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Tuesday, 28 January 2014

## Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **Rosetor Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 6 February 2014** commencing at **5.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

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

Steve Parrock  
Executive Director of Finance and Operations

(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.)

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**Working for a healthy, prosperous and happy Bay**

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

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[www.torbay.gov.uk](http://www.torbay.gov.uk)

# 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 5 December 2013.

(Pages 1 - 16)

4. **Declarations of interests**

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

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

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

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

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

5. **Communications**

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

6. **Members' questions**

To respond to the attached questions asked under Standing Order A13.

(Page 17)

7. **Notice of motions**

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

(a) **Notice of Motion - Minimum Wage (Mayoral)**

(Page 18)

8. **Notice of Motion - Badger Cull (Mayoral)** (Page 19)
9. **Torbay Hospital and Torbay Council Partnership - Parking and Security** (Pages 20 - 34)  
To consider the submitted report on a proposed joint partnership agreement with the South Devon Healthcare NHS Foundation to fund improvements to provide additional visitor and staff parking on the Torbay Hospital site.
10. **Western Corridor Improvement & Great Parks Phase 2 Entrance – Acquisition of Land Through Compulsory Purchase Orders** (Pages 35 - 48)  
To consider the submitted report on the proposed improvement scheme for the junction of Kings Ash Road and Spruce Way, Paignton.
11. **Health and Wellbeing Terms of Reference** (Pages 49 - 50)  
To approve the terms of Reference for the Health and Wellbeing Board, which were previously listed in the Article 16 of the Constitution.
12. **Revenue Budget Proposals 2014/15** (To Follow)  
To consider the recommendations of the Mayor on the Revenue Budget Proposals for 2014/15.
- (Note: This item will be deferred for consideration at an adjourned meeting of the Council to be held on Thursday, 13 February 2014.)
13. **Chairman/woman and Vice-Chairman/woman select**  
In accordance with the Council's Standing Orders (A9.1) to select, by elimination ballot, the Chairman/woman-Elect and Vice-Chairman/woman-Elect for the Municipal Year 2014/15.

**Note**

An audio recording of this meeting will normally be available at [www.torbay.gov.uk](http://www.torbay.gov.uk) within 48 hours.



## Minutes of the Council

5 December 2013

-: Present :-

**Chairman of the Council (Councillor Parrott) (In the Chair)**

The Mayor of Torbay (Mayor Oliver)

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

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### 78 Opening of meeting

The meeting was opened with a prayer.

### 79 Apologies for absence

An apology for absence was received from Councillor Barnby.

### 80 Minutes

The Minutes of the meeting of the Council held on 26 September 2013 were confirmed as a correct record and signed by the Chairman.

### 81 Declarations of interests

The following non-pecuniary interests were declared:

<b>Councillor</b>	<b>Minute Number</b>	<b>Nature of interest</b>
The Mayor	97	Owns property in Torre
Councillor Excell	97	Owns 201 and 203 shops in Torre
Councillor Stocks	91	Non Executive Director of PLUS

Anne-Marie Bond declared a personal interest as appointment of Monitoring Officer in Minute 98.

**82 Communications**

The Chairman:

1. thanked all those involved in supporting the free trial to the webcast this Council meeting. The local businesses and partners included Curtis Goss from pano360, Nick Ellison from nickellison.net, Rob Watson from ESW Solutions Ltd, Stephen Ellison from iRize Productions, South Devon College (whose students controlled the cameras) and the Herald Express, all of whom donated their digital expertise and/or equipment to allow the Council to trial the webcast for free;
2. advised members that the Chairman's Tea Dance and Cabaret held on 6 November 2013 at the Redcliffe Hotel, Paignton raised £303 for the Chairman's chosen charity, the Motor Neurone Disease Association (Torbay). The Chairman thanked all those who attended and contributed;
3. thanked all those who attended the Civic Church Service which was held on 6 October 2013;
4. invited members to the Civic Carol Concert which was due to be held on 10 December 2013 at the Riviera International Conference Centre; and
5. announced that Anthony Butler, the Council's Monitoring Officer was leaving the Council at the end of this year. On behalf of the Council, the Chairman thanked Mr Butler for his hard work, the fair and common sense approach he brought to the role and wished him well for the future.

The Mayor:

1. advised that the Council was to undertake a review of the Allocations Policy for access and priority to social housing. He added that the Localism Act 2011 had introduced changes in relation to both homelessness and allocations, resulting in councils no longer being required to keep an open housing register and were able to restrict access to the register for social housing. A public consultation was due to be launched on 9 December 2013 and would specifically include those impacted by the proposed changes to the Policy. The final proposed Allocations Policy would be presented to Council on 27 February 2014;
2. was pleased to announce that the Council had awarded the contract to install a new pontoon mooring system in Torquay's inner harbour to a local contractor. It was anticipated the work would commence in January 2014 with a completion of the 173 berth facility by April 2014;
3. advised members that the Council had awarded a ground-breaking contract for the new all-year round ferry service between Brixham and Torquay, which would be introduced next Autumn 2014. The contract

had been funded by the local sustainable transport fund through the Department for Transport; and

4. had great pleasure to announce the breaking news that an agreement had been reached between Plymouth University and Astra Zeneca for the future of the site in Brixham. The Mayor had been involved in the negotiations and the full details would emerge over the next few days.

### **83 Petitions**

In accordance with Standing Order A12, the Council received the following petitions:

- (i) requesting traffic calming for Jacks Lane (approximately 34 signatures);
- (ii) requesting the introduction of a school crossing patrol for the three schools, Watcombe Primary, Combe Pafford and Mayfield (approximately 243 signatures); and
- (iii) requesting Well Street to be permanently closed (approximately 43 signatures).

The Chairman reported that the petitioners had requested their petitions be submitted direct to the decision-makers and therefore, they would be considered by the Service Manager Street Scene in consultation with the Executive Lead Member for Highways, Transport and Environment.

### **84 Public Question - Landslip on Lymington Road, Torquay**

In accordance with Standing Order A24, the Council heard from Mr Long who had submitted a statement and question in relation to the landslip at Lymington Road, Torquay. The Executive Lead for Highways, Transport and Environment responded to the statement and question that had been put forward, plus a supplementary question asked by Mr Long.

### **85 Public Question - B&Q Site**

In accordance with Standing Order A24, the Council heard from Mr Long who had submitted a statement and question in relation to the former B & Q site in Torre, Torquay. The Executive Lead for Strategic Planning, Housing and Energy responded to the statement and question that had been put forward, plus a supplementary question asked by Mr Long.

### **86 Members' questions**

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

Verbal responses were provided at the meeting. Supplementary questions were then asked and answered in respect of questions 1, 2, 3, 6, 8, 9, 11, 12, 13 and 14.

### **87 Notice of Motion - Change of Governance System (Mayoral)**

Members considered a motion in relation to public consultation on a change to Council's governance system, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Darling and seconded by Councillor Pentney:

This Council notes:

- that in order to change its present system of governance it is required to hold a referendum of Torbay's electorate;
- the earliest any referendum can be held is July 2015 which is after the next local elections;
- any referendum can only specify one alternative system of governance (i.e. committee system or leader and cabinet); and
- any referendum will incur a cost to the Council.

Therefore, this Council resolves that the Executive Head Business Services be requested to undertake a public consultation exercise to determine:

- (a) Whether the public wish to change the present mayoral system of governance; and
- (b) If so, what the preferred system of governance would be.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor did not accept the motion as he considered it was premature and there should be an opportunity for the public to express their views following the local and mayoral elections in May 2015.

### **88 Notice of Motion - Developing a Tourism Bid (Mayoral)**

Members considered a motion in relation to the development of a Tourism Business Improvement District notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Darling and seconded by Councillor Pentney:

This Council notes the success of the English Riviera Tourism Company in promoting tourism and raising standards of tourism in the Bay.

This Council also notes the significant financial stress that Torbay Council faces in the next few years.

In light of the above, this Council opposes the development of a bay wide Business Improvement District and will instead establish a Tourism Business

Improvement District for Torbay to ensure the long term financial stability for the English Riviera Tourism Company.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor referred the motion to the Place Policy Development Group to enable wider examination and to identify further potential economic benefits for the Bay.

## **89 Future State Project (Mayoral Decision)**

The Chairman advised that an amended officer recommendation had been tabled. The Council made the following recommendation to the Mayor:

It was proposed by Councillor Addis and seconded by Councillor Morey:

That the Mayor be recommended:

- (i) To approve the implementation of Future State processes, organisational structures and auditing of the contract to contribute towards a target of £930,500 in savings between Torbay Council, TOR2 and other contractors. The target savings breakdown as follows:
  - TOR2 - £369,000 (50% to Torbay Council)
  - Torbay Council, Resident & Visitors: £521,500
  - Torbay Council, Contact Centre: £40,000
  - Other departments: To be determined.
  
- (ii) To delegate authority to the Director of Place in consultation with the Mayor and Executive Leads to align the organisational structure of the Council to Future State processes to meet resource and efficiency savings. In this regard:
  - It is recommended that the management of all property Assets, including Highways and Street Scene, are centralised under Torbay Development Agency by April 2015.
  - It is recommended that the Council Structure will mirror the changes that TOR2 have made in aligning the business around work types – Ordered/Programmed, Reactive and Cyclical work.
  - It is recommended that the calls relating to TOR2 are moved from the Torbay Contact Centre and are taken by the TOR2 Control Hub.
  
- (iii) That Torbay Council and TOR2 continue working towards the current performance standards and implement a process of continual performance improvement and auditing of the Joint Venture.



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, together with further information, is attached to these minutes.

**90 White Rock Land Swap (Mayoral Decision)**

The Council made the following recommendation to the Mayor:

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

That the Council enters into a land swap with Abacus Project Limited.  
Namely: Council to transfer the PLUSS site at Whiterock in return for the transfer of Abacus Project Limited's site fronting onto Brixham Road.

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, together with further information, is attached to these minutes.

**91 Pluss Future Arrangements (Mayoral Decision)**

The Council made the following recommendation to the Mayor:

It was proposed by Councillor Scouler and seconded by Councillor Stocks:

- (i) that PLUSS is sold to Turning Point upon the terms as outlined in the submitted report; and
- (ii) that the Executive Head Finance be delegated the authority to agree all necessary documentation to enable the sale of PLUSS to be completed.

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, together with further information, is attached to these minutes.

(Note: Prior to consideration of Minute 91, Councillor Stocks declared her non-pecuniary interest.)

**92 Tor Bay Harbour – Port Masterplan**

The Council considered the recommendation of the Harbour Committee (as set out in the submitted report) for the adoption of the Port Masterplan for Tor Bay Harbour as part of the Council's Policy Framework. An additional officer recommendation was tabled at the meeting.

It was proposed by Councillor Amil and seconded by Councillor Hytche:

- (i) that, in accordance with the recommendation from the Harbour Committee, the Council approve the Port Masterplan for Tor Bay Harbour, as currently shown on the Harbour website - <http://www.torbay.gov.uk/portmasterplan>;
- (ii) that the Council approves the adoption of the Port Masterplan for Tor Bay Harbour as part of the Council's Policy Framework; and
- (iii) that the Executive Head of Tor Bay Harbour Authority, in consultation with the Chairman of the Harbour Committee, be given delegated authority to make any necessary amendments to the Port Masterplan for Tor Bay Harbour in light of the new Marine Conservation Zones.

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

### **93 Pay Policy Annual Statement 2014/15**

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

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

It is recommended that Council approve the Torbay Council Annual Pay Policy Statement in order for the Council to be compliant with Section 38 (1) of the Localism Act 2011.

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

### **94 Localised Council Tax Support Scheme 2014/15**

Members considered the submitted report on proposals for up-rating the current Council Tax Support Scheme for 2014/15. It was noted that the report was submitted in response to the Department of Communities and Local Government's advice that if the Council did not agree its own local scheme for 2014/15 then its scheme for 2013/14 would continue. A revised officer recommendation was tabled at the meeting.

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

- (i) that the Torbay Council Tax Reduction Scheme 2014/15, as set out in appendix 4 to the submitted report be approved;

- (ii) that the applicable amounts and non dependant deductions in the 2013/14 scheme be up-rated in order to calculate Council Tax Support from 1 April 2014, and
- (iii) that authority be delegated to the Executive Head of Finance, in consultation with the Executive Lead Member for Finance, to make any further adjustments required to the 2014/15 Council Tax Support scheme, the Exceptional Hardship Policy and Fund and the Vulnerable policy.

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

## **95 Council taxbase report**

Members considered the submitted report which set out the Council's tax base for council tax purposes for 2014/15.

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

- (i) that the calculation of the Council Tax Base for the year 2014/15 be approved as shown in Appendix 1 of the submitted report;
- (ii) that the calculation of the Brixham Town Council Tax Base for the year 2014/15 be approved as shown in Appendix 2 of the submitted report;
- (iii) that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as its Council Tax base for the year 2014/15 should be 41,713.28;
- (iv) that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as the Council Tax base for Brixham Town Council for the year 2014/15 should be 5,633.38; and
- (v) that the approval of the estimated distribution on the Collection Fund for both Council Tax and Non Domestic Rates for the next financial year and following years is delegated to the Chief Finance Officer and subsequently distributed to all Members as part of the budget proposals.

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

## **96 Revenue Budget Monitoring (Quarter 2)**

The Council noted the current projected outturn for the Revenue Budget 2013/2014 based on quarter 2 information, as set out in the submitted report. The Chairman advised that the views of the Overview and Scrutiny Board had been circulated on 4

December 2013 and had been referred to the Mayor for him to respond to accordingly.

**97 Capital Investment Plan Update - 2013/14 Quarter 2**

The Council considered the submitted report setting out an overview of the Council's approved Capital Investment Plan for quarter two. The report provided details of capital expenditure and funding for the year compared with the latest budget position reported to the Council in February and July 2013.

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

- (i) that Council note the latest position for the Council's Capital expenditure and funding for 2013/14;
- (ii) that Council approve £0.515m to invest in energy saving measures in street lighting funded from prudential borrowing to be repaid from future savings in energy and maintenance costs; and
- (iii) that Council approve the revisions to the Capital Investment Plan and its funding as outlined in paragraphs 4.7 of the submitted report.

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

**98 Statutory Officer Appointment Monitoring Officer**

It was proposed by Councillor Mills and seconded by Councillor Darling:

that the following statutory officer appointment be confirmed:

Monitoring Officer – Anne-Marie Bond (from 2 January 2014)

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

(Note: Prior to consideration of Minute 98, Anne-Marie Bond declared her personal interest.)

**99 Standing Order D15 (in relation to Overview and Scrutiny) - Call-in and Urgency**

Members noted the submitted report setting out the executive decision taken (2014-20 European Structural and Investment Fund Strategy) to which the call-in procedure did not apply.

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Chairman

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## Record of Decisions

### Future State Project

#### Decision Taker

Mayor on Thursday, 05 December 2013

#### Decision

- (i) That the implementation of Future State processes, organisational structures and auditing of the contract to contribute towards a target of £930,500 in savings between Torbay Council, TOR2 and other contractors, be approved. The target savings breakdown as follows:
- TOR2 - £369,000 (50% to Torbay Council)
  - Torbay Council, Resident & Visitors: £521,500
  - Torbay Council, Contact Centre: £40,000
  - Other departments: To be determined.
- (ii) That authority be delegated to the Director of Place in consultation with the Mayor and Executive Leads to align the organisational structure of the Council to Future State processes to meet resource and efficiency savings. In this regard:
- It is recommended that the management of all property Assets, including Highways and Street Scene, are centralised under Torbay Development Agency by April 2015.
  - It is recommended that the Council structure will mirror the changes that TOR2 have made in aligning the business around work types – Ordered/Programmed, Reactive and Cyclical work.
  - It is recommended that the calls relating to TOR2 are moved from the Torbay Contact Centre and are taken by the TOR2 Control Hub.
- (iii) That Torbay Council and TOR2 continue working towards the current performance standards and implement a process of continual performance improvement and auditing of the Joint Venture.

#### Reason for the Decision

To move both TOR2 and Torbay Council to the Future State Process which will enable both organisations to meet current and future budget targets through more efficient processes. Also, failure to make savings from revised processes and organisational structures will result in a reduction of services provided by TOR2.

#### Implementation

This decision will come into force and may be implemented on Wednesday 18 December 2013 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to

Overview and Scrutiny).

## **Information**

Torbay Council and TOR2 Future State Process project aims to introduce more efficient processes realising costs savings and improvement in service delivery. The Future State will establish a joined up approach between the Council and TOR2 which will lead to greater customer service and reduced complexity. A series of joint workshops identified that, under the current methods of working between the two organisations, there were duplications, inefficiencies and processes that did not add value.

The Mayor supported the recommendations of the Council made on 5 December 2013 (which included an amended officer recommendation) as set out in his decision above.

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

Alternative options are set out in the submitted report.

## **Is this a Key Decision?**

Yes – Reference Number: I014140

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

Yes

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

None

## **Published**

10 December 2013

Signed: \_\_\_\_\_  
Deputy Mayor on behalf of the Mayor of Torbay

Date: 10 December 2013

## Record of Decisions

### White Rock Land Swap

#### Decision Taker

Mayor on Thursday, 05 December 2013

#### Decision

That the Council enters into a land swap with Abacus Project Limited. Namely: Council to transfer the PLUSS site at Whiterock in return for the transfer of Abacus Project Limited's site fronting onto Brixham Road.

#### Reason for the Decision

To support the delivery of Council's Economic Strategy by building a new business centre at Whiterock Business Park. The land swap will provide the best site available for the new centre.

#### Implementation

This decision will come into force and may be implemented on Wednesday 18 December 2013 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The creation of a business centre at Whiterock Business Park will create up to 30,000 square feet of new workspace for businesses. The site intended for the new business park is adjacent to The Hotel at Whiterock Business Park. The Torbay Development Agency has negotiated a land deal on behalf of the Council to acquire this land from the present landowner in exchange for property owned by the Council nearby (the former PLUSS site).

A revised scheme and business case for a business park at Whiterock is being prepared following an unsuccessful funding bid to the South West European Regional Development Fund Competitiveness programme. Should it prove impossible to develop a viable project the landowner will buy the site back at the market value at the time (subject to a minimum price of £275,000).

The Mayor supported the recommendations of the Council made on 5 December 2013, as set out in his decision above.

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

Alternative options are set out in the submitted report.

#### Is this a Key Decision?

Yes – Reference Number: I015510



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

Yes

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

None

**Published**

10 December 2013

Signed:

\_\_\_\_\_  
Deputy Mayor on behalf of the Mayor of Torbay

Date: 10 December 2013

## Record of Decisions

### Pluss Future Arrangements

#### Decision Taker

Mayor on Thursday, 05 December 2013

#### Decision

- (i) that PLUSS is sold to Turning Point upon the terms as outlined in the submitted report; and
- (ii) that the Executive Head Finance be delegated the authority to agree all necessary documentation to enable the sale of PLUSS to be completed.

#### Reason for the Decision

To enable the four member Councils to transfer their ownership of PLUSS to Turning Point to meet the long term aspirations of PLUSS. Turning Point is best suited as the preferred partner for PLUSS primarily due to their core values and vision.

#### Implementation

This decision will come into force and may be implemented on Wednesday 18 December 2013 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

PLUSS was established in 2005 by Devon, Plymouth and Torbay Councils as a local authority controlled company. It provides employment and training programmes for people with disabilities and delivers services to the three member Councils (plus Somerset County Council who joined in 2006) through a series of contracts and provides services to external organisations. PLUSS is now one of the leading organisations of its type in the country. The value of its contract with the four local authorities has now reduced and the Councils agreed to review the ownership of PLUSS to enable it to focus on its future.

Turning Point is a registered charity, operating as a social enterprise with a focus on improving lives and communities. The transfer of PLUSS to Turning Point will enable joint benefits in terms of expanding services, particularly employment support services.

The Mayor supported the recommendations of the Council made on 5 December 2013, as set out in his decision above.

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

Alternative options are set out in the submitted report.

**Is this a Key Decision?**

Yes – Reference Number: I015448

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

Yes

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

Councillor Stocks declared a non-pecuniary interest as a non-executive Director of PLUS.

**Published**

10 December 2013

Signed: \_\_\_\_\_  
Deputy Mayor of behalf of the Mayor of Torbay

Date: 10 December 2013

# Agenda Item 6

Meeting of the Council

Thursday, 6 February 2014

Questions Under Standing Order A13

<p><b>Question (1) by Councillor Darling to the Mayor and Executive Lead for Employment and Regeneration, Finance and Audit (Mayor Oliver)</b></p>	<p><b>During the current budget process more members of the public have become aware of the mayoral system and almost all are shocked that the Mayor has the power to force through his budget with only a one third support of the elected Councillors.</b></p> <p><b>You are on the record as wanting to abolish the Mayoral system However, your rhetoric does not match with reality.</b></p> <p><b>There are record numbers of meetings behind closed doors.</b></p> <p><b>Plans to end the Transport working party resulting in more decisions behind closed doors.</b></p> <p><b>Less opportunity to hold you to account by you ending cabinet meetings.</b></p> <p><b>In light of your professed wish to end the Mayoral system will you forgo your power to force through your budget with only one third of Councillors backing you? This would allow a simple majority on the Council to decide this difficult budget.</b></p>
<p><b>Question (2) by Councillor Darling to the Executive Lead for Highways, Transport and Environment (Councillor Hill)</b></p>	<p><b>Due to the catastrophic breach of the Livermead Sea Wall on the 1<sup>st</sup> April 2013 the road was Fully closed for a full month and residents suffered a further three weeks of disrupted use of this highway. At the same quarter Stagecoach saw a 110,000 (6percent) reduction in bus journeys. What impact did the Council's actions have upon the disruption to the bus service?</b></p>

## **Council Meeting**

**6 February 2014**

### **Council Motion – Minimum Wage**

This Council supports the suggestions made by Chancellor George Osborne that the UK economy can support a significant rise in Minimum Wage to reinstate the purchasing power of the Minimum Wage to the level before the financial crash in 2008.

Recognising that there are many residents in Torbay who are paid at Minimum Wage and who would receive significant benefit from a restoration of its purchasing power to 2007 levels, Council instructs the Executive Director of Operations and Finance to write to the Low Pay Commission, who make recommendations on wage rates, to give support to the proposals presented by the Chancellor.

Proposer Councillor Tyerman  
Seconder Councillor Thomas (J)

# Agenda Item 8

Council Meeting

6 February 2014

## Council Motion - Disastrous Badger Cull

This council notes the appalling consequences of TB in cattle for farmers and farming communities and that the scientific evidence for a pilot cull of badgers to control TB is split and further notes that the pilot culls have failed to kill their target of badgers within the cull period.

This Council notes that the cost of £4121 per animal with a total cost of more than £7 million according to Care for the Wild, is an unsustainable drain on the treasury. This Council calls on our Members of Parliament to oppose any extension of the cull to other areas and resolves not to allow any pilot culls to take place within the boundaries of Torbay and instructs the Executive Director of Operations and Finance to notify the Secretary of State for Environment Fisheries and Food as well as our MPs accordingly.

Proposer Councillor Doggett  
Seconder Councillor Darling



**Meeting:** Council

**Date:** 6 February 2014

**Wards Affected:** Shiphay with the Willows

**Report Title:** Torbay Hospital Parking Project

**Is this a key decision:** Yes

**Executive Lead Contact Details:** Cllr Robert Excell – Executive Lead for Safer Communities, Transport and Sport

**Supporting Officer Contact Details:** Patrick Carney, Group Service Manager – Streetscene & Place; Steve Hurley, Group Manager - Commissioning Partnerships & Business Development

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## 1. Purpose

- 1.1 To consider whether the Council should enter into a Joint Partnership Agreement with the South Devon Healthcare NHS Foundation Trust to fund improvements to provide additional visitor and staff parking on the Torbay Hospital site. The Council will also manage the enforcement of parking on site for the next ten years. The project will increase the number of parking spaces which will lead to visitors being less likely to be late for appointments which can be stressful at an already difficult time.

## 2. Proposed Decision

- 2.1 That the Council make available up to £1.7 million funding through prudential borrowing to provide increased surface level parking on the Torbay Hospital site:
- (i) subject to a business case being submitted by the Residents and Visitor Service (RVS) that is satisfactory to the Executive Director of Operations in consultation with the Mayor and Executive Head for Finance. Such business case is approved by the Board of the South Devon Healthcare NHS Foundation Trust (SDHFT), to enable delivery of the car parking project at the Torbay Hospital site with the borrowing costs to be funded from increased income at the Torbay Hospital site.
- 2.2 That the Director of Place be given authority, in consultation with the Executive Head of Finance and the Executive Lead for Safer Communities, Parking and Sport to enter into a 10 year Joint Partnership Agreement (or other suitable legal structure) with the South Devon Healthcare NHS Foundation Trust (SDHFT) to fund an increase in parking spaces on the Torbay Hospital site and to provide enforcement to all car parks over the next ten years.

- (i) subject to the operational business case including the payment of the Council's interest and repayment costs of borrowing and is approved by the Board of the South Devon Healthcare NHS Foundation Trust (SDHFT).

### **3. Action Needed**

- 3.1 That officers from the Council and the SDHFT provide a detailed business case and operating agreement which forms the basis of a Joint Partnership. On signing of the agreement by both parties, the improvements will be designed in detail and submitted for planning approval. A trading account will be created which will fund the borrowing costs, current costs and enforcement costs. Any excess will be split between the two parties. The hosting arrangements for the trading account will be part of the final business case.

### **4. Summary**

- 4.1 Torbay Hospital is run by the SDHFT. The Hospital has occupied its current site since the 1920's and has expanded significantly since the 1960's leading to a poorly designed site with parking provided at numerous locations and inadequate connectivity throughout the site.
- 4.2 Torbay Council entered into an informal partnership with the SDHFT to review the current parking provision and traffic management issues in order to establish a "self funding" solution that will provide adequate visitor and staff parking that also promotes sustainable travel.
- 4.3 In considering the options, Torbay Council carried out on-site parking surveys, traffic counts, staff surveys and junction modelling. The results showed that all car parks reach capacity throughout the day, although not necessarily at the same time. During the week the total number of cars on site reached a peak at two points throughout the day, once in the morning and once in the afternoon. The morning peak is mainly associated with staff parking and the afternoon peak is more closely associated with visitor parking. The staff survey indicated a number of improvements to bus surveys that could lead to increased use of sustainable transport.
- 4.4 Torbay Council considered four options:-
- Demand Management
  - Surface Level Parking
  - Temporary Multi-story Parking
  - Park & Ride
- 4.5 From the analysis, the surface level parking option has been identified as the preferred option. This will provide the following:-
- *Net increase of 433 spaces*
  - *Less parking at entrances to buildings*
  - *More convenient visitor parking*
  - *Improved sustainable transport measures*
  - *Increased staff parking*
  - *Improved signage*



- *“Pay on Exit” in main visitor car parks*
  - *Increased disabled parking*
- 4.6 The capital cost for this Surface Level option is £1.65 million and would be funded by Torbay Council on behalf of the partnership through Prudential Borrowing. The parking on site will be enforced by Torbay Council staff and the cost to implement will be funded through the income received from parking on behalf of the joint partnership.
- 4.7 Whilst risks exist the business case demonstrates that Torbay Council would be able to provide the required income in parking at no cost to the SDHFT or the Council. In order to take this forward an operating agreement needs to be approved by the South Devon Healthcare NHS Foundation Board and Torbay Council. If approved, construction could commence in June 2014 with full implementation by May 2015.

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## Supporting Information

### 5. Position

- 5.1 Torbay Hospital serves the South Devon Area and is run by the South Devon Healthcare NHS Foundation Trust. The South Devon Healthcare NHS Foundation Trust catchment area covers 300 square miles - from South Dartmoor to the length of coastline which stretches from the mouth of the River Exe (Dawlish), past the Teign and Dart estuaries (beyond Dartmouth). Torbay Hospital therefore serves a resident population of approaching 300,000 people, plus about 100,000 visitors at any one time during the summer holiday season. The biggest part of the Trust's work is emergency treatment. Over 70,000 patients a year come through Torbay Hospital's Accident and Emergency Department. On an average working day at Torbay Hospital over 200 patients attend accident and emergency, 75 operations are performed, over 1,250 patients are seen in outpatient clinics and 7 babies are born.
- 5.2 Construction of the Hospital commenced on 26th June 1926. The hospital opened for patients in September 1928. The Hospital has expanded significantly over the years most notably over the past 50 years when the first significant expansion took place in the late 1960s.
- 5.3 The site covers an area of 21 Ha with 10 main buildings and numerous smaller buildings situated around the site mainly providing accommodation to office and support staff. The site provides parking for 1646 vehicles. A plan of the site is included in Appendix 1.
- 5.4 As the site has expanded, particularly over the past 50 years, many of these projects have been delivered independently with no long term development strategy. This has led to a number of entrances and a site that is served by two vehicle junctions. Due to the poor layout of the site it is difficult for visitors to orientate themselves and the site has poor connectivity for staff and visitors who are accessing the site on foot or public transport.

- 5.5 The main problem, however, is that the parking in the area reaches capacity in almost every car park during week days. The lack of parking, particularly, around the afternoon peak which is dictated by the visiting hours, leads to most public car parks reaching capacity. This can often mean that patients miss appointments and can become stressed at what could already be a worrying time. Staff parking on site is limited and controlled through a staff travel plan. Currently demand for staff parking permits exceed supply.
- 5.6 The limited parking on site meant many staff and patients parking in surrounding residential areas which led to Torbay Council, introducing a Controlled Parking Scheme in the surrounding area. The scheme only operates for 1 hour a day but has been successful in preventing commuter parking in these areas, although has increased demand for staff parking.
- 5.7 Enforcement within the site is not effective, surveys on site identified a high level of inappropriate and non permitted parking.

## **6. Possibilities and Options**

### **6.1 Options Considered**

In developing the options Torbay Council have, in outline, considered a number of options that could be introduced to alleviate the problems outlined in this report. A high level appraisal of the following options was carried out:

- *Demand Management*

The hospital already has a travel plan in place and a number of initiatives which promote the use of other modes of travel. Visiting times have recently been changed and “open” visiting stopped due to disruption to patients at all times of day. There is no plan to review this in the near future. These measures could be developed further in order to reduce car use and the demand for parking spaces. Such measures could include the issuing of less permits, increase in public transport provision, varying of visitor times across wards and financial support to sustainable transport uses.

- *Surface Level Parking*

A survey of the site indicates that the existing parking could be increased through the more efficient design of some car parks and construction of new car parks on existing grassed areas. This is the most cost effective method of increasing parking but may not provide all the spaces required.

- *Permanent Multi-storey Parking*

A number of existing car parks could be redeveloped to provide multi-storey parking through the construction of permanent multi-storey car parks. The capital cost to construct these car parks could be significant and potentially not cost effective. However, this option is likely to provide the maximum number of spaces.

- *Temporary Multi-storey Parking*

There are a number of suppliers who provide pre-designed and manufactured multi-storey car parks that are a more cost effective method of increasing parking. These structures can last for at least 20 years and are available to rent or

purchase. This option is likely to be cheaper than the provision of a permanent multi-storey car park and offers the opportunity to reconsider the issues in the future.

- *Park and Ride*

On a number of occasions the provision of a park and ride to provide off-site parking has been proposed. The locations previously discussed were The Willows, Gallows Gate and Occombe Farm. Park and Ride would potentially offer a lower initial capital cost to fund the provision of buses.

## 7. Preferred Solution/Option

7.1 Through the development of an outline business case and site surveys the preferred Solution is - Surface Level Car Parking Provision

The proposals include the following:-

- Extra surface level parking providing an additional 433 spaces
- Three pay on exit ticketless systems
- 'Parkmark' award standard car parks with lighting
- Sustainable transport provision
- Capital Cost £1,650,240 (£208,540 pay back per year for 10 years)
- Enforcement Cost £65,000
- Equipment service/repair contracts of VMS and pay on exist system £60,000
- Additional annual car park maintenance of surfaces £25,000

**Total cost per year     £358,540**

7.2 The Council has identified a large number of surface level parking spaces which can be provided within the Hospital grounds. These are relatively straight forward to construct using standard construction techniques.

7.3 Within the new spaces provide the Council is proposing to consolidate staff parking at the top of the site in the area of the old Football Field through the provision of resurfacing the site and providing extra parking spaces. Staff will be moved from the Farm House Car Park, Car Park B and the Boiler House Car Park. A separate area for staff pay and display will be provided in the new area 8 as identified in **Appendix 2.**

7.4 Through the consolidation of staff parking the public will be able to access new parking areas at the Lowes Bridge entrance including a new area 18, 11, 12. These parking spaces will be included on a Variable Messaging System (VMS) so patients will have the choice to take this entrance to access these parking areas. Additional patient parking will be provided at the Cadewell Lane entrance at Area D, E and staff moved from the Farm House Car Park allowing further patient parking.

7.5 These car parking areas at the Cadewell Lane end of the site will also be added to VMS so patients can chose which entrance to the car park best provides parking capacity for their needs.

7.6 Motorcycle parking will be provided in all new parking areas with areas reserved in the pay on exit car parks to ensure motorcycles can exit the site without making payment. This form of transport should be encouraged where ever possible due to environmental impact and ease of accommodating them on site.

- 7.7 Additional secure parking for bicycles will be included with two areas for 20 bicycles located close to Hospital entrances. This will encourage staff to use bicycles as a method of transport and pool bicycles will be made available to hire on a weekly rental scheme.
- 7.8 Areas around the three main entrances will be cleared to provide drop-off facilities, disabled parking and loading. Details of the layout are shown in **Appendix 2**.
- 7.9 Included in Table 1 below is an Outline Business Case (OBC) for the proposed improvements. Additional income will be provided from the additional spaces which have been based on a 40% occupancy rate. Further income will come from a re-structuring of the prices to match other local hospitals and additional staff permits. Allowance has been made for additional enforcement costs and maintenance of the new pay on exit systems and variable message signs. The business case is based on ensuring the Hospital still receives the same income that it currently uses to cover maintenance and running costs on the wider site and allows for repayment of borrowing costs. The OBC indicates a net surplus/contingency of 16%. Any surplus made will be split between the parties equally to re-invest in local services.

### **Budget Breakdown Option 1**

<b>Option 1</b>	<b>Income</b>	<b>Expenditure</b>
Existing income pay and display	£456,073	
Existing Income staff	£212,140	
Additional income (40% occupancy of new spaces plus tariff restructure)	£419,839	
Staff permits additional income	£172,736	
Staff permits based on additional 116 spaces	£23,664	
Enforcement Income	£21,000	
Borrowing Repayments (option 1)		£208,540
Enforcement Costs		£65,000
Equipment Service/Repair		£60,000
Additional car park maintenance		£25,000
Existing maintenance and operating costs		£456,073
Existing staff income		£212,140
Sustainable transport improvements		£100,000
<b>TOTALS</b>	<b>£1,305,452</b>	<b>£1,126,753.00</b>

The results show a net contingency of 16% of the expenditure.

## **8. Consultation**

- 8.1 As part of the project, a consultation exercise was carried out with Torbay Hospital staff. The results of the survey demonstrated that parking was a key issue, although there were opportunities to increase the use of public transport.
- 8.2 The Feasibility Report has been prepared in consultation with the Estates Department of the SDHFT and the proposals have been discussed with the Torbay Council Planning Service and other key stakeholders.

## **9. Risks**

9.1 The key risks associated with the proposals are as follows:-

- Lack of demand for parking – Site surveys show a clear demand for Parking but a 40% occupancy rate has been allowed for as a conservative estimate.
- Unknown construction costs – A 10% contingency has been included in the build cost estimates.
- Failure to achieve planning permission – Outline discussions have taken place with planning. Torbay Council will need to demonstrate that they are not creating demand by providing these facilities to accommodate existing demand.
- Loss of support for enforcement by SDHFT – An enforcement policy will be agreed in advance between the two parties.
- Loss of car parking spaces due to future site development – The SDHFT would have to carry this risk.
- Lack of support from public – Prices will be comparable to other local hospitals.
- Change in national legislation – The SDHFT would have to carry this risk if charging for parking was no longer permitted, however, announcements by the current Government indicate that this is unlikely.

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

### **Appendices:**

Appendix 1 – Site Plan  
Appendix 2 – Option 1  
Appendix 3 – Equality Impact Assessment

### **Additional Information:**

None

### **Documents available in Members' Rooms:**

None


### **Background Papers:**

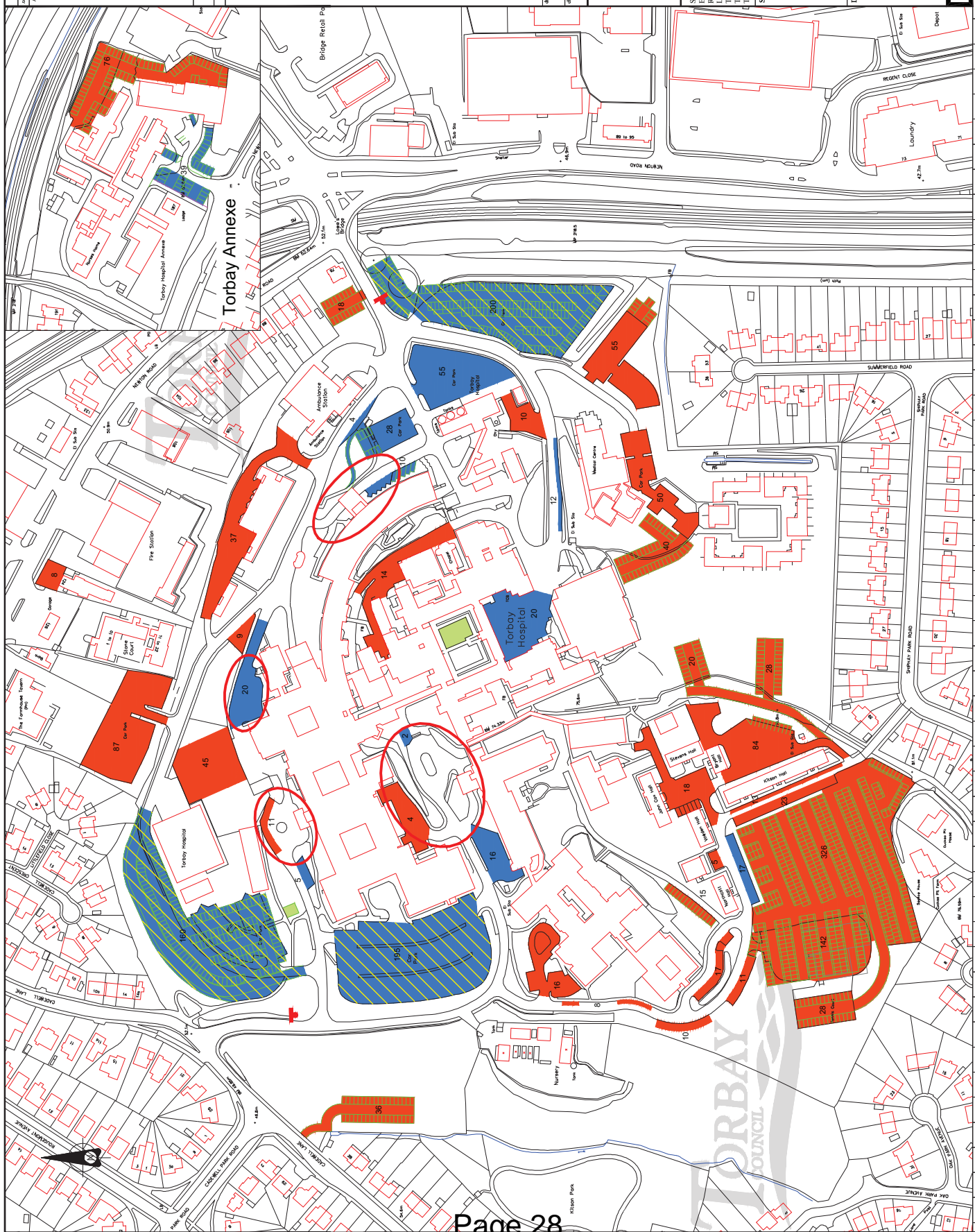
Torbay Hospital Parking Review, Phase 1 Feasibility Study



# Agenda Item 9

## Appendix 2

<b>REVISIONS</b> No.   Date   Description   Drawn A   28/10/13   (RDS)   [Signature] B   15/11/13   [Signature]   [Signature]		<b>NOTES</b> Patient / Visitor Parking Patient / Visitor Pay on Exit Car parks Staff Parking area. Secure Bike Parking. Patient Drop Off Zones Car park WMS Sign		Total number of Spaces : 2047 Number of Additional spaces : 433 Staff / Departmental: 1264 Additional: 99 Patient / Visitor: 783 Additional: 334 Disabled: 101 Additional: 27		RDS 1:1500 Date 27/09/13 		SUE CHERTON EXECUTIVE HEAD, RESIDENTS & VISITOR SERVICES, LOWER GROUND FLOOR, TORBAY HALL, TORBAY, TR9 7AD. TEL: 01323 308111 FAX: 01323 308111		<b>SCHEME TITLE</b> TORBAY HOSPITAL PARKING ARRANGEMENTS		<b>DRAWING TITLE</b> Option 1 Additional Surface Level Parking Spaces		Drawing number 8/15/52_11 Rev A	
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## Equality Impact Assessment (EIA):

<b>Name (Key Officer/Author):</b>	Patrick Carney	<b>Business Unit:</b>	Residents & Visitor Services
<b>Position:</b>	Group Manager – Street Scene & Place	<b>Tel:</b>	01803 207710
<b>Date:</b>	14 <sup>th</sup> January 2014	<b>Email:</b>	Patrick.carney@torbay.gov.uk

Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

### Executive Lead / Head Sign off:

<b>Executive Lead(s)</b>	<b>Executive Head:</b>	<b>Executive Head:</b>
Robert Excell	Sue Cheriton	Sue Cheriton
<b>Date:</b>	<b>Date:</b>	<b>Date:</b>
14 <sup>th</sup> January 2014	14 <sup>th</sup> January 2014	14 <sup>th</sup> January 2014

### Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

1)	<b>Does this report relate to a key decision?</b>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
2)	<b>Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following:</b> <ul style="list-style-type: none"> <li>• The Community (including specific impacts upon the vulnerable or equality groups)</li> <li>• Our Partners</li> <li>• The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision)</li> </ul>	Y <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/>	N <input type="checkbox"/> N <input type="checkbox"/> N <input type="checkbox"/>



**Section 1: Purpose of the proposal/strategy/decision**

No	Question	Details
1.	Clearly set out the proposal and what is the intended outcome?	The project will provide approximately 400 additional car parking spaces at Torbay Hospital. The spaces will be for staff and visitors. The works will be funded by Torbay Council who will also manage the enforcement for the next ten years. The increased income from the spaces will fund the borrowing costs.
2.	Who is intended to benefit / who will be affected?	The project will lead to an increase in availability of spaces meaning that patients are able to find a space and be able to arrive for appointments on time. This should also be less stressful at what is often a difficult time. The additional spaces for staff will reduce the effect on residents in the area as many of the staff will park within neighbouring streets.

## Section 2: Equalities, consultation and engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **equalities, consultation and engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

### Evidence, consultation and engagement

No	Question	Details
3.	Have you considered the available evidence?	The project has been developed in accordance with national guidelines and the Local Transport Policy. The project was progressed after a number of on-site surveys to identify the extent of the problem.
4.	How will / have you* consulted on the proposal?  *delete as appropriate	Consultation has been carried out with staff of the hospital and also with key stakeholders such as the public transport operators and the planning service. The project will be subject to local consultation, stakeholder consultation, planning and public advert.
5.	Outline the key findings	The on site surveys indentified a need for additional parking with the parking reaching capacity on a number of occasions. The staff survey showed a desire for additional parking as well the potential increase of the use of public transport.
6.	What amendments may be required as a result of the consultation?	Consultation on the detailed design may change the number of spaces provided and landscaping that may be required around the improvements.

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### Positive and negative equality impacts **TO BE UPDATED ONCE CONSULTATION UNDERTAKEN**

No	Question	Details
7.	Identify the potential positive and negative impacts on specific groups	<i>It is not enough to state that a proposal will affect everyone equally. There should be more in-depth consideration of available evidence to see if particular groups are more likely to be affected than others – use the table below. You should also consider workforce issues. If you consider there to be no positive or negative impacts use the 'neutral' column to explain why. <b>EVERY BOX MUST BE COMPLETED – if there is no impact please state either 'No Positive Impact' or</b></i>

Question		Details		
No	Question	'No Negative Impact'	Negative Impact & Mitigating Actions	Neutral Impact
		<b>Positive Impact</b>	<b>Negative Impact</b>	<b>Neutral Impact</b>
	Older or younger people	No positive impact.	No negative impact.	The additional spaces will be available to all users of the hospital.
	People with caring Responsibilities	The number of spaces will be increased meaning that carers bringing people to hospital will have more opportunity to park.	No negative impact.	
	People with a disability	The number of disabled parking spaces on site will be increased.	No negative impact.	
	Women or men	No positive impact.	No negative impact.	The additional spaces will be available to all users of the hospital.
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	No positive impact.	No negative impact.	The additional spaces will be available to all users of the hospital.
	Religion or belief (including lack of belief)	No positive impact.	No negative impact.	The additional spaces will be available to all users of the hospital.
	People who are lesbian, gay or bisexual	No positive impact.	No negative impact.	The additional spaces will be available to all users of the hospital.
	People who are transgendered	No positive impact.	No negative impact.	The additional spaces will be available to all users of the hospital.
	People who are in a marriage or civil partnership	No positive impact.	No negative impact.	The additional spaces will be available to all users of the hospital.
	Women who are pregnant / on maternity leave	The number of spaces close to the maternity ward at the hospital will be increased.	No negative impact.	
	Socio-economic impacts (Including impact on child poverty issues and	No positive impact.	No negative impact.	The additional spaces will be available to all users of the hospital.

Question		Details	
No	deprivation)		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The proposals will improve access to health care in Torbay.	No negative impact.
<b>8.</b>	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	Existing services will be used by Torbay Council to provide the enforcement at Torbay Hospital leading to efficiencies relating to economics of scale.	
<b>8b</b>	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	Should income from the project be in excess of the initial borrowing costs and running cost this funding can be re-invested in Council and Healthcare services.	

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**Section 3: Mitigating action TO BE UPDATED ONCE CONSULTATION UNDERTAKEN**

No	Action	Details
9. C	Summarise any negative impacts and how these will be managed?	Some parking charges may be increased for some users, this will be subject to consultation and review.

**Section 4: Monitoring TO BE UPDATED ONCE CONSULTATION UNDERTAKEN**

No	Action	Details
10.	Outline plans to monitor the actual impact of your proposals	The level of usage and enforcement levels will be monitored through a management board. Car parks will be provided with automated counting systems providing real time information.

Section 5: Recommended course of action **TO BE COMPLETED WHEN ALL SECTIONS COMPLETE AND EIA FINALISED**

No	Action	Outcome	Tick ✓	Reasons/justification for recommended action
11.	<p><b>State a recommended course of action</b> Clearly identify an option and justify reasons for this decision. The following four outcomes are possible from an assessment (and more than one may apply to a single proposal). Please select from the 4 outcomes and justify the reasons for your decision</p>	<p><b>Outcome 1: No major change required - EIA</b> has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken</p> <p><b>Outcome 2: Adjustments to remove barriers –</b> Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality</p> <p><b>Outcome 3: Continue with proposal -</b> Despite having identified some potential for adverse impact / missed opportunities in relation to equalities or to promote equality. Full justification required, especially in relation to equalities, in line with the duty to have 'due regard'.</p> <p><b>Outcome 4: Stop and rethink –</b> EIA has identified actual or potential unlawful discrimination in relation to equalities or adverse impact has been identified</p>	<p>✓</p>	<p>The proposals have a positive effect on many groups of the community. It is intended that the improvements will provide access to key services relating to health.</p>

# Agenda Item 10



**Meeting:** Council

**Date:** 6 February 2014

**Wards Affected:** Blatchcombe

**Report Title:** Western Corridor Improvement, Great Parks Phase 2 Entrance – Acquisition of land through Compulsory Purchase Orders

**Is the decision a key decision?** Yes

**When does the decision need to be implemented?** March 2014

**Executive Lead Contact Details:** Ray Hill, Executive Lead Highways, Transport and Environment [Ray.hill@torbay.gov.uk](mailto:Ray.hill@torbay.gov.uk)

**Supporting Officer Contact Details:** Ian Jones, Principal Engineer, 01803 207835, [ian.jones@torbay.gov.uk](mailto:ian.jones@torbay.gov.uk)

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## 1. Purpose and Introduction

- 1.1 To achieve a way forward to ensure that the junction improvement scheme for Kings Ash Road/Spruce Way, Paignton is delivered by seeking Members' approval to make a Compulsory Purchase Order for the land required for the scheme, to enable it to be acquired if agreement cannot be reached by negotiation with the land owners.

## 2. Proposed Decision

- 2.1 That negotiations with the landowners for acquisition of the land required for the scheme be commenced to completion and to acquisition by agreement when possible.
- 2.2 That authority be delegated to the Executive Head of Commercial Services to make a Compulsory Purchase Order for the land required for the Kings Ash Road/Spruce Way Junction Improvement Scheme affecting land adjacent to Kings Ash Road in accordance with the following:-
- 2.3 That Torbay Council makes a Compulsory Purchase Order under sections 239, 240, 249, 250 and 260 of the Highways Act 1980 for the acquisition of all interests in the land (except those already owned by the Council) and new rights within areas shown (shaded pink for areas of land in respect of which all interests are to be acquired and shaded blue for the areas over which new rights are to be acquired) on plan number 8/09/12\_04, attached as Appendix 1 for the purpose of highway improvement.
- 2.4 Subject to approval of 2.2 above, that the Executive Head of Commercial Services be authorised to:-
  - (a) Take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order including the publication

and service of all notices and the presentation of the Council's case at any Public Inquiry;

- (b) Acquire interests in land and new rights within the Compulsory Purchase Order either by agreement or compulsorily; and,
- (c) Approve agreements with land owners setting out terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land or new rights from the Order.

2.5 That detailed design and preparation of proposals continue for the junction improvement scheme with new access in order that a scheme can be implemented by a future developer(s) of Phase 2 (not Torbay Council), following acquisition of all required sections of land.

### 3. Reason for Decision

3.1 Planning consent has been granted for a highway improvement to the A380 Kings Ash Road at its existing junction with Spruce Way to form a new access into land to the west of the junction for the next phase of the 'Great Parks' housing Development. The proposed access will not be constructed by the Council, but by a future developer(s) of Phase 2. The new access, and estate road through Phase 2, will link with the completed Great Parks Phase 1 and relieve pressure on the Cotehele Drive junction, which has very limited capacity.

3.2 This is an important strategic site in terms of new homes and commercial space. Its delivery is important in terms of the Council's 5 year housing land supply. The new junction will facilitate delivery of new jobs and homes. In addition, the new junction is part of overall improvements to the Western Corridor (as per Growing Places bid to LEP)

3.3 The junction improvements are part of the wider improvement plans for the western corridor and will help to reduce journey times, open up development land (including employment space) etc. In addition, the site the new junction will serve as a strategic site, capable of providing hundreds of new homes and commercial space, but the site has remained 'locked' for about 20 years.

3.4 Torbay Council's Spatial Planning department are progressing the implementation of a proposed housing development, Known as Great Parks Phase 2 and an improved junction is required. Torbay Council is progressing the implementation of the junction improvement in advance of the development in order that the developers have confidence to commit investment into the development. **Appendix 2** details to the layout of the junction as approved under the Planning consent.

3.5 Torbay Council will not be constructing the new junction – but the Council is putting measures in place to secure delivery of the new junction and provide developers with more certainty. Our reasonable costs will be reclaimed from a future developer.

3.6 Land will need to be acquired for the purpose of implementing the junction improvement. The acquisition of such land will be progressed by negotiation between the Council and the property owners where possible, however, if such negotiation does not result in successful acquisition of land then the Council will need to acquire the land by Compulsory Purchase Order.

3.7 The delivery of the junction improvements is subject to the acquisition of areas of

private land as detailed on **Appendix 1**. Failure to acquire these areas of land would result in the Scheme not being delivered in its entirety.

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## Supporting Information

### 4. Position

- 4.1 The proposed improvement of the junction of the A380 Kings Ash Road and Spruce Way to create a new access for the proposed housing development, known as Great Parks Phase 2, to the west of Kings Ash Road was considered by the Development Management Committee on 11<sup>th</sup> November 2013, where conditional consent was granted.
- 4.2 The existing junction at Kings Ash Road/Cotehele Drive was originally intended to serve Phases 1 and 2, but there have been subsequent increases in the density of Phase 1 (resulting in more homes than originally envisaged) and Cotehele Drive is now operating close to capacity. The proposed Development within Phase 2 will take the Cotehele Drive junction over its capacity. Consequently a new junction is required in its own right but also as part of the wider Western Corridor improvements
- 4.3 The proposals are vital in securing appropriate access and infrastructure to support the delivery of phase 2 of Great Parks. The site is an important part of the Council's housing land supply and the delivery of the junction will open the site up to development.
- 4.4 Phase 2 is a currently a 'stalled' development. A combination of landownership and market conditions has meant that previous permissions have not been implemented and no comprehensive development has come forward. The Council has however, over the last 3 years, been working with land owners, community and developers to resolve a range of issues and help bring the site forward for development. This work is now close to completion and the site now has a better chance of delivery than at any time in the last 20 years.
- 4.5 The Council has completed a masterplan for the whole of Phase 2. This included community workshops, which confirmed the importance of a new junction to serve the site. The masterplan shows that around 300 homes and 300-500sq mts of commercial space (including a local centre) can be accommodated on site. The masterplan has defined the principles of a high quality development on site and has shown how comprehensive development of the site can be achieved
- 4.6 The development of the site is subject to the agreement of a number of partners including developers and land owners. Due to the complexities of the partnership, Torbay Council has proposed to progress the implementation of the junction and recover its costs as part of the subsequent planning applications. Some of the land required for the scheme is currently in the ownership of the partner land owners, however in order to ensure that all parties have confidence in the development, the Compulsory Purchase Order will need to cover these sections of land in addition to land within properties that are not connected with the partnership but required to facilitate the scheme.
- 4.7 Torbay Council have progressed the detailed design of the proposed junction required to accommodate the additional capacity for the level of housing proposed in the



adjacent development and have submitted the planning application for the highway scheme. There is insufficient land within either Torbay Council ownership or within existing public highway to accommodate a junction of the required size and therefore some acquisition of private land is necessary.

- 4.8 Torbay Council has already entered into negotiations with the land owners who form part of the partnership to the development. Subject to approval of the proposed decision, approaches will be made to the other affected properties.
- 4.9 If negotiations with property owners are not successful in acquiring the required land then the only remaining option is compulsory purchase. Due to the lengthy process involved in making a Compulsory Purchase Order it is necessary to instigate procedures at this stage as failure to acquire land within a reasonable timescale could jeopardise the implementation of the housing development.
- 4.10 The Council as the highway authority has powers under the Highways Act 1980 to acquire compulsorily or by agreement, land required for the improvement of a highway and to acquire compulsorily rights over land for highway purposes.
- 4.11 The proposal raises implications under the Human Rights Act 1998, the First Protocol Article 1 and (where the properties to be included in the proposed Order are residential properties) Article 8 of the Convention.

The First Protocol, Article 1 protects a person's peaceful enjoyment of his possessions (including property). The Article states that no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. However, the provisions do not impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest. The making of a Compulsory Purchase Order (CPO) will interfere with the peaceful enjoyment of property, however, such interference is permitted by law, under the Highways Act 1980 and the Acquisition of Land Act 1981 (which sets out the procedure for making and confirming a CPO). It is considered that the making of the proposed CPO, for the reasons set out in the report, is in the public interest and that the interference with the peaceful enjoyment of property is proportionate having regard to the legitimate aims pursued by the Council in making the proposed CPO.

Article 8 of the Convention states that everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. Where the property to be included in the proposed CPO is a residential property, there will or may be interference with this right, but such interference is in accordance with the law; the Highways Act 1980 and the Acquisition of Land Act 1981. It is considered that the making of the CPO, for the reasons set out in this report, is necessary for public safety, economic well-being, protection of health and for protection of the rights of freedoms of others and that the interference with the right to respect for homes is proportionate having regard to the legitimate aims pursued by the Council in making the CPO.

- 4.12 A CPO may be made by the Council, but must be confirmed by the Secretary of State if there are objections. If objections are made to the Order and not withdrawn, the

Secretary of State is likely to hold a public inquiry before determining whether or not to confirm the Order, in full or in part. That could incur the Council in presently unquantifiable costs. These might be significant, and would need to be recovered from the Development Partnership.

- 4.13 If the Council acquires land under compulsory purchase powers, statutory provisions as to compensation will apply. The Council will be required to pay market value, payment for any injurious affection and in certain circumstances additional costs such as loss payments and disturbance. Again the Council would seek reassurance from the Development Partnership that the value of these payments would be recovered from them if deemed lawful.
- 4.14 A resolution of the Council to make a CPO may enable qualifying persons to serve a blight notice on the Council requiring it to acquire blighted land.
- 4.15 In some cases where the Council proposes to acquire part only of a property, it may be required to purchase the whole unless it can show that part can be taken without material detriment to the whole or without seriously affecting the remaining property's amenity or convenience.
- 4.16 It should also be noted that Torbay Council is currently undertaking an application through the Local Enterprise Partnership for Department for Transport funding to implement a series of improvements along the A380/A3022, known as the 'Western Corridor' and a decision on this is expected later this year. Whilst detailed design on the section between Spruce Way and Churscombe Cross is currently at an early stage, it is likely that some additional land may be required from properties affected by the junction improvement, namely Hilltop Nursery, Mysca, Smallcombe and The Meadows. In order to avoid a future Compulsory Purchase Order being required to progress this scheme and to avoid inconvenience and disruption to the relative property owners it is proposed that in the land negotiations, Torbay Council look to acquire sufficient land for both schemes. It should however be noted that the CPO cannot cover this additional land as the Western Corridor Scheme does not have the required consents and funding at the present time.
- 4.17 There is a resolution to grant planning permission, subject to the completion of a S106 Agreement, on land to the south western corner of Phase 2. The development is for 84 new homes. The development provides an index linked contribution of £262,500, placed in a bond, for improvements to Cotehele Drive and/or a new junction. All development within Phase 2 will make a contribution towards the cost of the new access, unless the access is provided by other means.
- 4.18 The proposed new junction provides for access into Hilltop Nursery and to other existing residential properties. If these sites are redeveloped, then they too will be required to make a financial contribution towards the cost of the new junction.

## **5. Possibilities and Options**

- 5.1 That the proposed decision to acquire land for the Kings Ash Road/Spruce Way Junction improvement as detailed in Section 2 be progressed.
- 5.2 That the approval for making the Compulsory Purchase Order is delayed until after negotiations have taken place.

5.3 That the proposed decision is not progressed.

## **6. Fair Decision Making**

- 6.1 The junction has been subject to a formal planning process and conditional approval granted by the Development Management committee.
- 6.2 The implementation of the Great Parks Phase 2 housing development forms part of the Torbay Local Plan, approved as policy by Full Council.
- 6.3 The implementation of the 'Western Corridor' highway improvements forms part of the current Local Transport Plan, approved as policy by Full Council.
- 6.4 The Council has completed a masterplan for the whole of Phase 2. This included the involvement of community workshops,

## **7. Public Services (Social Value) Act 2012**

- 7.1 The Council will not be looking to implement the construction of the improved junction, however the Council is putting measures in place to secure delivery of the new junction and provide developers with more certainty. The Authority's reasonable costs will be reclaimed from a future developer.

## **8. Risks**

- 8.1 There is a significant risk that negotiations to acquire land for this scheme could fail and a Compulsory Purchase Order would be the only option for progressing the scheme. If the decision to make a Compulsory Purchase Order is delayed until that time then the Council may not be able to deliver the Scheme in the short term. This would have serious implications on the implementation of the housing development.
- 8.2 If objections are made to the Compulsory Purchase Order, and not withdrawn, the Secretary of State is likely to hold a public inquiry. This may delay the delivery of the scheme and the subsequent housing development.
- 8.3 If land is not acquired for this Scheme then the highway would have insufficient width to accommodate the additional capacity required to facilitate the housing development.

## **Appendices**

Appendix 1 - Proposed Compulsory Order Plan

Appendix 2 - Proposed Layout of Junction

Appendix 3 – Equality Impact Assessment

## **Additional Information**

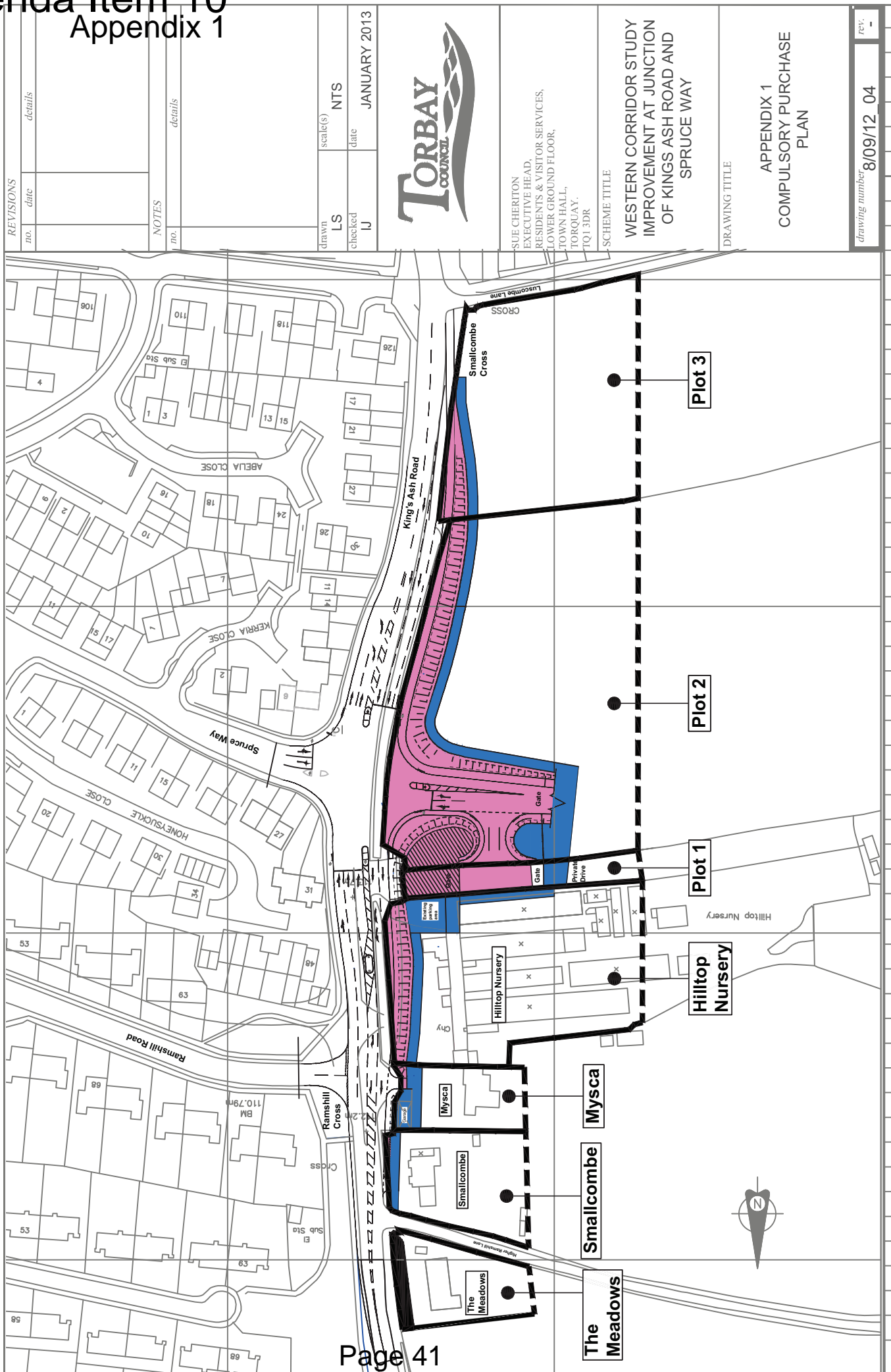
Planning Application P/2013/0136

Torbay Local Plan

Torbay Local Transport Plan

# Agenda Item 10

## Appendix 1



REVISIONS		NOTES	
no.	date	no.	details

drawn	LS	scale(s)	NTS
checked	LU	date	JANUARY 2013

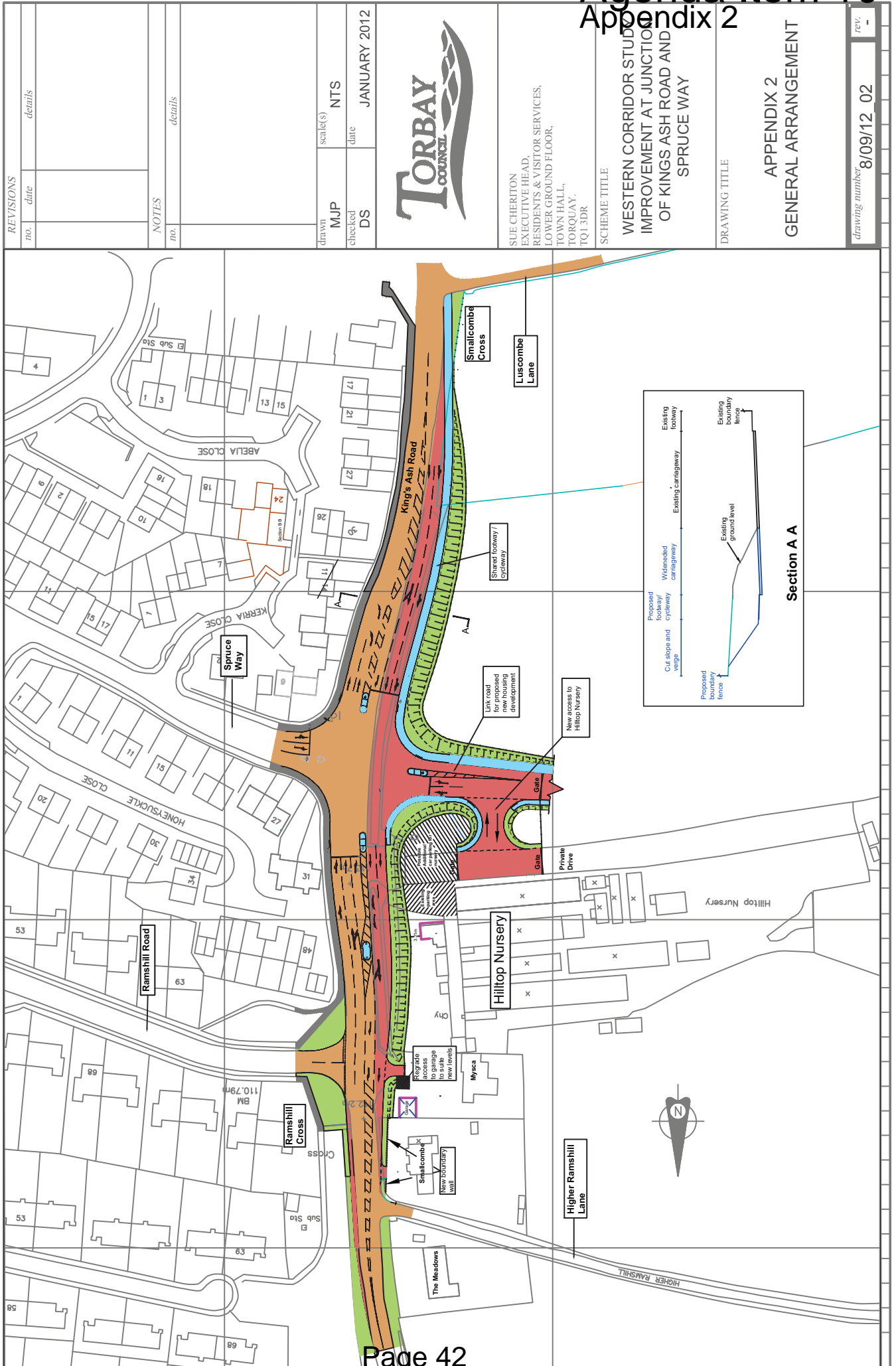


SUE CHERITON  
 EXECUTIVE HEAD,  
 RESIDENTS & VISITOR SERVICES,  
 LOWER GROUND FLOOR,  
 TOWN HALL,  
 TORQUAY,  
 TQ1 3DR

SCHEME TITLE  
 WESTERN CORRIDOR STUDY  
 IMPROVEMENT AT JUNCTION  
 OF KINGS ASH ROAD AND  
 SPRUCE WAY

DRAWING TITLE  
 APPENDIX 1  
 COMPULSORY PURCHASE  
 PLAN

drawing number	8/09/12 04
rev.	-



REVISIONS		NOTES	
no.	date	no.	details

drawn	MJP	scale(s)	NTS
checked	DS	date	JANUARY 2012



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SCHEME TITLE  
WESTERN CORRIDOR STUDY  
IMPROVEMENT AT JUNCTION  
OF KINGS ASH ROAD AND  
SPRUCE WAY

DRAWING TITLE

APPENDIX 2  
GENERAL ARRANGEMENT

drawing number 8/09/12\_02 rev. -

## Equality Impact Assessment (EIA):

<b>Name (Key Officer/Author):</b>	Ian Jones	<b>Business Unit:</b>	Residents and Visitor Services
<b>Position:</b>	Principal Engineer	<b>Tel:</b>	207835
<b>Date:</b>	24 January 2014	<b>Email:</b>	ian.jones@torbay.gov.uk

Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

### Executive Lead / Head Sign off:

<b>Executive Lead(s)</b>	<b>Executive Head:</b>
Councillor Ray Hill	Sue Cheriton
<b>Date:</b> 24 <sup>th</sup> January 2014	<b>Date:</b> 24 <sup>th</sup> January 2014

### Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

1)	<b>Does this report relate to a key decision?</b>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
2)	<b>Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following:</b> <ul style="list-style-type: none"> <li>• The Community (including specific impacts upon the vulnerable or equality groups)</li> <li>• Our Partners</li> <li>• The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision)</li> </ul>	Y <input type="checkbox"/> Y <input checked="" type="checkbox"/> Y <input type="checkbox"/>	N <input checked="" type="checkbox"/> N <input type="checkbox"/> N <input checked="" type="checkbox"/>

**Section 1: Purpose of the proposal/strategy/decision**

No	Question	Details
1.	Clearly set out the proposal and what is the intended outcome?	<p><i>The outcome is to acquire land by negotiation or by Compulsory Purchase Order to implement an improved junction with new access road to serve the proposed housing development known as Great Parks Phase 2.</i></p>
2.	Who is intended to benefit / who will be affected?	<p><i>The proposal will ensure that the area to the west of Kings Ash Road, Paignton attracts investment in terms of housing and infrastructure. The proposal will assist in providing much needed new housing to the area and create a number of construction jobs.</i></p> <p><i>Property owners in the immediate vicinity of the proposed junction will be affected as sections of land will be required to be acquired from them either by negotiation of compulsorily.</i></p>

## Section 2: Equalities, consultation and engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **equalities, consultation and engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

### Evidence, consultation and engagement

No	Question	Details
3.	Have you considered the available evidence?	<i>The evidence in terms of the need for additional housing provision has been considered.</i>
4.	Have you consulted on the proposal?	<i>Yes, the proposal forms part of the Torbay Local Plan which is consulted on by many stakeholders prior to approval as policy. The local community have also been involved in the master planning process for the development.</i>
5. a) 45	Outline the key findings	<i>There were no key findings, but pedestrian access comments were accommodated.</i>
6.	What amendments may be required as a result of the consultation?	<i>Improved access for pedestrians and cyclists through the development.</i>

### Positive and negative equality impacts **TO BE UPDATED ONCE CONSULTATION UNDERTAKEN**

No	Question	Details
7.	Identify the potential positive and negative impacts on specific groups	<i>It is not enough to state that a proposal will affect everyone equally. There should be more in-depth consideration of available evidence to see if particular groups are more likely to be affected than others – use the table below. You should also consider workforce issues. If you consider there to be no positive or negative impacts use the 'neutral' column to explain why. <b>EVERY BOX MUST BE COMPLETED – if there is no impact please state either 'No Positive Impact' or 'No Negative Impact'.</b></i>



No	Question	Details		
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	Improved crossing facilities	Access to amenities and school from the housing development will be via the widened junction, which will have pedestrian phases to cross the A380.	N/a
	People with caring Responsibilities	No specific impact	No specific impact	N/a
	People with a disability	Pedestrian crossing facilities will be DDA compliant with tactile pavings and indicator facilities for visually impaired pedestrians	The crossing distance will be increased due to the widened junction.	N/a
	Women or men	No specific impact	No specific impact	N/a
	People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)	No specific impact	No specific impact	N/a
	Religion or belief (including lack of belief)	No specific impact	No specific impact	N/a
	People who are lesbian, gay or bisexual	No specific impact	No specific impact	N/a
	People who are transgendered	No specific impact	No specific impact	N/a
	People who are in a marriage or civil partnership	No specific impact	No specific impact	N/a
	Women who are pregnant / on maternity leave	No specific impact	No specific impact	N/a
	Socio-economic impacts (Including impact on child	Increased housing provision	No specific impact	N/a

Question		Details	
No	poverty issues and deprivation)		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Housing development will provide additional pedestrian and cycle facilities.	Increase in queuing traffic to the improved junction may impact on air quality in the immediate vicinity.
8.	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	<i>No specific impact</i>	
8b	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	<i>No specific impacts</i>	

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### Section 3: Mitigating action **TO BE UPDATED ONCE CONSULTATION UNDERTAKEN**

No	Action	Details
9.	<b>Summarise any negative impacts and how these will be managed?</b>	<i>Safety for all pedestrians will be managed by creating appropriate DDA compliant pedestrian crossing facilities within the junction. The potential air quality issue will be managed by ensuring that the junction has intelligent measures to measure traffic queuing to minimise any traffic congestion.</i>

### Section 4: Monitoring **TO BE UPDATED ONCE CONSULTATION UNDERTAKEN**

No	Action	Details
10.	<b>Outline plans to monitor the actual impact of your proposals</b>	<i>The new junction will be subject to independent safety audits and collision data will be reviewed annually.</i>

Section 5: Recommended course of action **TO BE COMPLETED WHEN ALL SECTIONS COMPLETE AND EIA FINALISED**

No	Action	Outcome	Tick ✓	Reasons/justification for recommended action
11.	<p><b>State a recommended course of action</b> Clearly identify an option and justify reasons for this decision. The following four outcomes are possible from an assessment (and more than one may apply to a single proposal). Please select from the 4 outcomes and justify the reasons for your decision</p>	<p><b>Outcome 1: No major change required - EIA</b> has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken</p> <p><b>Outcome 2: Adjustments to remove barriers –</b> Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality</p> <p><b>Outcome 3: Continue with proposal -</b> Despite having identified some potential for adverse impact / missed opportunities in relation to equalities or to promote equality. Full justification required, especially in relation to equalities, in line with the duty to have 'due regard'.</p> <p><b>Outcome 4: Stop and rethink –</b> EIA has identified actual or potential unlawful discrimination in relation to equalities or adverse impact has been identified</p>	<p>✓</p> <p>✓</p>	<p>The junction will be constructed to a DDA compliant standard and with regard to other related national design guidelines.</p>

## Schedule 4 – Terms of Reference

To approve the terms of Reference for the Health and Wellbeing Board as set out below, which were previously listed in the Article 16 of the Constitution:

Name of Committee and Terms of Reference	Membership
<p><b>Health and Wellbeing Board:</b></p> <p><b>Terms of Reference:</b></p> <ol style="list-style-type: none"> <li>1. To encourage those who arrange for the provision of any health or social care services in the area to work in an integrated manner for the purpose of advancing the health and wellbeing of the people in its area.</li> <li>2. To provide advice, assistance and support, as it thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 (arrangements between NHS bodies and local authorities) of the National Health Service Act 2006 in connection with the provision of such services.</li> <li>3. To encourage those who arrange for the provision of health-related services in its area to work closely with the Health and Wellbeing Board.</li> <li>4. To encourage those who arrange for the provision of any health or social care services in its area and those who arrange for the provision of any health-related services in its area to work closely together.</li> <li>5. To exercise the functions of Torbay Council and South Devon and Torbay Clinical Commissioning Group under sections 116 (health and social care: joint strategic needs assessments) and 116A (health and social care: joint health and wellbeing strategy) of the Local Government and Public Involvement in Health Act 2007, namely:</li> </ol>	<p>Up to five members of the Council (to be appointed by the Mayor);</p> <p>Director of Adult Social Services                      Director of Children's Services                      Director of Public Health                      A representative of Healthwatch Torbay                      A representative of South Devon and Torbay Clinical Commissioning Group</p>

Name of Committee and Terms of Reference	Membership
<ul style="list-style-type: none"> <li>• Preparation of a Joint Strategic Needs Assessment; and</li> <li>• Preparation of a Joint Health and Wellbeing Strategy.</li> </ul> <p>6. To assess needs for pharmaceutical services in Torbay and publish a statement of its first assessment and of any revised assessment.</p> <p>7. To provide the Council its opinion on whether the local authority is discharging its duty under section 116B (duty to have regard to assessment and strategies) of the Local Government and Public Involvement in Health Act 2007.</p> <p>8. To exercise the statutory duty to promote co-operation between Torbay Council, its relevant partners and other partners or bodies as the Council considers appropriate, to improve the well-being of children in the area.</p> <p>9. To consider the annual report of the Torbay Safeguarding Children’s Board.</p> <p>10. To make any decisions that legislation or government guidance reserves to Health and Wellbeing Board’s and/or proposes that Health and Wellbeing Boards would be appropriate forum for such decisions to be made.</p>	