-type: none"> existing permit holders would no longer pay for a permit but end up paying more than before in daily parking charges (net increase), existing permit holders continue to buy a permit, with seasonal variation built into the price (net increase) or no long pay for a permit but end up paying the same or less in daily parking charges (net decrease). <p>There were 2680 parking permits sold in 2010/11. the projected income for 2011/12 is £423,000.</p> <p>4. Review seasonal tariffs in relation to the non seasonal tariffs rates</p> <p>Currently, during the Winter months, from 1st October to 30th April, the parking charges at certain on street pay and display areas are reduced. This is to increase footfall in beach areas and offer a dispensation to residents. A review on the opportunities to change the seasonal tariff in some locations and re-structuring charging tariffs may result in extra income being generated. A full survey of the options will be evaluated against potential usage. This will be considered as part of the 2012/13 budget setting process.</p> <p>5. Use mobile enforcement vehicles to enforce illegal parking at schools/bus stops and where necessary to improve safety</p> <p>The opportunity is to use a drive-by enforcement vehicle to enforce illegal parking outside of schools and bus stops and areas where safety is currently compromised. There is evidence of this working effectively in Plymouth.</p> <p>6. Offer parking management solutions to private car park operators e.g. Sainsbury's</p> <p>There is a possibility that the Council could provide an enforcement service to private car park operators. This service could either be charged for by the hour (c. £60 per hour) or annually (c. £30,000). This is already being done for the Riviera Centre, but for £20,000 per year due to it being at 'arms-length' from the Council.</p> <p>Currently local authorities' enforcement powers do not extend to private car parks and this would need to be challenged by the legal team. A brief investigation into this has revealed that there are a few Council's in the UK that manage car parks on behalf of private owners.</p> <p>The size of the market for offering this service in the bay is unknown. The parking team at the Council on occasion receives calls asking if the Council can enforce the parking restrictions in private car parks.</p> <p>It is recommended that initial market testing is undertaken before this opportunity is pursued further. To this end no income has been projected for this opportunity.</p> <p>7. Differentiate off street parking charges related to location</p> <p>Opportunity to generate additional revenue by differentiating the price of car parking based on location and by re-structuring the tariffs. For instance, there is the potential to charge a premium for parking spaces along the seafront compared to those further out of the city centre. This will considered as part of the 2012/13 budget setting process.</p> <p>8. Restructure the parking charges for disabled permit holders and charge a nominal fee for the permit.</p> <p>There is an opportunity to generate additional income by charging a nominal fee for disabled parking permits. There are many examples of other authorities who do this, with neighbouring Teignmouth recently introduced a £20 annual charge for a Disabled Parking Permit.</p> <p>There is a risk with this opportunity that some of these people would choose not to park in car parks but instead park on double yellow lines which is in their entitlement as blue badge holders. It is proposed that</p>		

Appendix 1 - Parking Review Business Case

Cost recovery	Restructured charges	New income stream	Traded service
	<p>the Council implement a £20 charge for all permits at the time of renewal.</p> <p>9. Charge skip providers the on street parking charges as well as the skip licence</p> <p>Currently residents and businesses that place a skip on a road do not pay for the parking if it occupies an on street parking space. This causes a loss of parking income for the Council. This opportunity proposes that skip hirers pay for parking spaces that their skips occupy. This cost would be borne by the provider and passed on to the end-user in their hire charges.</p> <p>10. Introduce more on-street parking areas</p> <p>There is an opportunity to introduce more on street parking areas in the bay. It is proposed not to include secondary shopping areas at this time, as businesses in these locations would suffer in the current financial climate. A list of those proposed roads, maps of each location and the associated tariffs are attached in Appendix 2. This would provide better turnover of parking spaces and ensure this encourages people to use car parks and provide efficient turn over of limited on street parking areas.</p> <p>11. Review management options of on-street and off-street motorbike parking areas</p> <p>Currently there are some motorbike areas allocated within the Council's car parks and there limited designated spaces on the highway in on-street parking areas provided. To ensure that maximum opportunity for income is achieved from the spaces available to car users and to take into account the Council's green travel plans a review will be undertaken to establish a more structured approach to provision of motorbike parking throughout the bay.</p> <p>12. Advertising hoardings in car parks</p> <p>Provide additional spaces for advertising on wall spaces and through boards in car parks. There are already a number of advertising boards provided in car parks with these being over subscribed in some cases. It is proposed to include additional spaces to generate more income from this facility.</p> <p>13. Investigate pay on exit options for car parks across Torbay</p> <p>A review of pay on exit car parking opportunities has been completed. The multi storey car parks have been surveyed to establish the civil works required to implement pay on exit facilities and the likely revenue implications for ongoing management against income targets.</p> <p>Initial feedback from traders and the Town Centres Company is very favourable in relation to this type of equipment which is more customer friendly. The proposal is to implement the system in Torquay's busiest multi storey car park and if successful consider other sites.</p>		

Current financial position

Service	2009/10 income (£)	2009/10 expenditure (£)	Net position (£)	Cost recovery (%)
Off Street Car Parking	£3.9 million	£2.3 million	£1.6 million	170%
On Street Parking Meters	£0.8 million	£0.1 million	£0.7 million	800%

Projected additional income

Appendix 1 - Parking Review Business Case

	2011/12 Pre- Implementation	2012/13 Year 1 Based on 12 month operation	2013/14 Year 2	2014/15 Year 3	Total
Gross projected income (£)					
1. Clamp PCN evaders		£21,600	£10,800	£10,800	£43,200
2. Rent space to car washing and valeting services		£3,060	£3,060	£3,060	£9,180
3. Increase the cost of parking permits by 10%		£42,300	£42,300	£42,300	£126,900
4. Review seasonal tariffs Part of Budget Setting process		TBA	TBA	TBA	TBA
5. Mobile enforcement		£91,000	£91,000	£91,000	£273,000
6. Management for private car parks		£0	£0	£0	£0
7. Off-street parking charges – Part of Budget Setting process		TBA	TBA	TBA	TBA
8. Disabled Permits		£153,500	£153,500	£153,500	£460,500
9. Skips on parking places		£1,200	£1,200	£1,200	£3,600
10. On street parking		£250,000	£250,000	£250,000	£750,000
11. Review management of motorbike parking areas		£0	£0	£0	£0
12. Advertising in car parks		£5,000	£7,500	£10,000	£22,500
13. Pay on exit		£0	£0	£0	£0

Appendix 1 - Parking Review Business Case

	2011/12 Pre- Implementation	2012/13 Year 1 Based on 12 month operation	2013/14 Year 2	2014/15 Year 3	Total
Total gross income		£5675,660	£559,360	£561,860	£1,688,880
Investment costs (£)					
1. Clamp PCN evaders	(£4,000)	(£1,500)	(£1,500)	(£1,500)	(£8,500)
2. Rent space to car washing and valeting services	(£2,000)	£0	£0	£0	(£2,000)
3. Increase the cost of parking permits by 10%	(£2,500)	£0	£0	£0	(£2,500)
4. Review seasonal tariffs Part of Budget Setting process	TBA	TBA	TBA	TBA	TBA
5. Mobile enforcement	(£52,750)	(£15,000)	(£15,000)	(£15,000)	(£97,750)
6. Management for private car parks	£0	£0	£0	£0	£0
7. Off-street parking charges - Part of Budget Setting process	TBA	TBA	TBA	TBA	TBA
8. Disabled Permits	(£5,000)	£0	£0	£0	(£5,000)
9. Skips on parking places	£0	£0	£0	£0	£0
10. On street parking	(£150,000)	(£61,000)	(£55,000)	(£55,000)	(£321,000)
11. Review management of motorbike parking areas	£0	£0	£0	£0	£0
12. Advertising in car parks	(£3,000)	(£2,000)	(£2,000)	(£2,000)	(£9,000)

Appendix 1 - Parking Review Business Case

	2011/12 Pre- Implementation	2012/13 Year 1 Based on 12 month operation	2013/14 Year 2	2014/15 Year 3	Total
13. Pay on exit	(£150,000)	(£15,000)	(£15,000)	(£15,000)	(£195,000)
Total costs	(£369,250)	(£94,500)	(£88,500)	(£88,500)	(£640,750)
Net projected income (£)					
1. Clamp PCN evaders	(£4,000)	£20,100	£9,300	£9,300	£34,700
2. Rent space to vendors	(£2,000)	£3,060	£3,060	£3,060	£7,180
3. Increase the cost of parking permits by 10%	(£2,500)	£42,300	£42,300	£42,300	£124,400
4. Review seasonal tariffs Part of Budget Setting process	TBA	TBA	TBA	TBA	TBA
5. Mobile enforcement	(£52,750)	£76,000	£76,000	£76,000	£175,250
6. Management for private car parks	£0	£0	£0	£0	£0
7. Off-street parking charges - Part of Budget Setting process	TBA	TBA	TBA	TBA	TBA
8. Disabled Permits	(£5,000)	£153,500	£153,500	£153,500	£455,500
9. Skips on parking places	£0	£1,200	£1,200	£1,200	£3,600
10. On street parking	(£150,000)	£189,000	£195,000	£195,000	£429,000
11. Review management of motorbike parking areas	£0	£0	£0	£0	£0
12. Advertising in car parks	(£3,000)	£3,000	£5,500	£8,000	13,500

Appendix 1 - Parking Review Business Case

	2011/12 Pre- Implementation	2012/13 Year 1 Based on 12 month operation	2013/14 Year 2	2014/15 Year 3	Total
13.	(£150,000)	(£15,000)	(£15,000)	(£15,000)	(£195,000)
Total net income	(£369,250)	£473,160	£470,860	£473,360	£1048,130

Prudential Borrowing Repayments		(£47,000)	(£47,000)	(£47,000)	
Total net income Less all revenue costs		£426,160	£419,860	£426,360	

Appendix 1 - Parking Review Business Case

<p>Notes to calculation and assumptions</p>	<p>1. Clamp persistent PCN evaders who do not pay their fines</p> <p>Implementation costs for clamping training for 2 CEOS and the immobilisation equipment = £4,000. Annual running costs for repairs to clamping equipment or additional training should staff leave = £1500</p> <p>There are 1200 persistent evaders and they each owe £90.00 and a 20% recovery rate is applied. In the following two years, as compliance increases due to this activity, it is estimated that the numbers of persistent evaders reduces by 50%. This is net income.</p> <p>Income Yr1 = £21,600</p> <p>Income Yr2 = £10,800</p> <p>Income Yr2 = £10,800</p> <p>Income in year1 will not come in until the latter half of the year due to staff training requirements.</p> <p>It is proposed to clamp cars with five or more outstanding tickets which is the legal minimum requirement.</p>
	<p>2. Rent space to car washing and valeting services in car parks</p> <p>Benchmarking of similar pitches gives a range of charges from various vendors of £684 per year in Wirral to £1,704 per year in South Gloucestershire. For the purpose of this business case we will take the mid point of £1,020 per year</p> <p>There are 3 potential sites.</p> <p>Assuming 100% take up net income per year could be £3,060.</p> <p>Assuming marginal cost for just signs and lines in car parks and no loss of parking income.</p>
	<p>3. Increase the cost of parking by 10%</p> <p>By increasing the cost of parking permits by 10% should not result in any significant drop off by users. It is also likely that some of the other measures could result in more people using this option. Assuming a 100% take up the income would generate an addition £42,300 per annum.</p> <p>The costs for this opportunity are negligible.</p>
	<p>4. Review seasonal tariffs in relation to the non seasonal tariffs rates</p> <p>Currently, during the Winter months, from 1st October to 30th April, the parking charges at certain on street pay and display areas are reduced. This is effectively two areas currently, Paignton Esplanade and Rock Walk in Torquay. A full review of the parking charge structure, including seasonality will be included in the 2012/13 budget setting process.</p>
	<p>5. Use mobile enforcement vehicles to enforce illegal parking at schools/bus stops</p> <p>Upfront investment costs would be £48,750 for equipment + £4000 annual vehicle costs (excluding fuel).</p> <p>Annual running costs would be £15,000 to cover fuel/vehicle costs and software maintenance.</p> <p>Based on issuing 10 extra PCNs per day, annual income would be £91,000</p> <p>This assumes that offending continues at the same level over 3 years and PCNs are paid at the discounted rate.</p>

Appendix 1 - Parking Review Business Case

6. Offer parking management solutions to private car park operators

The car parks would be enforced by staff members driving to the sites 3 times a day. A charge of £50 per hour/visit would be charged to the car park owner. The car park owner could expect to receive enforcement income of approximately £250 per enforcement day based on an average of 10 offences being picked up.

It is assumed that on average enforcement is only carried out 5 days a week for 40 weeks in a year.

£150 charge x 200 days per year = £30,000 per annum income from each car park

Annual Cost: Depending on volume an extra enforcement officer may need to be employed at a cost of £25,000 per annum to cover the enforcement activity that could not be met within existing resources.

Investment cost: The legal team would need to spend time changing the Council's current parking enforcement restrictions. It is estimated that this would take 5 days of a solicitor at a cost of £57 per hour. $5 \times 7.5 \times £57 = £2,138$

It is difficult to predict the take up of such services in the local area and the market for this is uncertain. It is recommended that the Council undertake initial market testing before this opportunity is pursued further. To this end no income has been projected for this opportunity.

7. Differentiate off street parking charges related to location

The detail of these proposals will be part of the budget consultation process for 2012/13. It is proposed to consider restructuring the pricing structure to reflect demand and supply of spaces in areas around Torbay.

8. Review options on provision of parking charges for disabled permit holders

This is subject to review, however the initial project carried out by Price Waterhouse Coopers suggested the following if charging schemes for permit were introduced.

Investment cost of £5,000 for new signage, no additional annual costs.

Projected annual income = £73,500 based on a survey of blue badge holders over a 9 month period in 2009 and an average ticket purchase of 2 hours.

This calculation is based on snap shot information that was collated for every car park, one day a month for 9 months.

This does not include additional payments for freed up bays and assumes that there would be no reduction in disabled permit holders using off street parking.

Example - Charge for issuing Disabled Parking Permit

£20 is charged in Teignmouth, Torbay is looking to also charge £20 for issuing disabled parking permits.

Based on 4,000 applicants per annum, including an assumed 20% drop in applications.

Yr1 $£20 \times 4,000 = £80,000$

Yr2 $£20 \times 4,000 = £80,000$

Yr3 $£20 \times 4,000 = £80,000$

No additional costs are assumed for this opportunity

Total net income from both opportunities is projected at = £153,500 per annum.

Appendix 1 - Parking Review Business Case

	<p>9. Charge skip providers the on street parking charges as well as the skip licence</p> <p>There were 200 applications for skips last year, 30 of which would potentially be within pay and display spaces. The average duration of stay in these spaces would be about 2 days each. Skips normally take over 2 parking spaces. Daily charge in Pay & Display spaces is £10</p> <p>30 skips x 2 places x £10 x 2 days = £1200 annual parking income.</p> <p>It is assumed no extra cost will be incurred.</p>
	<p>10. Introduce more on-street parking areas</p> <p>Upfront Investment costs would be £150,000 for Pay & Display machines, installation, signs and lining.</p> <p>Running costs will be £15,000 per annum based on a maintenance contract for the machines plus replacing signs/lines and provision of additional cash collection services. It is recommended that a further enforcement officer is employed to ensure income from pay and display charging is achieved. It is estimated this would cost £25,000. It is expected this will be self funding and has not been included in the investment revenue costs. There is also a requirement in year one of operation for an additional £6,000 to provide backfilling arrangements to enable the implementation project to be managed.</p> <p>Income projection based on varying occupancy would be £250,000 per year.</p>
	<p>11. Review management options of on-street and off-street motorbike parking areas</p> <p>Currently there are some motorbike areas allocated within the Council's car parks and there is limited designated spaces on the highway in on-street parking areas. To ensure that maximum opportunity for income is achieved from the spaces available to car users, and to take into account the Council's green travel plans, a review will be undertaken to establish a more structured approach to motorbike parking throughout the bay. This may include a charging policy for motorbike parking in the future.</p>
	<p>12. Advertising in car parks</p> <p>Advertising opportunities are already provided across the bay on planting areas, traffic islands and on lamp post banners. There are some 100 spaces in or adjacent to car park areas although these are limited to theatre and cinema advertising. It is proposed to extend the hoarding space to achieve an additional £22,500 income over the next three years:</p> <p style="padding-left: 40px;">Year 1 - £5,000 Year 2 - £7,500 Year 3 - 10,000</p> <p>Investment cost would be £3,000 for new boards and would require planning permission plus ongoing maintenance costs. Rates will also need to be included in any ongoing costs. The values will be applied when the site and sizes have been established. The level of income has been calculated on rents already received in other areas of the bay. It may be appropriate to licence the space to an ad company to maximise the use of the hoardings and minimise the ongoing cost of management of the sites.</p>
	<p>13. Investigate pay on exit options for car parks across Torbay</p> <p>Consultation with local traders have identified a need to maximise the stay of visitors to the town centre to support the local economy. Pay on exit facilities enable visitors to stay longer without having to feed meters or rush back to move their cars. It was considered that this would encourage people to stay longer in the town centres. This may reduce income overall and increase costs of supporting the service.</p> <p>There will be a reduction in income received from Penalty Charge Notices however we have assumed that this will be minimal as Civil Enforcement Officers will be deployed to other locations as enforcement required in the car park will be minimal.</p> <p>Quotes have been obtained from equipment suppliers and the costs to implement such a system at Lower Union Lane Car Park in Torquay is no more than £150,000 and annual operating costs are £35,000 including borrowing costs.</p>

Appendix 1 - Parking Review Business Case

Implementation Process:

It is expected that due to the implementation timing of advertising traffic orders and the requirement to undertake procurement, the project completion on year one would be June 2012.

Key evidence including relevant benchmarks

2. Rent space to vendors in car parks

Small street traders pitches

South Gloucestershire	£1672 + £32 admin per year
Leicester CC	£1,066 12 month street trading consent for static pitches for ice cream vendors
Wirral CC	£75 application and monitoring fee plus £800 annual consent fee for stalls, catering vans and containers under 8m ²
York CC	£684 Non food outside the city walls

6. Offer parking management solutions to private car park operators

Wealden

We monitor the car parks that are owned, maintained and managed by Wealden Council in accordance with the Wealden District Council Off Street Parking Order 1990 and issue excess charge notices where applicable.

Some private car parks are managed by Wealden, but not owned or maintained by us, these are also covered by the Order.

Bromley

The Sainsbury's car park in Locksbottom, Kent, has a notice saying the car park belongs to Sainsbury's but parking enforcement is managed by the London Borough of Bromley.

Summary of analysis and consultation

Volume data and prices produced by Price Waterhouse Coopers supported by Richard Brown and Rob Harnes.

Residents and Visitor Services have undertaken extensive public consultation at specific and community partnership meetings, received feedback through verbal and written submissions, and have engaged with other interest groups – in developing these proposals.

Issues and Risks

This business case seeks only to capture those risks to the implementation and the risks associated with realising the projected income in practice. The business case does not seek to set out any political risks there may be in the decisions required to take this forward, prior to implementation.

Issue/ Risk	Impact (H / M / L)	Proposed management actions
Clamp PCN evaders: Medium risk first year due to quantity, but low in subsequent years as there would also be the deterrent of the behaviour of parking illegally and not paying for the penalty charge notices	M to L	Ensure integrity of the Traffic Management Act and also ensures fairness for those motorists who follow the process and pay their PCNs. Many of these vehicles are not registered correctly with the DVLA and working with the Police we know many vehicles do not have insurance and some stolen. Therefore this system would not only bring in income ensure fairness but also the Police would be in favour to solve vehicle crime.

Appendix 1 - Parking Review Business Case

Issue/ Risk	Impact (H / M / L)	Proposed management actions
Risk of public opposition to an increase in off street parking tariffs/ risk of public opposition	M to L	Public already aware of plans to increase tariffs and Torbay tariffs compare very favourably with other similar areas such as Plymouth, Poole, Brighton.
Risk of public opposition to increasing the off street parking meters particularly in areas where there is mixed business and residential accommodation.	M to H	The public are aware of the plans to extend the off street parking meters which have generated many objections to the schemes – these have been included in the determining these proposals which have been assessed along with other budget pressures.

Implementation plan: Key project activity and milestones

Key activity	Period		
	1 to 3 months	4 to 6 months	7 months onwards
Increase parking charges, implement new on street pay and display areas and permit charges including disabled parking	✓	✓	
Clamp persistent evaders, training required for staff and equipment procured		✓	
Introduce mobile enforcement camera activity, and rental of spaces in car parks require procurement process to be followed		✓	
Reviews of seasonal tariffs, parking charges for disabled permit holders and motorbike management strategy		✓	
Pay on Exit at Lower Union Lane including civil works		✓	

APPENDIX 2 (Including MAPS)

On Street Parking

Torquay	Location	Length	Spaces	Tariff	Machines
Torbay Road	Between King's Drive and Belgrave Road	184m North	33	1	4
	Both sides of carriageway	153m South	28		
Old Newton Road	Between Rougemont Ave & Orchard Way	250m	45	2	5
Lymington Road	Jct. Trematon Ave to Sunbury Hill	220m S & N	40	2	5
Magdalene Road	Jct Trematon Ave	93m	17	2	2
Babbacombe Road	Between Torwood Gardens Road & Braddons Hill Road East	160m	29	3	3
Pimlico	Outside Madrapore Place	28m	5	3	1

On Street Parking

Paignton	Location	Length	Spaces	Tariff	Machines
Sands Road	O/S Queen's Park	38m North	7	3	1
	Between Adelphi Lane & Queens Road	41m South	7		
Adelphi Road	South Side	110m	22	3	3
Stearfield Road	Esplanade Road to Leighon Road	72m	12	3	2

Based on current 2011 tariff

1. Seasonal

1st May - 30th Sept	1st Oct - 30th Apr
10 Mins - 20p	10 Mins - 20p
30 Mins - 60p	30 Mins - 30p
1 Hour - £1.00	1 Hour - 60p

2 Hours - £2.00
3 Hours - £3.00

2 Hours - £1.20
3 Hours - £1.80

2. Commuter (New Rate)

Maximum 4 hours stay
4 hours £1.00

3. Standard

10 Mins - 20p
30 Mins - 60p
1 Hour - £1.00
2 Hours - £2.00



Torbay Road, Torquay
Length 337m
61 Parking Bays

SCALE	1 : 1250
DATE	19/10/2011
DRAWING No.	
DRAWN BY	

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Old Newton Road, Torquay
 Length 250m
 45 Parking Bays

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 Licence No. 2003

SCALE	1 : 1250
DATE	19/10/2011
DRAWING No.	
DRAWN BY	





SCALE 1 : 625

DATE 19/10/2011

DRAWING No.

DRAWN BY

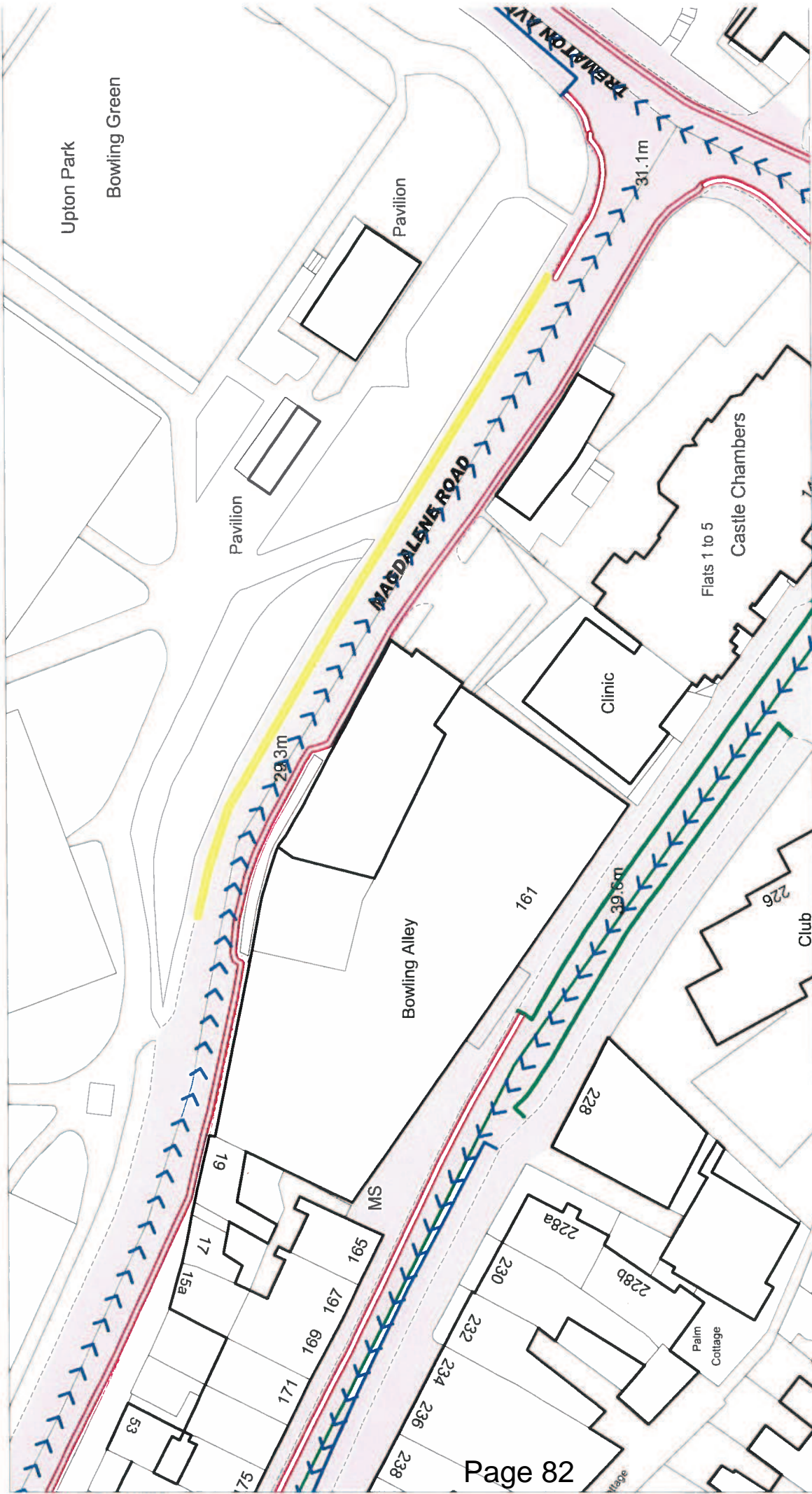
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Lymington Road, Torquay

Length 220m

40 Parking Bays





Upton Park
Bowling Green

Pavilion
Pavilion

MAGDALENE ROAD

Bowling Alley

Clinic

Flats 1 to 5
Castle Chambers

Club

Palm
Cottage

SCALE	1 : 625
DATE	19/10/2011
DRAWING No.	
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Magdalene Road, Torquay
Length 93m
17 Parking Bays

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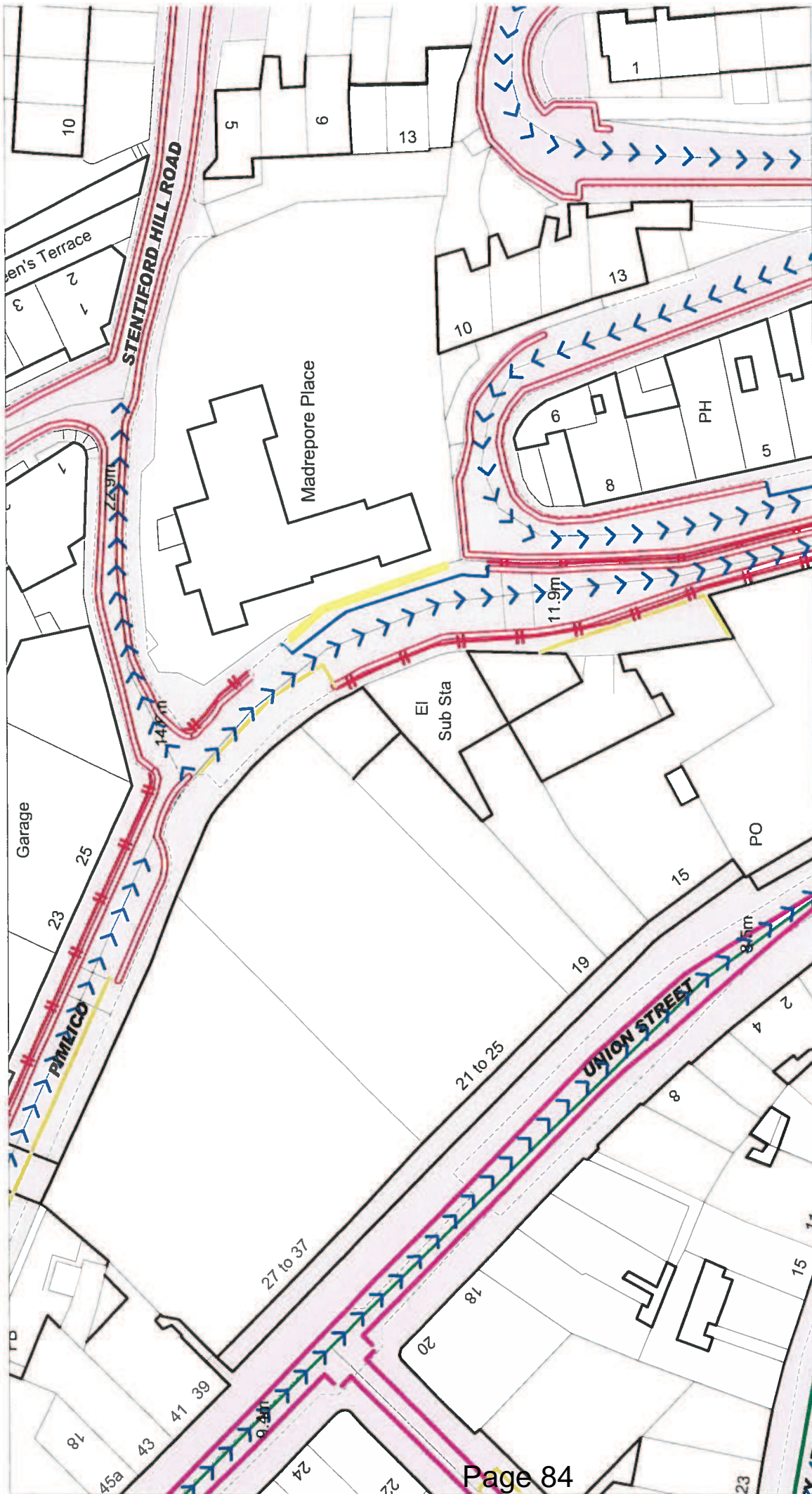


Babbacombe Road, Torquay
Length 160m
29 Parking Bays
Loading Bay Indicated Red

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SCALE	1 : 1250
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DRAWN BY	





SCALE 1 : 625

DATE 19/10/2011

SCALE

DATE

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Pimlico, Torquay

Length 28m

5 Parking Bays





SCALE
1 : 1250

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19/10/2011

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Sands Road, Paignton
Total Length 80m
14 Parking Bays



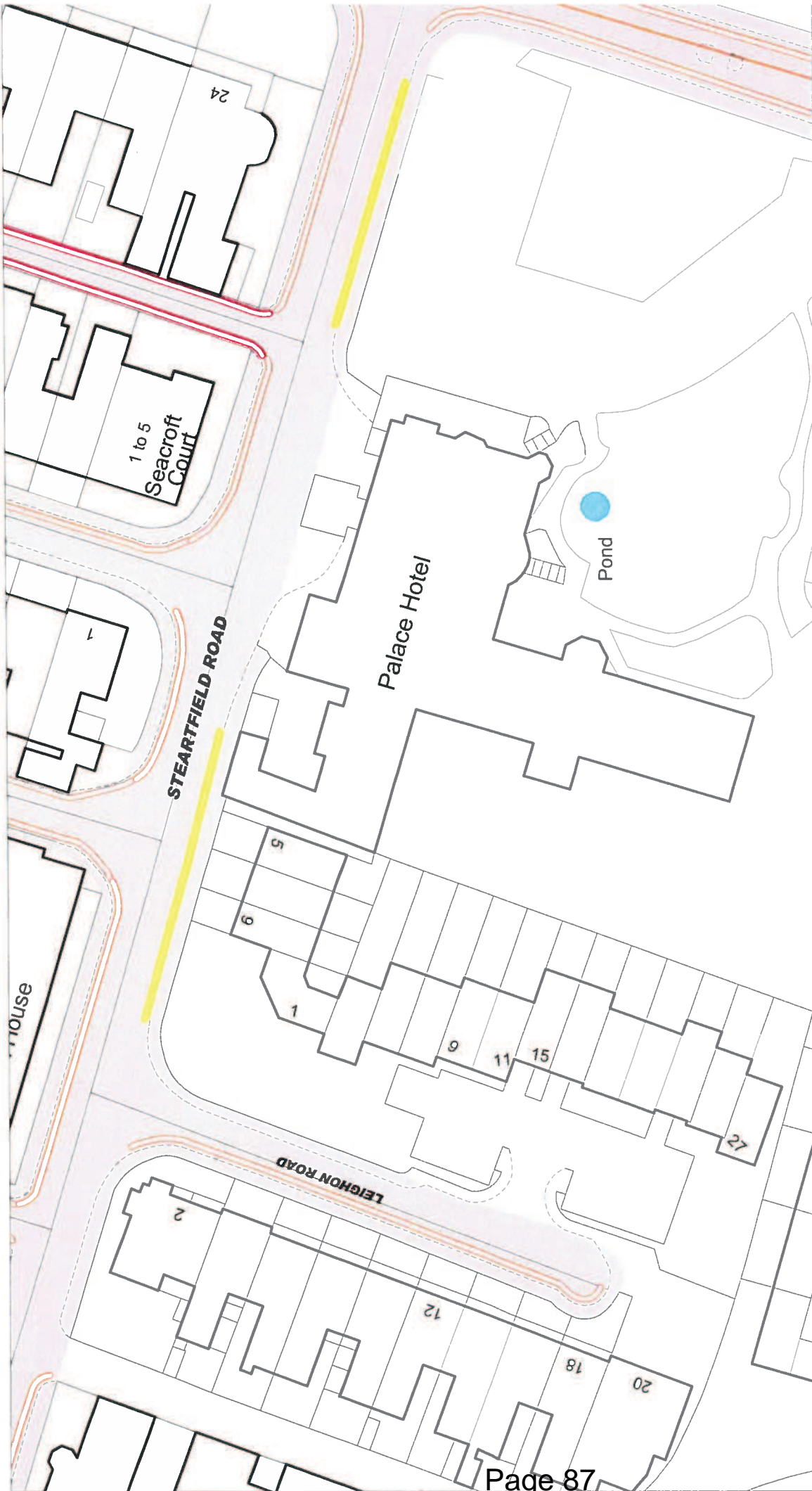


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Adelphi Road, Paignton
 Length 110m
 22 Parking Bays

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Steartfield Road, Paignton
Length 72m
12 Parking Bays



SCALE
1 : 625

DATE
19/10/2011

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Title: **Princess Promenade Refurbishment**

Public Agenda Item: **Yes**

Wards Affected: **Tormohun**

To: **Council** On: **31st October 2011**

Key Decision: **Yes – Ref. 1005527**

Change to Budget: **Yes** Change to Policy Framework: **No**

Contact Officer: **Dave Stewart**
 Telephone: **207816**
 E.mail: **Dave.Stewart@torbay.gov.uk**

1. What we are trying to achieve and the impact on our customers

- 1.1 To provide an immediate solution to repair the defective structure of the “banjo” and the eastern section of Princess Parade, Torquay, which enables the closed sections to be reopened as soon as possible.
- 1.2 The proposed repair standards will extend the life of the structure for a minimum of 25 years and will match the design and detail of repairs carried out to the western length of the promenade in 2006/07. A repair of this magnitude will make the existing structure safe for up to 25 years. Members are asked to consider whether this investment represents best value for money, as the need to carry out such extensive repairs might be regarded as an opportunity to improve the design and area as a visitor attraction. The area is especially important to Torquay’s tourism offer.

2. Recommendation(s) for decision

- 2.1 That the capital programme for 2011/12 be amended to provide £800,000 to carry out the first phase of repairs to the promenade and upper level of the Banjo to be opened for the Summer of 2012.
- 2.2 That the capital programme for 2012/13 be amended to provide £2.15 million to fund the second phase of the repairs to the structure to secure its long term future.
- 2.3 That tenders be invited and a contract let to carry out repairs to the Eastern Promenade and minimal repairs to the banjo. The contract is to commence in early 2012 to allow the promenade and banjo to be open for the summer 2012.

- 2.4 That the second phase of the works to provide long term repairs to the banjo and eastern promenade be progressed and a contract let in July 2012 unless alternative proposals to redevelop the area have been approved by the Council.
- 2.5 That, subject to alternative capital resources being identified, the project is funded from prudential borrowing to be financed from the Council's revenue budget. The financial implications to be reflected in future year revenue budgets.

3. Key points and reasons for recommendations

- 3.1 The eastern section of Princess Parade and the banjo has been closed to the public since 2006 following a report by consulting engineers Pell Frischmann. This is a prime section of Torquay's waterside and the continued closure has provoked widespread criticism. Hitherto the Council has investigated the repair costs and funding options. It is noted that the extent of repairs within the immediate area are considerable.

Earlier reports confirm that estimated cost of repair in the immediate area is:

Repairs to front garden areas	£500k - £1.5m
Repairs to Pavilion, in excess of	£2.0m
Repair "banjo"	£1.3 - £1.5m
Repair/replace eastern section of Princess Parade	£1.6 - £2.0m
New walking surfaces and wall repairs	£500k - £1.0m
 Torbay Council's contribution to Princess Pier repairs (see below)	 £2.5m*
 Total cost of repairs	 £10.5m

*The Environment Agency (EA) have been asked to fund repairs to the masonry elements of Princess Pier as Torbay Council believe this structure, acting with Haldon Pier, provides a flood defence to Torquay's harbour area. The decking and steelwork above is considered to be an amenity and as such repairs to these elements would not be funded by the EA.

- 3.2 The proposed programme will allow for the Eastern length of promenade to be reopened for the summer of 2012. However, further works are required to secure its long term future.
- 3.3 Splitting the works into two phases will allow the works to be carried out over the winter, but will cost an estimated additional £80,000. If the works are carried out in one phase they will take a year to complete and will be carried out over the summer of 2012.

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

**Sue Cheriton
Executive Head – Residents & Visitor Services**

Supporting information

A1. Introduction and history

- A1.1 The design of the original promenade had an important plus, that permits an open balustrade walkway offering clear uninterrupted views of the bay and Marina. It provides wave and sea air protection to the Princess Gardens by the use of a suspended structure providing a rebound “cap” to prevent sea swells and chlorinated sea air from impacting on the Princess Gardens. A traditional inland public garden is able to thrive in this protected location.
- A1.2 The Promenade was built between 1939 and 1958, with construction interrupted by World War II. The promenade is known to have a number of limitations. Many of which are typical of reinforced concrete structures in a marine environment. They can be summarised as follows:-
1. The promenade design has no spare capacity over and above its strict use by pedestrians and was not designed for vehicle loads greater than small cars.
 2. The types of defects exhibited in the structure suggest that the promenade has at some stage been trafficked by lifting equipment, craneage and/or heavy vehicles. There is also no evidence of vehicle control until recent years. These defects have made the structure more susceptible to the damage outlined in item 4 below.
 3. Many years of chloride (sea water) attack on the deteriorated and exposed structure has led to substantial concrete spalling, almost total loss of its vital steel reinforcement, leading to the promenade walkway being beyond economic repair.
- A1.3 The two tier banjo structure was constructed in the 1960's at a similar time to the construction of the Princess Theatre.
- A1.4 Repairs to the Eastern Promenade were carried out some time after 2000 in the form of a repair mortar applied to the structural soffit. This work started at the adjacent to the MDL marina offices. However, funding appears to have run out quickly as only some 30 metres of the promenade were actually repaired in this manner. The remedial work appears to have held up well but may be showing signs of deterioration, which is consistent with a 10 year life expectancy for concrete repairs. This small area of the Eastern Promenade has remained open to the public. The projected life of this small area is currently being verified using a portion of the funds recently released by Council. This area will either be accepted as being in good condition or else it will be repaired. There are no plans to demolish and rebuild this small section of the promenade.
- A1.5 As a consequence of this work apparently ending prematurely through funding problems, the unrepaired length of the Eastern Promenade would have continued to suffer accelerated sea chloride damage. Although the supporting columns, beams and walls were still in a fair condition, the majority of the Eastern length of promenade walkway itself was considered to be in such a poor condition as to be beyond repair.
- A1.6 The Eastern and Central Banjo Promenades have not been maintained since 2006 and was closed on the recommendation of the Structural Engineers, following the receipt of the structural investigation by Consulting Engineers Pell Frischmann in 2006. Soon after the closure, a temporary pedestrian walkway

surfaced in red bitmac was formed adjacent to the closed area of promenade.

- A1.7 The Central Banjo was closed at the same time, on the instructions of the Mayor. Although the structure would benefit from significant long term remedials, there were no pressing structural reasons for its closure, with the decision based on the consequence of a history of anti-social behaviour. As the structure has not been maintained since 2006, minor repairs, tidying up and painting would be required to permit it to be reopened.
- A1.8 The Western Promenade was temporarily reduced in width in 2006 in order to reduce stress in the centre of the walkway. Partial closure of the western length proved to be highly unpopular at the time as this length was seen as an important part of the main coastal walkway for the town in the area linking Princess Pier, The Princess Theatre and Torquay Marina. Torbay Council asked for repair options for the Western Promenade and in 2007, a 25 year life repair including a cathodic protection system was constructed for the sum of £733,000 including design fees. This length of promenade was reopened to the public in May 2008 after it was repaired to a high standard with a technical cathodic protection system installed throughout the structure which eliminates any chance of the promenade deteriorating over the next 25 years and also potentially for the rest of its operating life.
- A1.9 In order to re-open the unrepaired length of Eastern promenade, its structural decking needs to be replaced with new pre-cast concrete decking with a new surface. This work will take approximately 5 months to complete and could commence in February 2012 allowing the promenade to be opened by the main summer season of 2012. The cost of this element of the project is £750,000. The banjo would need some minor spot repairs to the concrete to protect the reinforcement. The cost of this is estimated at £50,000 as a maximum but any expenditure will be kept to a minimum.
- A1.10 The first phase of the works will ensure the area can be reopened to the public and ensure that the area can remain open.
- A1.11 The first phase of the works will secure the long term future of the promenade decking, however, the columns that support this structure will need refurbishment and cathodic protection added. The cost of this second phase of works is estimated at £850,000. This work will commence in September 2012.
- A1.12 The supporting columns of the banjo will also need to be refurbished with the same cathodic protection. The estimated cost of the second phase for the banjo is £1.3million. This work will commence in September 2012.
- A1.13 Currently two developers have shown an interest in developing the area and their proposals are being presented to the community for consultation. Both proposals can accommodate the existing promenade but one would redevelop the banjo. Therefore the current plan would be to repair the promenade and to allow the proposals to be considered before major expenditure on the banjo.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

- A2.1.1 If the first phase repairs are not followed by the second phase repairs the structure would deteriorate quickly leading to eventual re-closure.

A2.1.2 The works will be carried out over the winter period in a marine environment so the programme of works and final costs can be affected by weather and the environment.

A2.2 Remaining risks

A2.2.1 The final 1930's design may not be appropriate for a modern tourist resort. The Princess Gardens are Grade II Listed gardens with the promenade included within the designated area. However, as the project relates to maintenance English Heritage have no legislating powers over the works. Officers have consulted with English Heritage who have given support for the repairs to the promenade, but have stated they would prefer that the top section of the banjo is removed and the sunken garden infilled to provide a level walkway. Repairs to the banjo will split the cathodic protection over the two levels allowing it to be removed at a later date, if required.

A3. Other Options

A3.1 The following options have been considered:-

- a) Demolition
The whole structure could be demolished, however, the construction of a new wave wall would be required to resist sea water overtopping affecting the gardens. Environment Agency permission would be required and the wall could affect the sea vista for the public from the gardens. The estimated cost is £4.2million.
- b) Intermediate Repairs
The promenade decking could be replaced and intermediate repairs to guarantee the structure for 10 years could be carried out. The estimate cost of this option is £1.3million.
- c) Partial Demolition
The top level of the banjo could be removed as suggested by the English Heritage.

A4. Summary of resource implications

A4.1 Following lengthy discussions with the Environment Agency regarding grant aided funding for flood defence structures at Torquay Harbour, detailed wave modelling analysis works have been undertaken in order to identify the structures that have been identified as flood defence. This modelling work has identified that both Haldon Pier and Princess Pier act as primary flood defence structures for coastal flooding within the Torbay Harbour area. As a result the Environment Agency has recently approved £1.272 million of grant aided funding for the next phase of structural repair work at Haldon Pier and they are currently considering an application from Torbay Council for a further £5.973 million of grant aided funding for structural repairs to both Haldon Pier and the masonry portion of Princess Pier.

A4.2 Although the Princess Promenade structure acts as a flood defence within Torbay Harbour, the value of the assets protected would not provide sufficient benefit/cost ratios to ensure funding through the Environment Agency Flood Defence Grant Aided system. As a result, an alternative source of funding for

the repairs to the Princess Promenade will need to be identified. A number of alternative sources of funding options have been considered and these include:

- Capital Funding from Torbay Council;
- Prudential Borrowing by Torbay Council;
- Developer contributions from any future development at the Marina Car Park or Princess Theatre;
- Infrastructure levy for flood defence schemes;
- Heritage Lottery Funding for Princess Gardens and Promenade;

A4.3 At this time funding is most likely to come from Torbay Council Capital funding. An application has been submitted for the following sums:

2011/12	£ 800,000
2012/13	£2,150,000

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 The repair and maintenance of the Princess Promenade will provide continued protection to the Princess Gardens and seafront area.

A5.2 As the lower level of the Banjo will be re-opened, the project will include improvements aimed at designing out crime. Specifically this will include lighting and gates allowing the area to be closed at night if required.

A6. Consultation and Customer Focus

A6.1 No official consultation on the proposals have been carried out as the proposals relate to maintenance of an existing structure rather than a material alteration. However, the proposals to re-open the promenade along with the potential redevelopment have been presented to the local Community Partnership who were in support of the Council considering options for redevelopment and opening the promenade. The partnership were keen to be involved in the final design finishes of the promenade.

A6.2 Whilst Planning Permission is not required officers will work with representatives from the Environment Agency and English Heritage to discuss the finishes to be used.

A7. Are there any implications for other Business Units?

A7.1 The cost of the works will need to be funded from the Council's Capital Programme.

A7.2 The works will affect the operation of the harbour and marina and officers from Engineering Services have met with the Harbour Master to discuss how the impact can be mitigated.

Appendices

None

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Structural Assessments – princess Promenade, Torquay – Structural Appraisal –
Volume 2 - Calculations

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