



Town Hall, Castle Circus,
Torquay, Devon TQ1 3DR
Main Switchboard (01803) 201201
Fax (01803) 207006 DX 59006

Monday, 31 July 2017

Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **Rosetor Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Tuesday, 8 August 2017** commencing at **5.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

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

Steve Parrock
Chief Executive

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

A prosperous and healthy Torbay

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

June Gurry, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207012

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

Meeting of the Council Agenda

1. **Opening of meeting**

2. **Apologies for absence**

3. **Declarations of interests**

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

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

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

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

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

4. **Review of Electoral Arrangements - Submission by Torbay Council on Warding Patterns** (Pages 4 - 42)
To consider the submitted report on a review of the Council's warding patterns.
5. **Mayor's Response to the Council's Objections to the Review of Torbay Council Investment Fund Strategy** (Pages 43 - 60)
To consider Mayor's response to the Council's objections to the review of the above Policy Framework document as set out in the attached record of decision.
6. **Call-in of Mayor's Decision on Petition requesting a covenant protecting Churston Golf Course from development** (Pages 61 - 76)
To consider the submitted report in respect of the above Mayoral decision which was called in by the Overview and Scrutiny Board and referred to Council for consideration.

7. Exclusion of the Press and Public

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

8. Amendment to Children's Services Capital Programme to enable the Acquisition of site for new Primary School in Paignton

To consider the submitted report on the above.

Note

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



Meeting: Council

Date: 3 August 2017

Wards Affected: All Wards

Report Title: Review of Electoral Arrangements – Submission by Torbay Council on Warding Patterns

Is the decision a key decision? Yes

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

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

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

1. Proposal and Introduction

- 1.1 Further to Council Minute 161/2/17, the Local Government Boundary Commission for England (LGBCE) has commenced their formal review of the number of Councillors and is currently consulting on proposed warding patterns based on an indicative number of Councillors for Torbay of 36, ensuring where possible that there is an equal number of electors per Councillor across Torbay.
- 1.2 This report sets out the proposed Council response in respect of the new warding patterns for Torbay from 2019.

2. Reason for Proposal

- 2.1 The Council has an opportunity to influence the review and put forward its suggested proposals on warding patterns to the LGBCE.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Proposed Changes to Warding Patterns – Submission by Torbay Council set out in Appendices 1 and 5 to the submitted report be approved for submission to the Local Government Boundary Commission for England.
- 3.2 That the Assistant Director Corporate and Business Services be requested redraw the 15 Ward maps using GIS to show the changes to the warding patterns reflected in Appendices 1 and 5 to the submitted report.

- 3.3 That the Assistant Director Corporate and Business Services be authorised to make any technical amendments to address any anomalies identified when redrawing the Ward maps.

Appendices

- Appendix 1: Review of Electoral Arrangements - Proposed Changes to Warding Patterns – Submission by Torbay Council
Appendix 2: Detailed breakdown of proposed changes to Warding Patterns
Appendix 3 Map 1
Appendix 4 Map 2
Appendix 5 Map 3
Appendix 6: Feedback on Warding Patterns

Background Documents

Council report on Review of Electoral Arrangements – Submission by Torbay Council on Council Size -

<http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=163&MId=6622&Ver=4>

LGBCE Review - <http://www.lgbce.org.uk/current-reviews/south-west/devon/torbay>

4. Background Information

- 4.1 The Local Government Boundary Commission for England (LGBCE) has commenced its formal public consultation on warding patterns for Torbay based on a proposed number of 36 Councillors. Full details of which can be found at <http://www.lgbce.org.uk/current-reviews/south-west/devon/torbay>
- 4.2 Torbay Council currently has 36 Councillors and an Elected Mayor up until 2019, the Council will be moving to a Leader and Cabinet system of governance. The Council reviewed the number of Councillors it felt necessary to enable the Council to manage its business and for Councillors to perform the tasks and responsibilities expected of them and run the Council from 2019 in February 2017 and submitted a proposal to the LGBCE for it to remain at 36. The 36 Councillors represent 15 Wards with either two or three Councillors representing electors within these Wards.
- 4.3 This has been accepted in principle by the LGBCE and they are now consulting on how Torbay should be split into Wards to ensure that the statutory criteria for the determination of electoral reviews may best be satisfied.
- 4.4 Meetings were held with Ward Councillors, Torbay Community Development Trust and the Chairman of the Community Partnerships with a view to receiving feedback

in respect of where communities lie and where suitable changes could be made. Members also emailed their feedback which has all been collated and included at Appendix 6. All feedback has been reviewed and where possible the changes have been included in the proposed response.

- 4.5 The Local Government Boundary Commission for England is conducting formal consultation with the public and key stakeholders.
- 4.6 The approach used by the Council has been to take a strategic view across the whole of Torbay to ensure as close as possible that there is electoral equality of around 2,800 electors per Councillor. Detailed rationale for each Ward and proposed changes are set out in Appendices 1 to 5. Population statistics and electoral registration statistics, together with information from the adopted Torbay Local Plan and intelligence from the Planning Department have been used to evaluate projected population and electorate figures for 2023, which is the data used to calculate the average number of electors per Councillor. The forecasts and the forecasting methodology have been submitted to and agreed by the LGBCE. These agreed numbers will then be used throughout the remainder of the review process.
- 4.7 It is acknowledged that some Ward Councillors may not be happy with the proposed changes and members of the public may be confused with the proposed changes. However the final decision lies with the Local Government Boundary Commission for England who has been issuing press releases and communications throughout the process. These have also been published through the Council's communication channels.



Review of Electoral Arrangements – Proposed Changes to Warding Patterns – Submission by Torbay Council

1. Introduction

This submission sets out a response from Torbay Council to the Local Government Boundary Commission for England's (LGBCE) invitation to put forward a recommendation on future Warding patterns for Torbay.

The review has been triggered because of electoral imbalances of the number of electors per Councillor across some of the Wards in Torbay. For example the Shipway with the Willows Ward has 30% more electors per Councillor than the average. The Council recognises the importance of electoral equality to a fair democratic process by ensuring that each vote carries the same value, whilst at the same time it must ensure that the governance of the Council is maintained at a level which can best serve the electorate.

It is recognised that the nature of such a submission will be unlikely to receive unanimous support from all Councillors. This submission has been developed by Officers, having listened objectively to representations made by Councillors, together with consideration of the LGBCE's technical guidance. The contents of the submission has been shared with with the Mayor and Group Leaders' Group, consisting of the elected Mayor, the Council's three Group Leaders and the Overview and Scrutiny Co-ordinator. The Group Leaders have also carried out consultation on the proposals with their respective group members. Meetings were offered to all Ward Councillors, the Torbay Community Development Trust and the Chairman of the Community Partnerships to receive feedback on where they believe that communities lie and where suitable changes to boundaries could be made. All this feedback has been evaluated and where possible suggestions included in the proposals. **The Council's recommendation on Warding patterns was approved by full Council (to be updated after the Council meeting).**

2. Overview of Warding Pattern Submission

The Council's submission addresses the three broad areas contained within the LGBCE's technical guidance on how to propose a pattern of wards.

- **“Delivering electoral equality for voters** – this means ensuring that each local councillor represents roughly the same number of people so that the value of your vote is the same regardless of where you live in the local authority area.
- **Reflecting the interests and identities of local communities** – this means establishing electoral arrangements which, as far as possible, maintain local ties and where boundaries are easily identifiable.
- **Promoting effective and convenient local government** – this means ensuring that the new wards or electoral divisions can be represented effectively by their elected representative(s) and that the new electoral arrangements as a whole allow

the local authority to conduct its business effectively. In addition, we must also ensure that the pattern of wards reflects the electoral cycle of the Council as shown below.”

Note: for Torbay the electoral cycle is all out elections every four years.

The last review of electoral arrangements in Torbay was in 2001/2002, when the number of Councillors was retained at 36, spread over 15 Wards. It is proposed that the number of Wards and Councillors is retained at the current level of 15 Wards and 36 Councillors. As set out in its Council Size Submission (see <http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=163&MId=6622&Ver=4>)

Based on the 1 December 2016 electoral register, the current Local Government elector to Councillor ratio is 2,767. The electorate forecasts developed as part of this exercise suggest that by 2023 the ratio for the Council’s recommended number of Councillors will be an average of 2,836 electors per Councillor.

Summary of the Council’s submission

The approach adopted when considering Warding Patterns size has been to follow the LGBCE’s guiding principles and address them both in terms of current arrangements and likely future trends and plans. This has taken into account the change in Governance arrangements that will occur in 2019.

After considering all of the relevant factors, the Council’s recommendation is that its current level of 36 elected Members should be retained across 15 Wards with the changes attached at Appendix 1 to this report. The LGBCE has already declared that it is minded to recommend 36 Councillors.

An overall strategic approach has been adopted to ensure as close as possible there is electoral equality across the whole of Torbay based on anticipated number of electors as at 2023. This document sets out the overall submission of Torbay Council, however, it is understood that individual Councillors and political groups may have their own views and they have been encouraged to submit them direct to the LGBCE for their consideration as part of the consultation process.

Justification of Proposed Changes

It has not been possible to achieve exact electoral equality across the Wards as this would result in the unnecessary splitting of communities. Ten out of the fifteen Wards have 4% or less variance based on projected electorate figures the remaining five Wards being within 5% variance. The number of registered electors in Torbay has fluctuated greatly over the past few years and there are many properties with no registered electors although they are occupied which skews the figures.

Torbay Council feels that the benefits of achieving exact electoral equality of 2,872 electors per Councillor does not outweigh the negative impact it will have on communities if more streets are changed into different Wards and established communities are split.

Current Name of Ward	Proposed Name of Ward	Reasons for Composition of Ward
Berry Head with Furzeham	Berry Head	<p>It is proposed to move the whole of Polling District JF to GE Churston with Galmpton which comprises the Furzeham area of Brixham. This is because this community has close links to the Churston with Galmpton Ward and has previously been included within the same Ward. The removal of these electors enables the Berry Head Ward to become a sustainable two Councillor Ward as there are currently too few electors in this Ward to sustain it as a three Councillor Ward (see green line on Map 1).</p> <p>It is also proposed to move the following 177 properties, 320 electors from JD to JF Polling District which will also become part of the GE Churston with Galmpton Ward to enable greater electoral equality within these two Wards:</p> <ul style="list-style-type: none"> • Churston Way • Copythorne Close • Copythorne Road • Higher Copythorne • Higher Rydons • Rydons • Wayside • Wayside Close <p>Move 21 Burton Street from JC to SD St Marys with Summercombe as the rest of the street is in that Ward.</p> <p>The name of the Ward would then be changed to Berry Head to reflect the removal of the Furzeham area from this Ward. The area moved from the Berry Head Ward could be called Furzeham Ward in terms of the name of the Parish/Town Council District as this is the main community covered by this area.</p>

Current Name of Ward	Proposed Name of Ward	Reasons for Composition of Ward
		<p>Advice from the Local Government Boundary Commission for England (LGBCE) is that these changes will not impact on Brixham Town Council or their precept.</p> <p>Also see comments from St Marys with Summercombe.</p>
Blatchcombe	Paignton West	<p>It is proposed to move all the roads to the south side of Long Road into the Churston with Galmpton Ward. This is mainly made up of new developments which have formed their own community and Long Road creates a natural boundary for this Ward which currently runs adjacent to the GC polling district (approximately 500 electors). The main road acts as a barrier to community interaction between those on the north and those on the south side of Long Road.</p> <p>Due to the high level of development in this area the Paignton West Ward has too many electors per Councillor and by making these changes it enables more balanced representation. It also makes the Churston with Galmpton a viable three Councillor Ward following the addition of JF into that Ward (see green line on Map 2).</p> <p>Move 21 properties, 31 electors on Brixham Road at Tweenaway from AE to IA Goodrington with Roselands as these properties are currently on the opposite side of the community they live in. This will impact on the Parliamentary Boundary for Torbay/Totnes but the Council will write to these people to explain the situation and offer a postal vote until the Parliamentary Boundaries are changed.</p> <p>See comments in Clifton with Maidenway below.</p> <p>It is proposed to change the name of the Ward to Paignton West as Paignton West does not mean anything to the communities in the Ward. There are several communities in this Ward (e.g. Foxhole, Tweenaway, Collaton St Mary etc.) so there would be too many to</p>

Current Name of Ward	Proposed Name of Ward	Reasons for Composition of Ward
		include community names within the name of the Ward. Paignton West accurately describes the area covered by this Ward.
Churston with Galmpton	Churston with Galmpton	See comment in Berry Head and Paignton West above.
Clifton with Maidenway	Clifton with Maidenway	<p>Only minor changes are proposed to this ward to address properties that have previously been included within the incorrect ward. It is felt that the communities within this Ward have the correct fit.</p> <p>It is proposed to move 90, 92, 93, 94 and 95 Dolphin Court, Dolphin Crescent from CC Clifton with Maidenway to FC Preston as the rest of Dolphin Crescent is part of that Ward.</p> <p>Move 154 and 156 Marldon Road from CC to AD Paignton West as the rest of the road is in this Ward. This will impact on the Parliamentary Boundary for Torbay/Totnes but the Council will write to these people to explain the situation and offer a postal vote until the Parliamentary Boundaries are changed.</p> <p>Move 133, 140 and The Ridings, three properties, five electors from CD to AD Paignton West as the rest of the road is in this Ward. This will impact on the Parliamentary Boundary for Torbay/Totnes but the Council will write to these people to explain the situation and offer a postal vote until the Parliamentary Boundaries are changed.</p> <p>See comments in Roundham with Hyde below.</p>
Cockington with Chelston	Cockington with Chelston	<p>It is proposed to move the boundary of Avenue Road to run along the railway line up until Chestnut Avenue and move these electors into the Torquay Town Centre Ward as it does not have sufficient electors (approximately 113 electors).</p> <p>There are only minor proposed changes to this Ward to ensure</p>

Current Name of Ward	Proposed Name of Ward	Reasons for Composition of Ward
		electoral equality and it is felt that the communities of Cockington, Chelston and Livermead are accurately reflected within this Ward.
Ellacombe	Torquay Town	<p>See comments from Cockington with Chelston above and Ellacombe with Torwood below.</p> <p>This is one of the main areas of proposed change. It is proposed to create a new Torquay Town Ward which is made up of:</p> <p>The whole of polling district DA Ellacombe (approximately 1482 electors).</p> <p>The following streets from DC Ellacombe (approximately 541 electors) (see green line on Map 3):</p> <ul style="list-style-type: none"> • Hatfield Road • Henbury Close • Bronshill Road • Lords Place • Netherleigh Road • Windsor Road (2-70A and 1-89) <p>The whole of polling districts LA and LB Tormohun (approximately 1759 and 1427 electors respectively).</p> <p>This is because these communities have more in connection with Torquay Town Centre than the current Ellacombe and Tormohun/Torre areas. Residents in this area are more likely to interact in their day to day lives with the Town centre area.</p> <p>It is proposed that this will become a new two Councillor Ward who will represent the central area of Torquay and will help to bring</p>

Current Name of Ward	Proposed Name of Ward	Reasons for Composition of Ward
		<p>together the communities surrounding Torquay Town Centre (approximately 1964 electors).</p> <p>The whole of Polling District DB and the remaining streets from DC Ellacombe will be moved to the new Ellacombe with Torwood Ward as these electors and communities relate more to this part of Torquay than the Town Centre. These residents are more likely to shop and interact within the current Wellswood Ward (approximately 1017 electors).</p> <ul style="list-style-type: none"> • All Saints Road • Cary Park Road • Hingston Road • Belmont Road • Carlton Road • Dunmere Road • Kenwyn Road • Windsor Road (72-114 and 91-137) • Windsor Close • Woodville Road • Windermere Road • Mount Hermon Road • Warbro Road (nos 91 to 161)
Goodrington with Roselands	Goodrington with Roselands	<p>It is proposed to move the following properties from IC Goodrington with Roselands to RD Roundham with Hyde as they form part of the St Michaels Community which falls within that Ward (approximately 140 electors):</p> <ul style="list-style-type: none"> • Batson Gardens • Elmsleigh Road • Fisher Street 1-7 Christine Court, 21, 23, 28, 30 and 32

Current Name of Ward	Proposed Name of Ward	Reasons for Composition of Ward
		<p>This proposal assists with the electoral equality within this Ward and ensures that the remaining communities are kept together within the same Ward.</p> <p>See comments in Paignton West above.</p>
Preston	Preston	See comments in Clifton with Maidenway above.
Roundham with Hyde	Coverdale	<p>See comments in Goodrington with Roselands above.</p> <p>Only minor changes are proposed to this ward to address properties that have previously been included within the incorrect ward. It is felt that the communities within this Ward have the correct fit.</p> <p>It is proposed to move the following properties from RD to CD Clifton with Maidenway:</p> <ul style="list-style-type: none"> • 1A, 3, 5, 22, 22A and 22B Winner Hill Road <p>It is proposed to move the following properties from RD to CB Clifton with Maidenway:</p> <ul style="list-style-type: none"> • Torbay View, Colley End Park <p>It is proposed to change the name of this Ward back to the Coverdale Ward as this more accurately describes the area covered by this Ward. It was previously called Coverdale Ward.</p>
Shiphay with the Willows	Shiphay with the Willows	It is proposed to move the whole of polling district TA (excluding Hele Road which will move to Hele with Torre as the rest of this community is in that Ward) to Barton with Watcombe as the Shiphay with the

Current Name of Ward	Proposed Name of Ward	Reasons for Composition of Ward
		<p>Willows Ward is too large to sustain a two Councillor Ward. The Willows community is split into two distinct areas and this part of the Ward has more close links with the Barton community and use the lane by Bottom Park Lane to access the buses, pub and shops on Barton Hill Road.</p> <p>This is the area from Nightingale Park on Browns Bridge Road, including the developments off Cassiobury Way, Ascension Way, Barton Hill Way and the new development off Beechfield Avenue (e.g. Willowfield Road and Orchid Way) up to and including Barton Hill Road and the roads off of Barton Hill Road on the east side.</p> <p>Residents of the new Beechfield development site feel more connection to the Barton area than the Willows and also use the shops on Barton Hill Road.</p> <p>The communities within the rest of the Ward reflect the existing communities of the Willows and Shiphay.</p> <p>This change means that this can remain a sustainable two Councillor Ward taking into account the current and future development at the Willows and Edginswell.</p>
St Marychurch	St Marychurch	<p>There are no proposed changes to this Ward as it already has electoral equality and it is felt that the communities of St Marychurch, Babbacombe, Maidencombe and Plainmoor are accurately reflected within this Ward. This Ward also retains the whole of the coastline for this area.</p>
St Marys with Summercombe	St Marys with Summercombe	<p>Only minor changes are proposed to this ward to address properties that have previously been included within the incorrect ward. It is felt that the communities within this Ward have the correct fit (e.g. St Marys and Higher Brixham).</p>

Current Name of Ward	Proposed Name of Ward	Reasons for Composition of Ward
		<p>It is proposed to move the following properties from SD to JB Berry Head as the rest of the street is in this Ward:</p> <ul style="list-style-type: none"> • Odd numbers 17 to 27 Rea Barn Road (approximately 16 electors)
Tormohun	Hele with Torre	<p>See comments in Torquay Town and Shiphay with the Willows above and Barton with Watcombe below.</p> <p>It is proposed to move the line of the boundary in LD to the other side of The Hollow Main Avenue as this is in HC St Marychurch on the electoral register.</p> <p>The whole of polling districts LC (excluding 45 to 159A Lymington Road and the whole of Sunbury Hill which will move to LB Torquay Town), LD and LE to become part of the new Hele with Torre Ward as this more realistically reflects the communities in this area.</p> <p>The minor change to LC will help to ensure electoral equality across the Hele with Torre and Torquay Town Wards.</p> <p>The current Tormohun Ward almost stretches from one side of Torquay to the other and covers many different communities and has therefore been split.</p>
Watcombe	Barton with Watcombe	<p>See comments in Shiphay with the Willows above.</p> <p>It is proposed to move the whole of Polling District WD to LE Hele with Torre area of Torquay as this area fits more closely with this community.</p> <p>This will also help to maintain electoral equality for this two Councillor</p>

Current Name of Ward	Proposed Name of Ward	Reasons for Composition of Ward
		Ward.
Wellswood	Ellacombe with Torwood	<p>See comments in Ellacombe and Hele with Torre above.</p> <p>It is proposed the change the name of the Ward to Ellacombe with Torwood to reflect the combination of the Wellswood and Ellacombe Wards and that the area is also known as Torwood.</p> <p>The addition of this part of the current Ellacombe Ward will enable this to become a sustainable three Councillor Ward.</p> <p>It is proposed to move the following properties from MC/MD to LA Torquay Town as this area is part of the Strand and has more community links with the Torquay Town Ward than the Ellacombe with Wellswood Ward (407 electors):</p> <ul style="list-style-type: none"> • The Terrace • Montpellier Road • Torwood Street • Parkhill Road • Trinity Hill <p>This changes also helps to create greater electoral equality between these two Wards.</p>

Detailed Breakdown of Proposed Changes to Warding Patterns

New Polling district (if applicable)	Current Ward Name	Proposed Ward Name Change	Proposed changes/Properties/Roads Affected	Approximate Number of Properties/Electors	Comments	Current Electorate 2016	Predicted Electorate in 2023
AA	Blatchcombe	Paignton West	None		Proposed change of name from Blatchcombe Ward to Paignton West. Blatchcombe does not have any specific meaning to this area as it is made of of several communities each with their very own identity. Paignton West more reflects the area covered by this Ward.	1553	1553
AB	Blatchcombe	Paignton West	None			1455	1668
AC	Blatchcombe	Paignton West	None			1314	1314
AD	Blatchcombe	Paignton West	None			923	923
AE	Blatchcombe	Paignton West	All roads to the south side of Long Road to move to the Broadsands with Galmpton Ward. Aish Road - 0 Stoke Road - 33 Paignton Road - 0 Whitehill Lane - 0 Waddeton Road -4 Even numbers of Brixham Road at Tweenaway - 21	250 houses (new White Rock development) = 500 electors based on 2023 projections (average of 2 electors per property) 31 electors	These 250 properties, 500 electors are on the south side of the Blatchcombe Ward which will have too many electors following the new housing developments in this area. Long Road forms a natural boundary to the Ward. Moving these properties will enable the Churston with Galmpton Ward to have the correct number of electors following the removal of electors from Churston Village. Move 21 properties, 31 electors on Brixham Road at Tweenaway from AE to IA Goodrington with Roselands as these properties are currently on the opposite side of the community they live in. This will impact on the Parliamentary Boundary for Torbay/Totnes but the Council will write to these people to explain the situation and offer a postal vote until the	1998	3333
AF	Blatchcombe	Paignton West	None			766	766
BA	Cockington with Chelston		None			1869	1919
BB	Cockington with Chelston		Avenue Road - 68	113 electors	Move the boundary to along the railway line up until Chestnut Avenue to to LB Torquay Town as this will assist in enabling electoral equality across the two Wards. The electors in this area are part of their own community.	1715	1715
BC	Cockington with Chelston		None			1727	1754
BD	Cockington with Chelston		None			1062	1062
BE	Cockington with Chelston		None			1840	1847

New Polling district (if applicable)	Current Ward Name	Proposed Ward Name	Proposed changes/Properties/Roads Affected	Approximate Number of Properties/Electors	Comments	Current Electorate 2016	Predicted Electorate in 2023
CA	Clifton with Maidenway		None			1960	2014
CB	Clifton with Maidenway		None			902	902
CC	Clifton with Maidenway		90, 92, 93, 94 and 95 Dolphin Court, Dolphin Crescent - 5 154 and 156 Marldon Road - 2	12 electors 4 electors	Move these five properties, 12 electors from CC to FC Preston Ward as the rest of Dolphin Crescent is part of that Ward. Move 154 and 156 Marldon Road (2 properties, 4 electors) from CC to AD Blatchcombe as the rest of the road is in this Ward. This will impact on the Parliamentary Boundary for Torbay/Totnes but the Council will write to these people to explain the situation and offer a postal vote until the Parliamentary Boundaries are changed.	1386	1386
CD	Clifton with Maidenway		133, 140 and The Ridings, Waterleat Road - 3	5 electors	Move these three properties, five electors from CD to AD Blatchcombe as the rest of the road is in this Ward. This will impact on the Parliamentary Boundary for Torbay/Totnes but the Council will write to these people to explain the situation and offer a postal vote until the Parliamentary Boundaries are changed.	1184	1184

New Polling district (if applicable)	Current Ward Name	Proposed Ward Name	Proposed changes/Properties/Roads Affected	Approximate Number of Properties/Electors	Comments	Current Electorate 2016	Predicted Electorate in 2023
DA	Ellacombe	Torquay Town	Whole of DA polling district	1482 electors based on 2023 projections	Move the whole of DA polling district to become part of a new Torquay Town Ward as this community sits more closely with the town centre than Ellacombe.	1468	1482
DB	Ellacombe	Ellacombe with Torwood	Whole of DB polling district	1964 based on 2023 projections	Move the whole of DB polling district to become part of the new Ellacombe with Torwood Ward as this community is part of the Ellacombe community. This will help to make the number of electors sufficient for this combined three Councillor Ward.	1954	1964
DC	Ellacombe	Torquay Town	<p>The following streets to be moved to the Torquay Town Ward:</p> <p>Hatfield Road - 44 Henbury Close - 37 Bronshill Road - 86 Lords Place - 45 Netherleigh Road - 16 Windsor Road (2-70A and 1-89) - 106</p> <p>The following streets to be moved to the Ellacombe with Wellswood Ward:</p> <p>All Saints Road - 41 Cary Park Road - 43 Hingston Road - 37 Belmont Road - 52 Carlton Road - 94 Dunmere Road - 58 Kenwyn Road - 98 Windsor Close - 9 Woodville Road - 80 Windermere Road - 33 Mount Hermon Road - 11 Warbro Road (nos 91 to 161) - 39 Windsor Road (72-114 and 91-137) - 64</p>	<p>541 electors based on 2023 to be moved to Torquay Town Ward.</p> <p>1017 electors based on 2023 projections to be moved to Ellacombe with Wellswood Ward.</p>	The properties to be moved to the Torquay Town Ward sit more with this community and will help to create a viable two Councillor Ward for the town centre and surrounding area. The remaining properties are part of the existing Ellacombe community and will help make this combined Ward a sustainable three Councillor Ward.	1558	1558
FA	Preston		None			1872	1999
FB	Preston		None			1777	1798
FC	Preston				See comments in CC Clifton with Maidenway	2126	2126
FD	Preston		None			2283	2292

New Polling district (if applicable)	Current Ward Name	Proposed Ward Name	Proposed changes/Properties/Roads Affected	Approximate Number of Properties/Electors	Comments	Current Electorate 2016	Predicted Electorate in 2023
GA	Churston with Galmpton		None			800	800
GB	Churston with Galmpton		None			1681	1681
GC	Churston with Galmpton		None			955	955
GD	Churston with Galmpton		None			1015	1015
GE	Churston with Galmpton		None		See comments in JF Berry Head and AE Paignton West above.	1195	1391
HA	St Marychurch		None			467	625
HB	St Marychurch		None			1685	1685
HC	St Marychurch		None			1721	1721
HD	St Marychurch		None			1700	1713
HE	St Marychurch		None			1424	1457
HF	St Marychurch		None			1489	1489
IA	Goodrington with Roselands				See comments in AE Blatchcombe above.	2191	2191
IB	Goodrington with Roselands		None			1069	1069
IC	Goodrington with Roselands		Batson Gardens - 6 Elmsleigh Road - 91 Fisher Street 1-7 Christine Court, 21, 23, 28, 30 and 32 - 12	6 electors 115 electors 19 electors	Move these properties (140 electors) from IC to RD Roundham with Hyde as they form part of the St Michaels community.	1184	1184
ID	Goodrington with Roselands		None			1231	1231

New Polling district (if applicable)	Current Ward Name	Proposed Ward Name	Proposed changes/Properties/Roads Affected	Approximate Number of Properties/Electors	Comments	Current Electorate 2016	Predicted Electorate in 2023
JA	Berry Head with Furzeham	Berry Head	None		Change of name from Berry Head with Furzeham to Berry Head as this reflects the name of the area covered by this Ward following the removal of JF from the Ward.	1048	1195
JB	Berry Head with Furzeham	Berry Head	None			1087	1265
JC	Berry Head with Furzeham	Berry Head	21 Burton Street	2 electors	Move 21 Burton Street (2 electors) from JC to SD in St Marys with Summercombe as the rest of this street is in this Ward/Polling District.	1111	1111
JD	Berry Head with Furzeham	Berry Head	Churston Way - 60 Copythorne Close - 9 Copythorne Road - 50 Higher Copythorne - 18 Higher Rydons - 13 Rydons - 10 Wayside - 13 Wayside Close - 4	320 electors	Move 177 properties, 320 electors from JD to JF to become part of the GE Polling District in the Churston with Galmpton Ward. This is to enable greater electoral equality within these two Wards.	1448	1463
JE	Berry Head with Furzeham	Berry Head	None			964	980
JF	Berry Head with Furzeham	Berry Head	Whole of Polling District JF	1797 electors based on 2023 projections	Move the whole of Polling District JF to GE Churston with Galmpton as the current Berry Head Ward does not have enough Councillors to sustain a three Councillor Ward so the area will be reduced to become a two Councillor Ward and the Churston with Galmpton Ward will be increased to become a sustainable three Councillor Ward. The community of Furzeham has close links to the Churston with Galmpton Ward and has previously formed part of the same Ward.	1797	1797
LA	Tormohun	Torquay Town	None		Change of name from Tormohun to Torquay Town Ward as this reflects the newly formed town centre and surrounding area Ward.	1625	1759
LB	Tormohun	Torquay Town	None			1389	1427
LC	Tormohun	Hele with Torre	Whole of LC Polling District except 45 to 159A Lymington Road (up to the Coach Station) and the whole of Sunbury Hill	107 electors	This Polling District (excluding 45 to 159A Lymington Road and Sunbury Hill which moves to LB Torquay Town) to become part of the new Hele with Torre Ward as this more realistically reflects the communities in this area.	1815	1845
LD	Tormohun	Hele with Torre	The Hollow Main Avenue Whole of LD Polling District	no electors affected as they are in the correct ward on the electoral register	Move the line of the boundary in LD to the other side of The Hollow Main Avenue as this is in the HC St Marychurch Polling District/Ward. This Polling District to become part of the new Hele with Torre Ward as this more realistically reflects the communities in this area.	2251	2325
LE	Tormohun	Hele with Torre	Whole of LE Polling District		This Polling District to become part of the new Hele with Torre Ward as this more realistically reflects the communities in this area.	724	724

New Polling district (if applicable)	Current Ward Name	Proposed Ward Name Change	Proposed changes/Properties/Roads Affected	Approximate Number of Properties/Electors	Comments	Current Electorate 2016	Predicted Electorate in 2023
MA	Wellswood	Ellacombe with Torwood	None		Proposed change of name from Wellswood to Ellacombe with Torwood to reflect the newly combined three Councillor Ward which covers these communities.	1824	1855
MB	Wellswood	Ellacombe with Torwood	None			1576	1576
MC	Wellswood	Ellacombe with Torwood	The Terrace - 20 Montpellier Road - 35 Torwood Street - 43	98 electors	This area of Wellswood is part of the Strand area and has more community links with the Town Centre Ward than the Ellacombe with Wellswood Ward. This change also helps to create greater electoral equality between these two Wards.	1585	1653
MD	Wellswood	Ellacombe with Torwood	Parkhill Road - 249 Trinity Hill - 21	309 electors	This area of Wellswood is part of the Strand area and has more community links with the Town Centre Ward than the Ellacombe with Wellswood Ward. This change also helps to create greater electoral equality between these two Wards.	1398	1398

New Polling district (if applicable)	Current Ward Name	Proposed Ward Name	Proposed changes/Properties/Roads Affected	Approximate Number of Properties/Electors	Comments	Current Electorate 2016	Predicted Electorate in 2023
RA	Roundham with Hyde	Coverdale	None		It is proposed to change the name of this Ward back to the Coverdale Ward as this more accurately describes the area covered by this Ward. It was previously called Coverdale Ward.	1162	1170
RB	Roundham with Hyde	Coverdale	None			809	925
RC	Roundham with Hyde	Coverdale	None			1471	1471
RD	Roundham with Hyde	Coverdale	1A, 3, 5, 22, 22A and 22B Winner Hill Road Torbay View, Colley End Park		Move these six properties, 7 electors from RD to CD Clifton with Maidenway as the rest of the road already sits in this Ward/Polling District. Move the three Torbay View properties, 6 electors from RD to CB Clifton with Maidenway as the rest of the properties in Colley End Park are in this Ward/Polling District.	2140	2194
SA	St Marys with Summercombe	St Marys with Summercombe	None			1237	1237
SB	St Marys with Summercombe	St Marys with Summercombe	None			1439	1439
SC	St Marys with Summercombe	St Marys with Summercombe	Odd numbers 17 to 27 Rea Barn Road	16 electors	Move these six properties, 16 electors from SC to JB polling District in Berry Head as the rest of Rea Barn Road is in this Ward/Polling District.	1583	1636
SD	St Marys with Summercombe	St Marys with Summercombe	None			1429	1429
TA	Shiphay with the Willows	Barton with Watcombe	Whole of TA polling district (excluding Hele Road - 36)	1901 electors based on 2023 projections	Move Polling District TA (excluding Hele Road, 36 properties, 53 electors which will move to Hele with Torre) to Barton with Watcombe Ward as the Shiphay with the Willows Ward is too large. The willows community is split into two distinct areas and this part of the Ward sits more closely with the Barton community and also includes the new Beechfield development which the community feels sits with Barton.	1784	1901
TB	Shiphay with the Willows	Shiphay with the Willows	None			1259	1513
TC	Shiphay with the Willows	Shiphay with the Willows	None			2006	2108
TD	Shiphay with the Willows	Shiphay with the Willows	None			2160	2262
WA	Watcombe	Barton with Watcombe	None			1907	1907
WB	Watcombe	Barton with Watcombe	None			1401	1401
WC	Watcombe	Barton with Watcombe	None			772	772
WD	Watcombe	Hele with Torre	Whole of WD polling district	902 electors based on 2023 projections	Move the whole of WD Polling District to LE Hele with Torre as this community has greater links with the Hele and Torre area of Torquay.	902	902

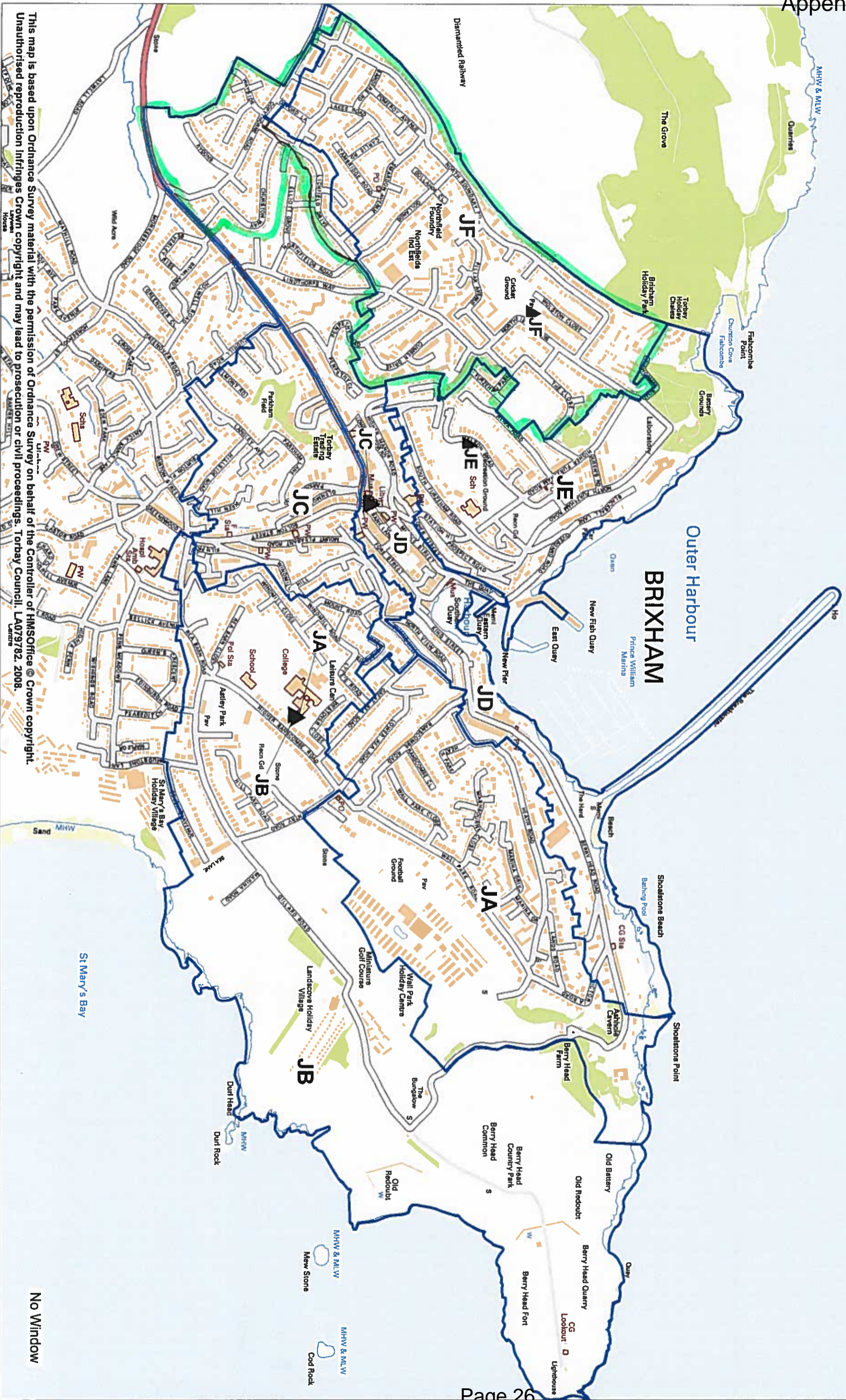
Current Name of ward	Proposed Name of Ward	Number of cllrs per ward	No of electors 2016	No of electors 2023	Polling District A	Polling District B	Polling District C	Polling District D	Polling District E	Polling District F	Polling District G	Polling District change	Polling District Change	No of electors with changes	Average no of electors per Councillor	No of electors difference to average	Percentage difference
Berry Head-with-Furzeham	Berry Head	2	7,455	7,811	1,195	1,265	1,111	1,463	980		-2	16	-320	5,708	2,854	-18	0%
Blatchcombe	Paignton West	3	8,009	9,557	1,553	1,668	1,314	923	3,333	766	-500	9	-31	9,035	3,012	139	5%
Churston-with-Galmpton	Broadsands with Galmpton	3	5,646	5,842	800	1,681	955	1,015	1,391	500	1,797	320		8,459	2,820	-53	-2%
Clifton-with-Maidenway	Clifton with Maidenway	2	5,432	5,486	2,014	902	1,386	1,184	-12	-9	13			5,478	2,739	-133	-5%
Cockington-with-Chelston	Cockington with Chelston	3	8,213	8,339	1,919	1,715	1,754	1,062	1,847	-113	0			8,184	2,728	-144	-5%
Ellacombe	Torquay Town	2	4,980	5,004	1,482	1,558	1,759	1,427	-1,189	107	113	172	407	5,836	2,918	46	2%
Goodrington-with-Roselands	Goodrington with Roselands	2	5,675	5,675	2,191	1,069	1,184	1,231	-140	31	0			5,566	2,783	-89	-3%
Preston	Preston	3	8,058	8,173	1,999	1,798	2,126	2,292	12	0	0			8,227	2,742	-130	-5%
Roundham-with-Hyde	Roundham with Hyde	2	5,582	5,760	1,170	925	1,471	2,194	-13	140	0			5,887	2,944	71	2%
Shiphay-with-the-Willows	Shiphay with the Willows	2	7,209	7,784	1,513	2,108	2,262	-53	0	0	0			5,830	2,915	43	1%
St. Marychurch	St Marychurch	3	8,486	8,689	625	1,685	1,721	1,713	1,457	1,489	0			8,690	2,897	24	1%
St. Mary's-with-Summercombe	St Marys with Summercombe	2	5,688	5,741	1,237	1,439	1,636	1,429	-16	2	0			5,727	2,864	-9	0%
Tormohun	Hele with Torre	2	7,804	8,081	1,845	2,325	724	902	-107	53	0			5,742	2,871	-1	0%
Watcombe	Barton with Watcombe	2	4,982	4,982	1,907	1,401	772	1,901	0	0	0			5,981	2,991	118	4%
Wellswood	Ellacombe with Torwood	3	6,383	6,482	1,964	1,189	1,855	1,576	1,653	1,398	-172	-407		9,056	3,019	146	5%
Total		36	99,602	103,406										103,406			
Average no of electors per Cllr				2,872													

Average 2,872

Highlighted shows where there have been changes to the Ward

Yellow highlighted shows change to number of Councillors per Ward

BERRY HEAD WITH FURZEHAM WARD

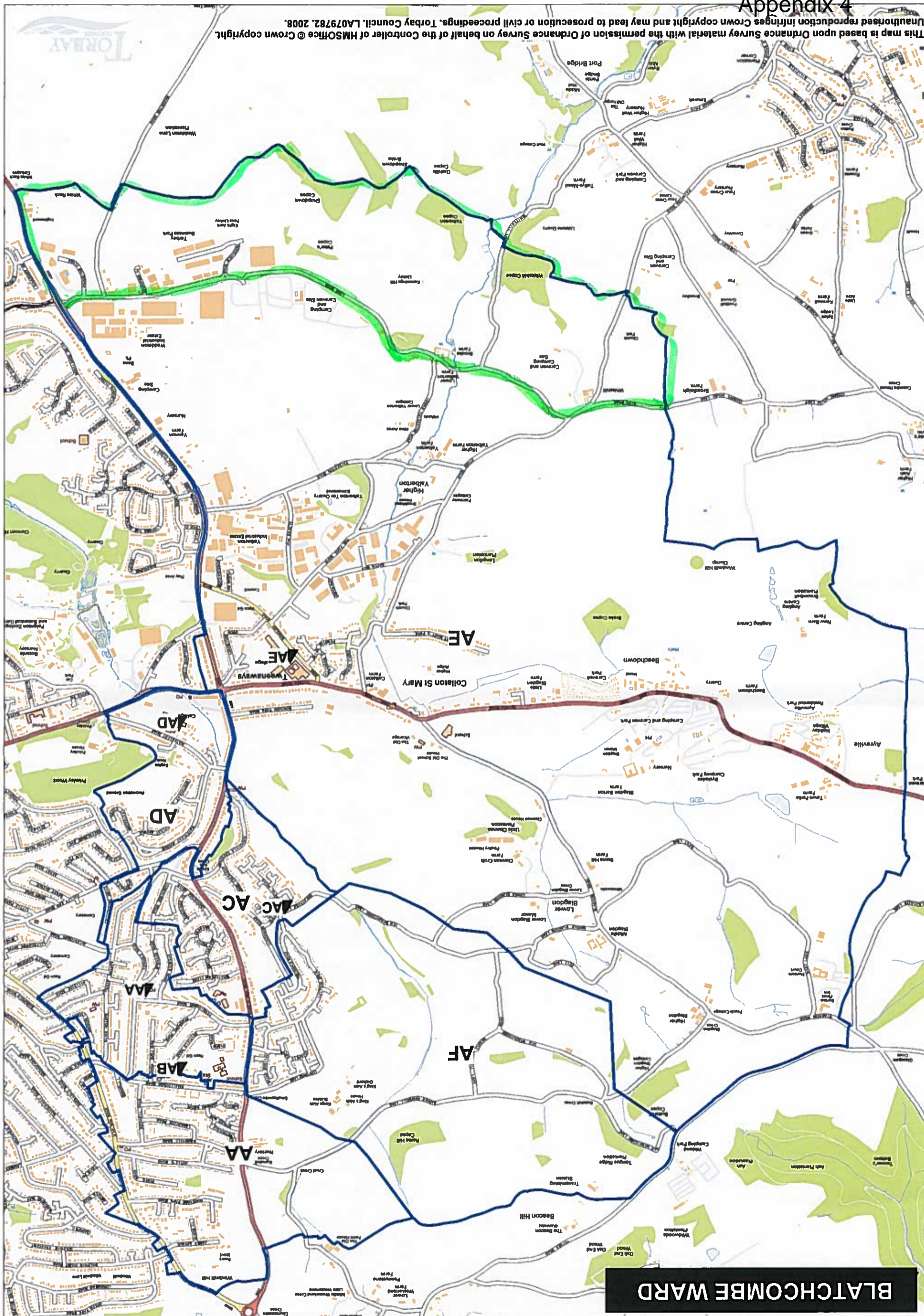


This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Torbay Council. LA079782. 2008.

No Window

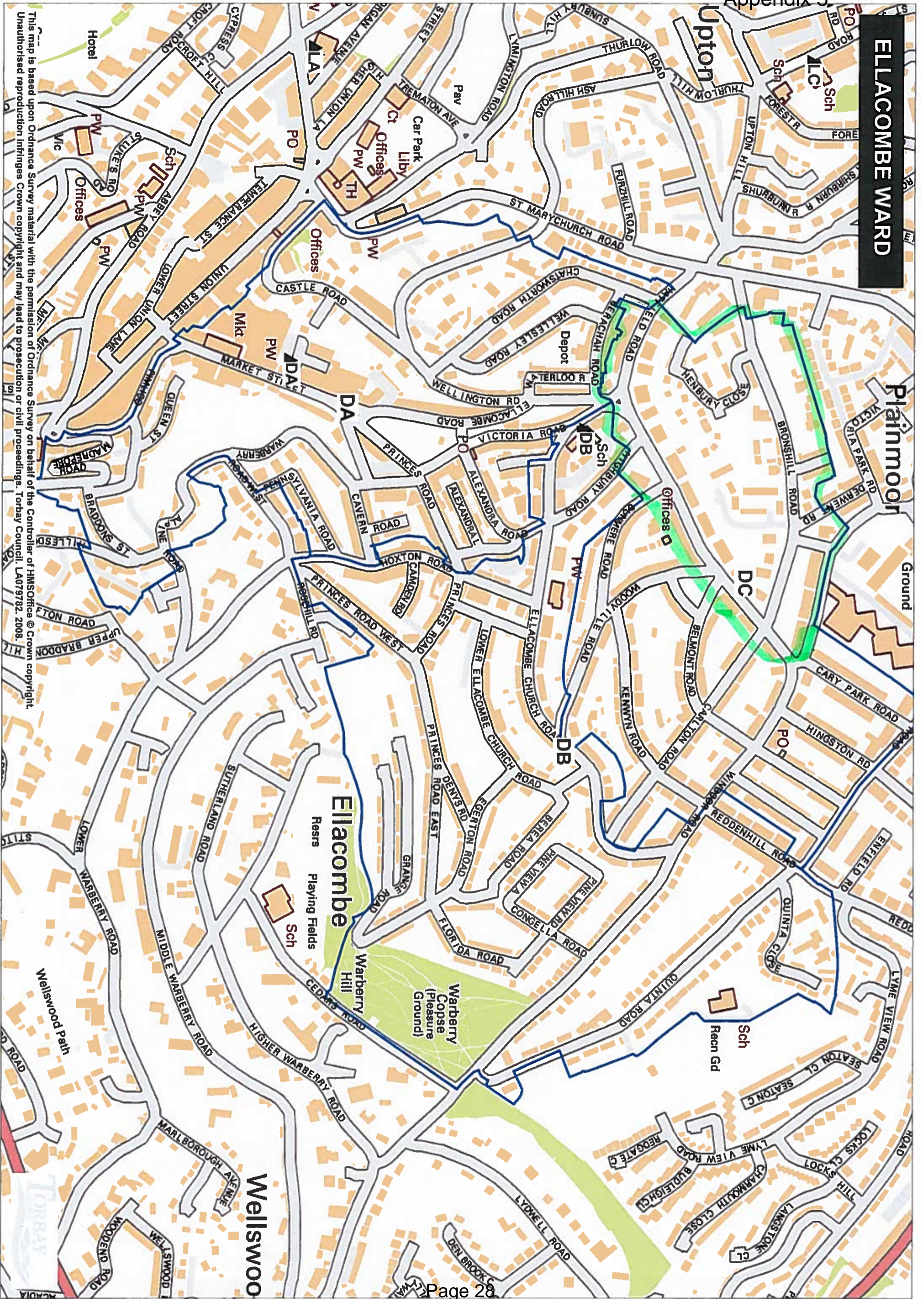
Map 7

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO and may lead to prosecution or civil proceedings. Torbay Council, LA079782, 2008.



BLATCHCOMBE WARD

ELLACOMBE WARD



This map is based upon Ordnance Survey material with the permission of the Controller of HMSO © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Torbay Council, LA079782. 2008.

Map 3

Feedback on Warding Patterns

From	Suggestions																																			
Councillors Ellery, Morey and Stockman (Berry Head with Furzeham Ward Councillors)	<p>See the breakdown of statistics for the Berry Head with Furzeham Ward.</p> <p>Land identified for housing needs. Some of these projects have already commenced and all have been identified in the Torbay Local Plan and the Brixham Neighbourhood Plan.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px 5px;">Wall Park Holiday Camp</td> <td style="text-align: right; padding: 2px 5px;">173 homes</td> </tr> <tr> <td style="padding: 2px 5px;">Fishcombe.</td> <td style="text-align: right; padding: 2px 5px;">30. "</td> </tr> <tr> <td style="padding: 2px 5px;">Kings Drive.</td> <td style="text-align: right; padding: 2px 5px;">22. "</td> </tr> <tr> <td style="padding: 2px 5px;">Douglas Avenue.</td> <td style="text-align: right; padding: 2px 5px;">12. "</td> </tr> <tr> <td style="padding: 2px 5px;">Town Centre.</td> <td style="text-align: right; padding: 2px 5px;">25. "</td> </tr> <tr> <td style="padding: 2px 5px;">Northcliffe Hotel Site.</td> <td style="text-align: right; padding: 2px 5px;">15. "</td> </tr> <tr> <td style="padding: 2px 5px;">Torbay Trading Estate.</td> <td style="text-align: right; padding: 2px 5px;">15. "</td> </tr> <tr> <td style="padding: 2px 5px;">Oxen Cove/Freshwater Quarry.</td> <td style="text-align: right; padding: 2px 5px;">10. "</td> </tr> <tr> <td style="padding: 2px 5px;">Brixham Police Station.</td> <td style="text-align: right; padding: 2px 5px;">7. "</td> </tr> <tr> <td style="padding: 2px 5px;">Total project increase. (Larger developments only.)</td> <td style="text-align: right; padding: 2px 5px;"><hr style="width: 50%; margin-left: auto; margin-right: 0;"/>310. "</td> </tr> </table> <p>Projected Employment and Training Opportunities.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px 5px;">Oxen Cove/Freshwater Quarry.</td> <td style="padding: 2px 5px;">Yield</td> <td style="text-align: right; padding: 2px 5px;">2000 (Sqm)</td> </tr> <tr> <td style="padding: 2px 5px;">Torbay Trading Estate.</td> <td style="padding: 2px 5px;">"</td> <td style="text-align: right; padding: 2px 5px;">186 (Sqm)</td> </tr> <tr> <td style="padding: 2px 5px;">74 New Road.</td> <td style="padding: 2px 5px;">"</td> <td style="text-align: right; padding: 2px 5px;">93 (Sqm)</td> </tr> <tr> <td style="padding: 2px 5px;">Brixham Town Centre.</td> <td style="padding: 2px 5px;">"</td> <td style="text-align: right; padding: 2px 5px;">500 (Sqm)</td> </tr> <tr> <td style="padding: 2px 5px;">Total projected increase</td> <td style="padding: 2px 5px;">"</td> <td style="text-align: right; padding: 2px 5px;"><hr style="width: 50%; margin-left: auto; margin-right: 0;"/>979 (Sqm)</td> </tr> </table> <p>1. The whole of Brixham Town Centre lies within the Berry Head with Furzeham Ward as do all of the above potential employment opportunities.</p> <p>As a result of the current situation and the likely increases shown in housing numbers and employment numbers above, the workload of the three ward councillors has and will increase thus requiring Berry Head with Furzeham to remain a three member Ward.</p> <p>2. As previously mention there have been a few anomalies thrown up by the last Boundary Review:</p> <p style="padding-left: 40px;">(A) Numbers 17 to 27 Rea Barn Road (six houses, 16 electors) are allocated to St. Mary's with Summercombe Ward, whereas the remaining houses on either side of those six are allocated to the Berry Head with Furzeham and these should be moved.</p>	Wall Park Holiday Camp	173 homes	Fishcombe.	30. "	Kings Drive.	22. "	Douglas Avenue.	12. "	Town Centre.	25. "	Northcliffe Hotel Site.	15. "	Torbay Trading Estate.	15. "	Oxen Cove/Freshwater Quarry.	10. "	Brixham Police Station.	7. "	Total project increase. (Larger developments only.)	<hr style="width: 50%; margin-left: auto; margin-right: 0;"/> 310. "	Oxen Cove/Freshwater Quarry.	Yield	2000 (Sqm)	Torbay Trading Estate.	"	186 (Sqm)	74 New Road.	"	93 (Sqm)	Brixham Town Centre.	"	500 (Sqm)	Total projected increase	"	<hr style="width: 50%; margin-left: auto; margin-right: 0;"/> 979 (Sqm)
Wall Park Holiday Camp	173 homes																																			
Fishcombe.	30. "																																			
Kings Drive.	22. "																																			
Douglas Avenue.	12. "																																			
Town Centre.	25. "																																			
Northcliffe Hotel Site.	15. "																																			
Torbay Trading Estate.	15. "																																			
Oxen Cove/Freshwater Quarry.	10. "																																			
Brixham Police Station.	7. "																																			
Total project increase. (Larger developments only.)	<hr style="width: 50%; margin-left: auto; margin-right: 0;"/> 310. "																																			
Oxen Cove/Freshwater Quarry.	Yield	2000 (Sqm)																																		
Torbay Trading Estate.	"	186 (Sqm)																																		
74 New Road.	"	93 (Sqm)																																		
Brixham Town Centre.	"	500 (Sqm)																																		
Total projected increase	"	<hr style="width: 50%; margin-left: auto; margin-right: 0;"/> 979 (Sqm)																																		

From	Suggestions
	<p>(B) 21 Burton Street has been allocated to the Berry Head with Furzeham Ward, whereas all other houses in Burton Street are allocated to St Mary's with Summercombe and should be moved.</p>
<p>Councillors Bye (Wellswood Ward Councillor)</p>	<p>Just to say James & I discussed the Boundary Review issue with Wellswood Conservative Committee colleagues last evening & our/their view is very much along the lines of supporting a bigger three member Wellswood Ward (perhaps similar to the old Torwood Ward, including the Harbour, lower town centre, Abbey Road/St Lukes area) rather than losing a part of the existing Wellswood Ward to make a new more compact two member Ward.</p> <p>In any case it is absolutely my view there should be broad equality of members to electors & the current situation in Wellswood (& even more so in Shiphay/Willows) is completely unacceptable & I very much welcome this review. Every elector should be fairly & equally represented!</p> <p>The name of the Ward should be Torwood as before.</p>
<p>Councillor O'Dwyer (Wellswood Ward Councillor)</p>	<p>Having discussed this with constituents and my other Ward Councillor.</p> <p>I am of the opinion that the inclusion of the St Luke's area along with the Harbour area would make more sense in terms of community and similarities they share rather than the long conurbation of Tormohun.</p> <p>This increase of Wellswood Ward could also allow Cockington and Chelston to subsequently tidy up the bottom bit of Tormohun around Avenue road, Bridge road and Falkland road through to the Torre Abbey and Chestnut Avenue area and gain their required additional percentages.</p> <p>These two wards could then boarder each other at Abbey Sands/Kings Road or Sheddon Hill who whichever allows for more precise voter figures.</p> <p>Although how you subsequently title the Wellswood ward it is another thing with the current Wellswood but adding St Luke's and including the Warberry's area with the Harbour coming back in from the last boundary changes.</p>
<p>Councillors Mills and Stubley (Churston with Galmpton Ward Councillors)</p>	<p>Churston with Galmpton Ward.</p> <p>Both Cllr Stubley and myself are happy with the Ward boundaries as they exist at present. The only anomaly being it would be logical</p>

From	Suggestions
	to include Stabb Drive within our boundaries as it is landlocked from its existing Ward.
Councillor Parrott (Ellacombe Ward Councillor)	<p>In addition to the wider issues relating to demographics/JSNA/deprivation and councillor workload correlations that I raised yesterday, I would draw your attention to the following re Ellacombe Ward -</p> <p>Unlike some other wards, Ellacombe is a cohesive urban ward with a sound sense of its own identity. I suggest, therefore, that it will need comparatively little attention from the Commission.</p> <p>There are a few split roads along boundaries with St Marychurch and Wellswood that you may like to consider e.g. lateral division of Warboro Road, and divisions of Warberry Road West, and Alpine Road.</p> <p>In view of this, two councillors appears to be the appropriate number. If there is a need for minor adjustments to numbers of residents served, then some attention/adjustments to split roads identified above would satisfy such a need.</p>
Councillors Lewis (C), Sykes and Tolchard (Preston Ward Councillor)	<p>As one of the Councillors for Preston I wish to see the boundaries of the Ward remain as they are. The number of electors for the Ward are in line with the average for a three Councillor Ward. The Ward has a good community base and has a monthly magazine, The Beach Hut, which is circulated throughout the Ward.</p> <p>I have represented the Ward for over ten years and built up many community contacts over that period, it would be a shame to change the Ward of Preston.</p>
Councillor Thomas (D) (Blatchcombe Ward Councillor)	Consider moving part of Churston into Berry Head and move part of Blatchcome into Churston.
Councillor Kingscote (Shiphay with the Willows Ward Councillor)	<p>Move Hele Road from Shiphay with the Willows into Tormohun. Move the following from Shiphay with the Willows into Watcombe:</p> <ul style="list-style-type: none"> • Barton Hill Road up to the junction of Kingskerwell Road • Barton Hill Way • South Parks Road • Danvers Road • Erica Drive • Bottom Park Lane • Hatchcombe Lane • Beechfield Avenue • New Beechfield Avenue development <p>Kingskerswell Road to remain in Shiphay with the Willows.</p>

From	Suggestions
	<p>Move Hele Road to Tormohun. Move the following from Cockington with Chelston to Shiphay with the Willows:</p> <ul style="list-style-type: none"> • Shiphay Lane • Shiphay Avenue • Marldon Road (both sides of the road) • Shiphay Manor Road • Marlow Close • Queensway Crescent • Queensway Close • Heywood Close • Fletcher Close • Wordsworth Close • Queensway (from north of Wordsworth Close) • Upper Cockington Lane • School grounds but not Hawkins Avenue <p>This feedback is based on discussions with residents and where they feel their community is.</p>
<p>Councillor Tyerman (Goodrington with Roselands Ward Councillor)</p>	<p>Move the following from IC Goodrington with Roselands to RD Roundham with Hyde as they belong to Paignton Town Centre:</p> <ul style="list-style-type: none"> • Batson Gardens (33 - 36 and The Store – 6 properties, 6 electors) • Elmsleigh Road (91 properties, 115 electors) • Elmsleigh Park (45 properties, 60 electors) • Fisher Street (92 properties, 118 electors) • Dartmouth Road (near Roundham approximately 10 properties) <p>Consider moving polling district GA from Churston with Galmpton to Goodrington with Roselands (446 properties/809 electors).</p>
<p>Councillor Excell (Tormohun Ward Councillor)</p>	<p>Quarry in polling district LD in Tormohun should be moved to polling district HC in St Marychurch as you have to access it from that side. Move Newton Road from Torre Station onwards to Cockington with Cheston. Consider moving LE in Tormohun to Watcombe as they do not feel part of Tormohun (557 properties/743 electors). Stop Tormohun Ward at the Clock Tower at the Strand and move the rest into Wellswood.</p>
<p>Councillors Tyerman and Thomas (D)</p>	<p>The bottom of Brixham Road should be moved from AE to IA (even numbers after Tweenaway Cross – 21 properties) as they are on the opposite side of the road to the community they are currently in.</p>
<p>Tracey Cabache and Darren Cowell (Torbay)</p>	<p>Consider creating a Hele, Barton, Watcombe Ward with 3 Councillors with the boundary being Cricketfield Raod including Audley Avenue (see map A).</p>

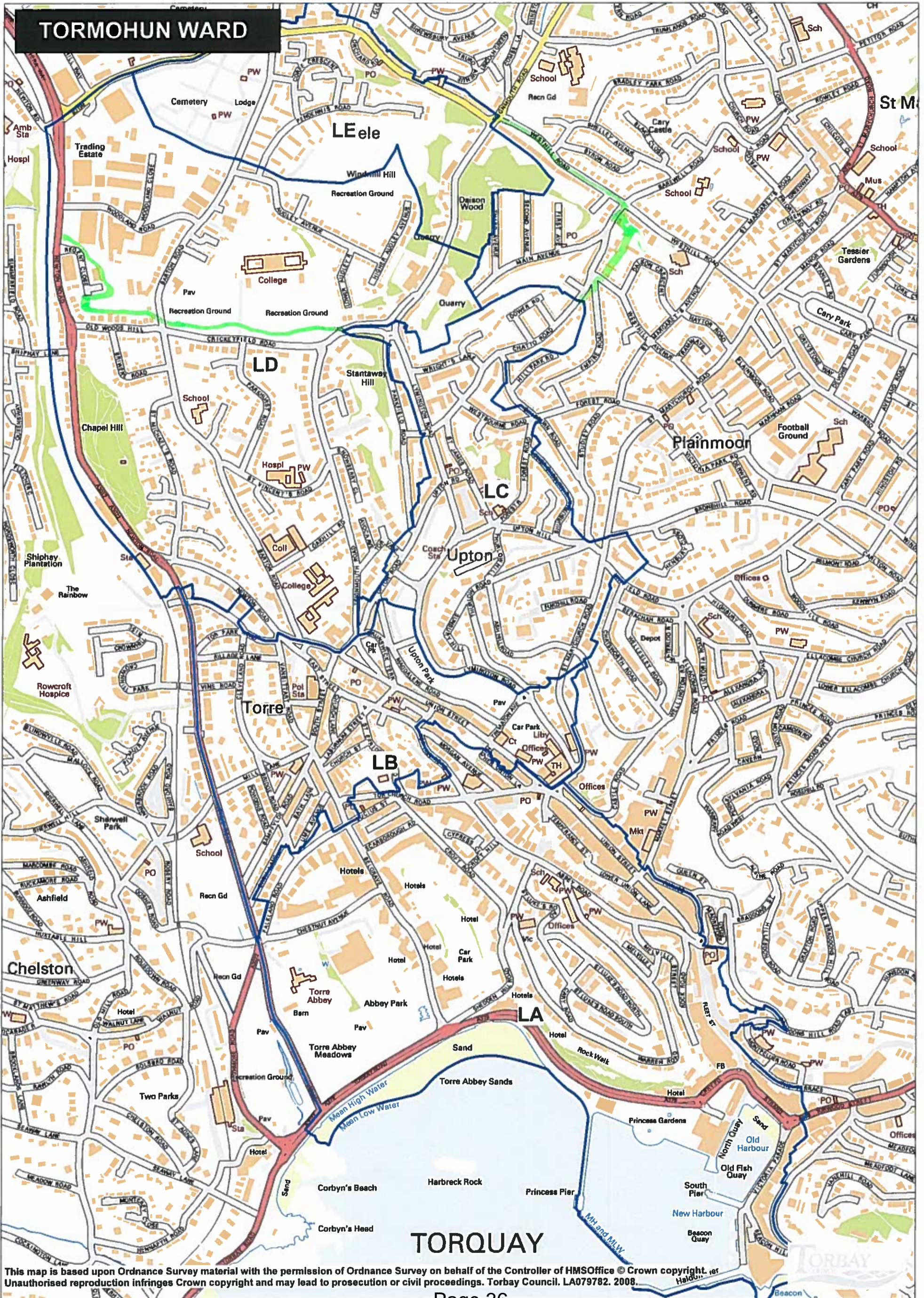
From	Suggestions
<p>Community Development Trust/ Community Partnerships)</p>	<p>Move the following from Ellacombe into Tormohun:</p> <ul style="list-style-type: none"> • Market Street • Queen Street • Castle Road • Madrepore Road <p>Consider an Ellacombe and Plainmoor Ward (see map B) Consider a Barton and the Willows Ward with 2 Councillors due to the high level of development in the area. New White Rock development has more linkages with Goodrington with Roseland than any other ward – consider including Borough Road and Tor Park Road in this area. Move area of IC in Goodrington with Roselands to Roundham with Hyde as this fits better with the natural communities of St Michaels (see maps C and D). Consider amending the Churston with Gampton Ward and Goodrington with Roselands Ward to align with the Goodrington, Roselands and Hookhills Community Partnership Area (see Map E). Consider making the following changes to the Ellacombe/Tormohun/Wellswood Wards (see map G – these were not supported by the Ward Councillors so were not implemented by the Community Partnerships) Consider making changes to the Preston Ward to reflect actual communities (although this may make the Ward too large) (see Map F).</p>
<p>Councillor Lewis (B) (Roundham with Hyde Ward Councillor)</p>	<p>Having been the Ward Councillor for just over two years I believe the boundaries should remain as they are for Roundham with Hyde. The number of electors appears to be on the average for a two Councillor Ward. There is a strong sense of community within the Ward and it would be a shame to break that up.</p>
<p>Councillor Darling (Watcombe Ward Councillor)</p>	<p>Watcombe Ward It strikes me as odd that Watcombe beach is not in the Ward. I would suggest including the coastal strip including Maiden combe in the ward.</p> <p>Reason – including all that is Watcombe in the Ward including Watcombe heights.</p> <p>You may also want to consider including the Willows in the Ward this may make it a three member ward.</p> <p>Reason – Riviera way is a natural ward boundary. Barton Hill Rd and Roads off are more related to the Barton & Watcombe community</p> <p>The willows are a single community that relates better to Barton.</p>

From	Suggestions
	<p>Shiphay & the Willows Ward If the Willows are taken out of this ward then it may need to expand to include the remainder of Shiphay and the lower part of Chelston. This may have the knock on effect of this may resulting in a Livermead and Cockington two member ward. Reason - This would more truly reflect local communities that are currently split.</p> <p>I do not see the logic of have whole town centres in one ward as the surrounding residential areas will relate to them.</p>
<p>Councillors Doggett and Sanders (Clifton with Maidenway Ward Councillors)</p>	<p>Some minor(ish) amendments:</p> <p>It is predicted that Clifton With Maidenway Ward will be -2% regarding population/ voters for the 2019 Election and -5% for the 2023 Election. This is because there will be little fresh provision of housing within the Ward. In reality there is only the former Police Station site, Blatchcombe. Road/Southfield Road, that will deliver some extra housing.</p> <p>Suggest we take in the Winner Street area, as it is adjacent to the Clifton With Maidenway Ward, and would give us an interest in the commercial affairs of the town given there are only two - a Spar and a takeaway - businesses within the current ward boundaries. It would be a natural addition to the ward as many traders assume they are within it, and their main footfall comes from residents who reside within it. We could also take in the opposite side of Cecil Road (22 properties, 45 electors) and if more numbers were needed Churchward Road (14 properties, 28 electors) as well.</p> <p>If there is a desire to move towards three member wards then taking in the whole town centre area currently within Roundham with Hyde, but not including the Roundham polling district, would be the logical way forward and if there is a need to reduce numbers, the Southfield, Laura areas have more in common with parts of the Preston Ward than anywhere else.</p> <p>We have assumed that because Blatchcombe Ward is in a different Parliamentary Constituency no changes with constituents in the Torbay Constituency would be contemplated, however, were it possible to swap with another constituency then the 2 Marldon Road properties, in CC TQ3 1JZ, numbers 154, 156 (4 electors), should be in Blatchcombe Ward (AD), as should the 2 Waterleat Road properties in CD (TA3 3UD) 133/ 140 (4 electors) and not in the Clifton with Maidenway Ward.</p>

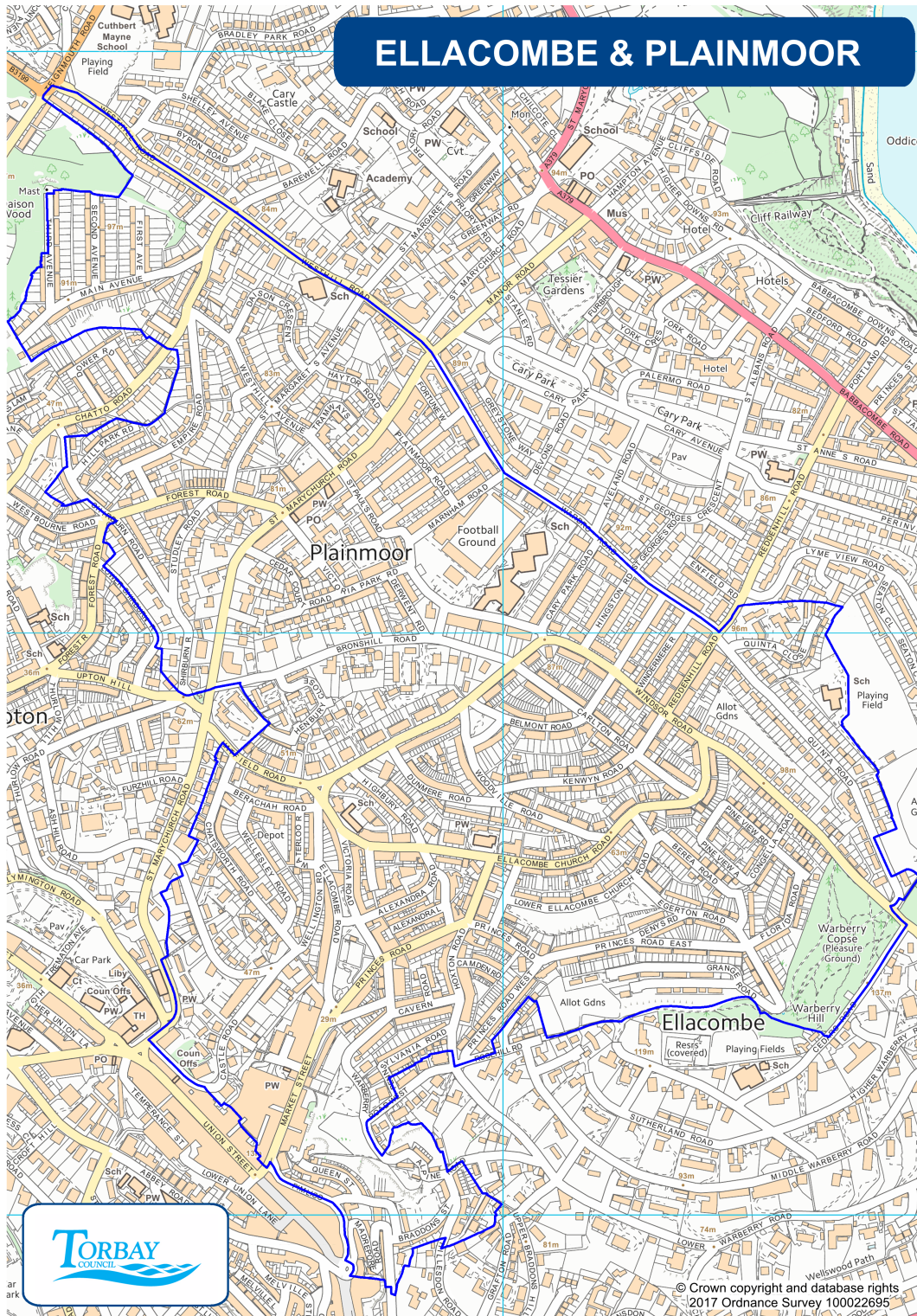
From	Suggestions
	<p>Other thoughts:</p> <p>The Residents of Torbay View (TQ3 3DE) in Colley End Park, at present in RD in Roundham and Hyde, would be better accessed / served if absorbed in Clifton With Maidenway CB (3 properties, 6 electors).</p> <p>The Winner Hill Road bit in Roundham and Hyde (1A, 3, - TQ3 3BS) would be better accessed / served within CliftonWith Maidenway.</p> <p>In Reverse, Dolphin Court, Dolphin Cresnet properties, CC district, odds 93, 95, evens 90, 92, 94, at present in Clifton With Maidenway Ward, should be moved to the Preston Ward.</p>

TORBAY COT / COMMUNITY PARTNERSHIP

FEEDBACK . MAP A.



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMS Office © Crown copyright 1987. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Torbay Council. LA079782. 2008.



TORBAY COT | COMMUNITY PARTNERSHIP FEEDBACK
MAP C

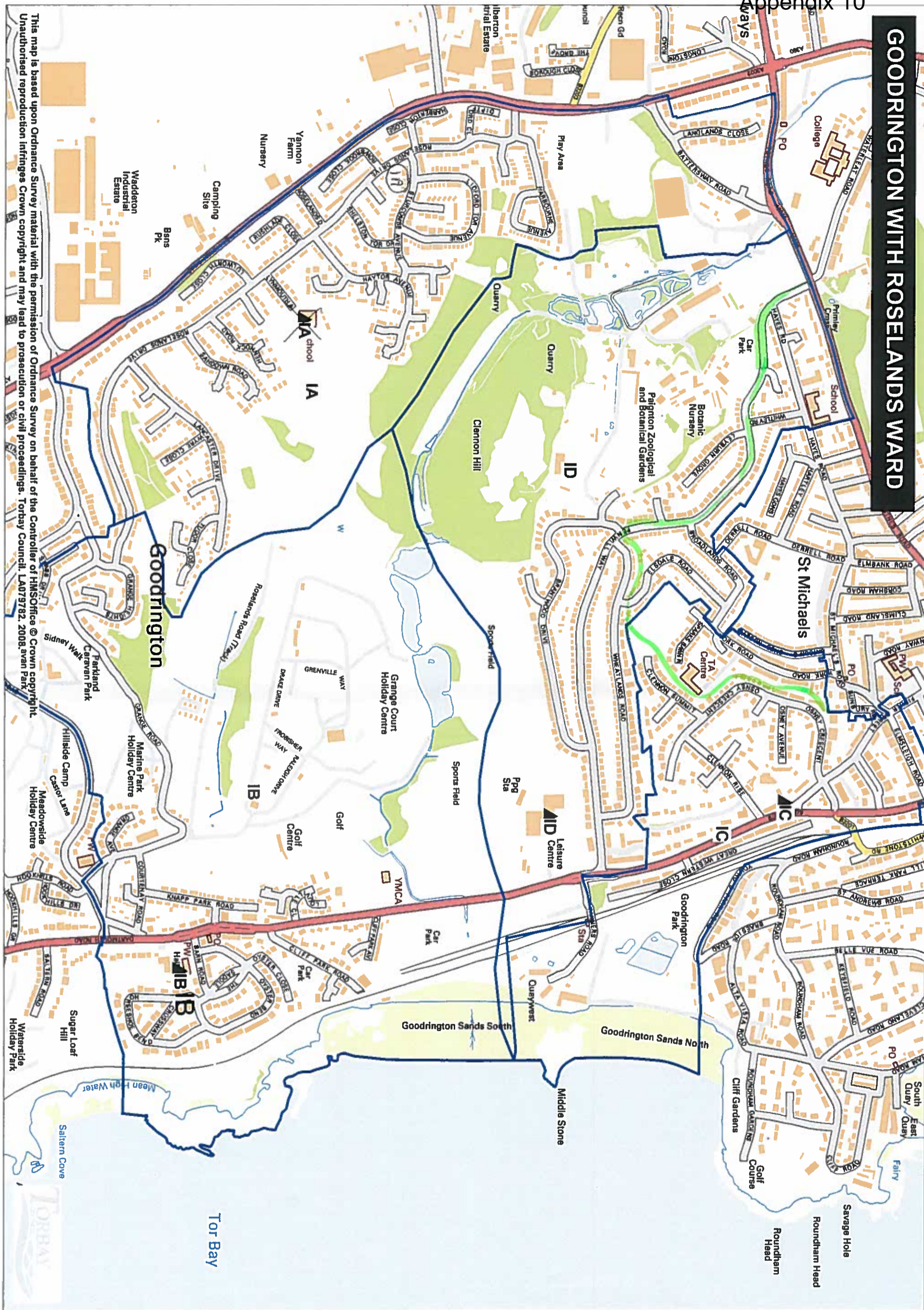
ROUNDHAM WITH HYDE WARD



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMS Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Torbay Council. LA079782. 2008.



GOODRINGTON WITH ROSELANDS WARD

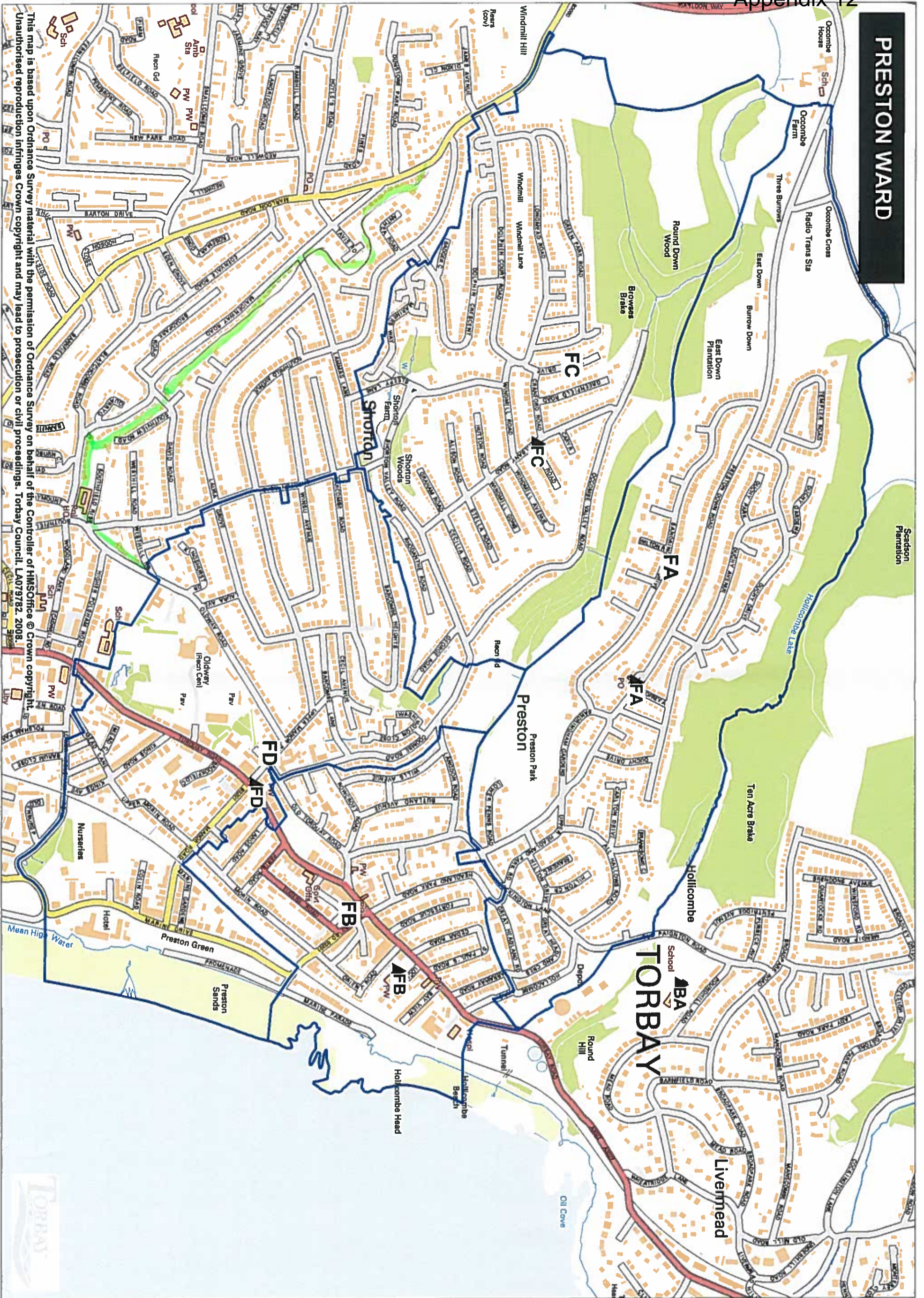


This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Torbay Council. LA079782. 2008. Swan Park.

GOODRINGTON, ROSELANDS AND HOOKHILLS COMMUNITY PARTNERSHIP AREA



PRESTON WARD



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO. Crown copyright. LA079782, 2008. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Torbay Council.

PROPOSED CHANGES TO THE TORQUAY COMMUNITY PARTNERSHIP AREA



TORQUAY

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMS Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Torbay Council. LA079782. 2010.

Record of Decision

Mayor's Response to the Council's Objections to the Review of Torbay Council Investment Fund Strategy

Decision Taker

Mayor on 27 July 2017

Decision

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

that the Council be recommended to approve the revised Investment Fund Strategy, including the additional £50m for the Investment Fund (making a total of £100m) to be funded from prudential borrowing (when required), set out in Appendix 1 to the submitted report.

Reason for the Decision

To respond to the Council's objections to the Review of Torbay Council Investment Fund Strategy. The Mayor does not wish to increase the amount of the Investment Fund as any rise will increase the level of risk to the Council in future years if the assets do not perform or if market value decreases. The Mayor does not wish to increase the level of delegation to the Investment Committee as he feels that such high value decisions (e.g. over £10m) should be made by all Councillors and not just the few who sit on the Investment Committee. He also feels that increasing levels further will impact on delivery of town centre regeneration as it will restrict the amount of money available for these projects.

Implementation

The Mayor's response to the Council's objections will be considered at the Council meeting on 13 September 2017.

Information

At the meeting of Council held on 20 July 2017, the Council formally objected to the adoption of the revised Investment Fund Strategy on the basis that:

1. The amount of money within the Investment Fund should be substantially increased beyond that recommended by the Mayor and the Investment Committee to enable the Council to realistically meet its goal of increasing revenue in support of the Council's budget; and
2. The level of authority delegated to the Investment Committee be substantially increased to support the ability to properly investigate opportunities and make timely decisions to be able to respond to the market. This will also provide a more efficient governance mechanism for effective decision-making.

In accordance with the Constitution at F4.9, the Council therefore requires the Mayor to consider this objection by 28 July 2017 and either:

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

amendments to the Council for its consideration; or

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

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

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

Yes – Reference Number: I029278

Does the call-in procedure apply?

No

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

None

Published

28 July 2017

Signed: _____
Mayor of Torbay

Date: 27 July 2017



Meeting: Council

Date: 8 August 2017

Wards Affected: All Wards

Report Title: Review of Torbay Council Investment Fund Strategy

Is the decision a key decision? Yes

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

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

1. Proposal and Introduction

- 1.1 At the meeting of Council held on 6 April 2017 Members approved a revised Investment Fund Strategy. This was to ensure that there was the greatest opportunity to maximise benefits income, diversify investments and spread risks.
- 1.2 The Investment Committee has further reviewed the Investment Fund Strategy and has recommended a few minor changes to the Strategy in light of lessons learned on previous investments.
- 1.3 This report also sets out the Mayor's response to the proposals from the original recommendation of the Investment Committee.
- 1.4 This report was presented to the Council meeting on 20 July 2017 where objections were made to the Mayor's proposals.
- 1.5 The Investment Committee met on 25 July 2017 and considered the Council's objection to the Investment Fund and Strategy and due to the passage of time since they previously considered the matter, they resolved unanimously 'that the Council be recommended to increase the level of the Investment Fund to £200m and the level of delegation to the Investment Committee to £25m.'
- 1.6 The Investment Fund Strategy is a Policy Framework Document and requires Council approval.

2. Reason for Proposal

- 2.1 To review the Investment Fund Strategy and the level of the Investment Fund.

3. Recommendation(s) / Proposed Decision

Recommendations from the Mayor:

- 3.1 That, subject to the level of the Investment Fund remaining at £50m, the Council be recommended to approve the revised Investment Fund Strategy, set out in Appendix 1 to the submitted report.

Revised Recommendations from the Investment Committee

- 3.2 That the Council be recommended to approve the revised Investment Fund Strategy, subject to the inclusion of an additional £150m for the Investment Fund (making a total of £200m) to be funded from prudential borrowing (when required), set out in Appendix 1 to the submitted report and that the level of delegation to the Investment Committee be increased to £25m.

Appendices

Appendix 1: Revised Investment Fund Strategy

Appendix 2: Record of Decision Review of Investment Fund Strategy

Background Documents

Revised Torbay Council Investment Fund Strategy – Council meeting 6 April 2017 – <http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=163&MId=6872&Ver=4>

Minutes of the Investment Committee 16 May 2017 –

<http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=658&MId=7774&Ver=4>

4. Supporting Information

- 4.1 The Investment Committee's reviewed the Investment Fund Strategy at its meeting held on 16 May 2017 (Investment Committee Minute 41/5/17 refers) and determined that the Strategy and its role should not be extended to cover regeneration projects as it felt that these were already being considered elsewhere with the final decisions being made by Council. This would not prevent them from considering regeneration opportunities that meet the requirements of the Investment Fund in terms of their generation of additional income to the Council.
- 4.2 The Committee has recommended a few minor changes to the Strategy in light of lessons learned on previous investments and these are included in the revised Investment Fund Strategy set out at Appendix 1 to this report.
- 4.3 The revised Strategy includes a VRP (Voluntary Revenue Provision) of 0.5% of the purchase price before costs (subject to at least annual review), which may be applied to investments to contribute towards the diminution of the value of assets. It also proposes lowering the Fund Management contribution to 0.25% of the purchase price before costs as previous investments have often involved a low level of management and this would be sufficient to cover such costs.

4.4 The Council has successfully purchased two large investments and it is requested that the Investment Fund pot be increased by £50m to £100m to enable the Council make further investments from this fund.



Fit
for
the
future

creating a prosperous and healthy Torbay

June 2017

Investment Fund Strategy

DRAFT Version 6

Investment Fund Strategy

1.1 Background

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

As clarification the following descriptions have been used:

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

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

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

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

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

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

1.2 Objective – Investment Fund

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

The improvement or development of the area will not be constrained by the boundaries of Torbay as there is an evidence base that demonstrates that investment within the South West Local Enterprise Partnership (LEP) Zone area has a positive impact on Torbay's economy. LEPs were established around functional economic boundaries which reflects both labour market and wider economic interdependence. This can be evidenced through the Heart of the South West Strategic Economic Plan (see <http://heartofswlep.co.uk/wp-content/uploads/2016/09/SEP-Final-draft-31-03-14-website-1.pdf>) and the Torbay Economic Strategy (see <http://www.torbay.gov.uk/DemocraticServices/documents/s35783/Torbay%20Economic%20Strategy.pdf>). However opportunities in any geographic location will be considered where it can be demonstrated that there is a benefit to, or improvement or development of Torbay. **This will not prevent the Council**

investing in national opportunities which have a sufficient yield by the Council or through a wholly owned company of the Council, if supported by the Monitoring Officer and the Head of Finance.

1.3 Scope

The maximum total level of investment shall be **£100m for the Investment Fund** ~~£50m to assist in diversifying the investment portfolio.~~

1.4 Strategy

This Policy Framework sets out that decisions to allocate monies in accordance with this policy are not Executive decisions, and the Council has previously delegated this to the Investment Committee who shall make all decisions up to £10m in respect of the General Investment Fund. The maximum individual investment to be approved by Investment Committee shall be £10m including estimated purchasing costs, however Full Council approval is not restricted in terms of value.

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

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

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

1.5 Minimum and maximum yield

	Investment held for asset life	Investments/assets held for defined period (maximum 10 years)
Minimum Yield Required (before costs)	2% above estimated borrowing costs (interest and MPR or if capital loan prevailing borrowing rates + 2%)	2% above estimated borrowing costs (interest only or if capital loan prevailing borrowing rates + 2%)

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

1.6 Sector spread

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

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

1.7 Locations

Torbay would be the preferred location for fresh acquisitions of investment properties, so that reinvestment is directly retained within the local economy and any additional capital expenditure is made in the local area. However, there is a finite and limited supply of property within the local area, and of that supply only a small proportion may be available for purchase at any time. The wider South West Local Enterprise Partnership area should also be considered for fresh acquisitions as there is an evidence base that demonstrates that investment in this area has a positive impact on Torbay's economy. However opportunities in any geographic location will be considered where it can be demonstrated that there is a benefit to, or improvement or development of Torbay. **This will not prevent the Council investing in national opportunities which have a sufficient yield by the Council or through a wholly owned company of the Council, if supported by the Monitoring Officer and the Head of Finance.**

We will consider opportunities for co investment with partner organisations of good financial and reputational standing.

1.8 Target assets

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

1. Leisure investments, such as public houses, restaurants and health & fitness centres will also be sought.
2. Mixed-use investments would also be potentially suitable additions to the portfolio. These may include a mixture of commercial uses or a mixture of retail and office use.
3. Residential investment – tends to be significantly more management intensive than the types of commercial property investment envisaged under this strategy and requires specialist residential management expertise, so are excluded from this strategy.

1.9 Assessment of risks

	Investment, Loans & Co Investment
Independent Valuation of asset	Yes (if applicable)
Condition Survey	Yes (if applicable)
Independent Assessment of Asset Life	Yes (if applicable)
Independent Assessment of Residual value	Yes (if applicable)
Security required	Yes if loan
“Green Book” Financial profile over life of asset (IRR)	Yes (if applicable)
Reputational Issues	No “sin” assets or tenants

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

Financial returns are modelled over a medium-term horizon of five years, based on proposed offer prices, to determine the acceptability of each investment, and can be compared against general market forecasts. Internal Rate of Return (IRR) calculations will be carried out to model the expected cash flows from each investment. The anticipated returns can be modelled on different bases to reflect the range of risks applicable in each case, to ensure that forecast returns properly reflect the measured risks. In this way a Business Case is put together to support each recommended property acquisition.

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

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

Asset-specific risks

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

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

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

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

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

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

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

to dispose of investments before unexpired lease terms reach terms of shorter than three years should be adopted or the leases to be renegotiated before this time.

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

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

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

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

1.10 Financial Assumptions

	Investment - Yield	Investment - Taxbase	Investment-loans & co investment
MRP (Minimum Revenue Provision)	50 years land and 40 years buildings or life of asset	50 years land and 40 years buildings or life of asset	As applicable
Interest Costs used in appraisal	New Borrowing Rates	New Borrowing Rates	New Borrowing Rates
SDLT & other purchase costs	Part of purchase price	Part of purchase price	-
*Fund Management Costs & ongoing client costs	0.50% 0.25% of purchase price	0.50% 0.25% of purchase price	0.50% 0.25% of loan or investment
“Green Book” Financial profile over life of asset (IRR)	Yes	Yes	Yes
**VRP (Voluntary Revenue Provision)	0.5% of purchase price	0.5% of purchase price	0.5% of purchase price - co-investment only

*Normally for each investment an annual payment of 0.5 **0.25%** of the purchase price or loan or investment, subject to a case by case evaluation and decision by the **Head of Finance** Chief Finance Officer, will be held in a central fund to cover the following:

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

****Consideration will be given in respect of each asset of a VRP (Voluntary Revenue Provision) of 0.5% of the cost of the purchase price before costs, which will be funded from the surplus income generated and placed in a reserve to contribute towards deminuation of the value of the asset etc. Reports will also include details in respect of paying off or writing off the purchase costs.**

*****The Chief Executive, in consultation with the Executive Lead for Finance, the Investment Committee and Chief Financial Officer is authorised to amend the Fund Management and VRP percentage parameters from time to time to ensure an adequate and prudent asset management strategy is maintained.**

Investment Fund Business Case for Investment

1. Investment Name and Address

2. Strategy Objective

2.1 “Investments – Yield”

2.2 “Investments – Tax Base”

2.3 “Other” for example “Investment- loans & co investment”

3. Compliance with Strategy Objective – Non-Financial:

- Sector and target assets
- Location
- Building specification
- Management and maintenance obligations
- Lease arrangements
- Quality of tenants

4. Compliance With Strategy Objective – Financial (Completion of Appendix with commentary as below):

- Purchase price with an independent valuation
- Estimated exit value and proposed timescale for disposal
- Building survey results
- Rental income assessed over asset life linked to assessment of future market trends of both the asset sector and location
- Outgoings **(to include how the purchase costs will be written off)**
- Estimated voids
- Cashflow - **table to include the following:**

A	Purchase Price	£,000	£,000	£,000	£,000,000
B	Purchase costs at ??%				
C	Total Purchase Price (A+B)				
D	Average Rental Income				
E	Finance costs @ ??% of total borrowed				
F	Write off of purchase costs				
G	Available Funds (D-E-F)				

H	Fund Management Costs & ongoing client costs (normally 0.25% of purchase price - A)				
I	MRP (if applicable)				
J	VRP (0.5% of purchase costs = G-H-I-J) (if applicable)				
K	Net Initial Yield				
L	Average Yield				

- Costs including stamp duty, legal fees, survey fees, letting costs
- Management and maintenance obligations
- ~~Internal Rate of Return (IRR) Calculation~~
- Diversity – how this investment fits in with existing investments and loans by sector

5. Legal Issues (to Include):

- Review of title and ownership
- Liabilities and restrictions

6. Risk Assessment

- Economic and Property Market
- Asset-specific –e.g. location, building quality, length of lease, financial strength of tenant, rent payable
- Environmental and regulatory
- Reputational

7. Recommendation

8. Review

- ~~Chief Finance officer~~ **Head of Finance**
- Monitoring officer

Record of Decision

Review of Investment Strategy

Decision Taker

Mayor on 28 June 2017

Decision

That, subject to the level of the Investment Fund remaining at £50m, the Council be recommended to approve the revised Investment Fund Strategy, set out in Appendix 1 to the submitted report.

Reason for the Decision

To review the Investment Fund Strategy and the level of the Investment Fund.

Implementation

The recommendations of the Mayor will be considered at the Council meeting on 20 July 2017.

Information

At the meeting of Council held on 6 April 2017 Members approved a revised Investment Fund Strategy. This was to ensure that there was the greatest opportunity to maximise benefits income, diversify investments and spread risks.

The Investment Committee has further reviewed the Investment Fund Strategy and has recommended a few minor changes to the Strategy in light of lessons learned on previous investments.

The Mayor considered the recommendation of the Policy Development and Decision Group made on 28 June 2017 and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

An alternative option was proposed by the Investment Committee as follows:

That the Council be recommended to approve the revised Investment Fund Strategy, including the additional £50m for the Investment Fund (making a total of £100m) to be funded from prudential borrowing (when required), set out in Appendix 1 to the submitted report.

Is this a Key Decision?

Yes – Reference Number: I029278

Does the call-in procedure apply?

No

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

Standards Committee)

None

Published

3 July 2017

Signed: _____
Mayor of Torbay

Date: 3 July 2017



Meeting: Council

Date: 8 August 2017

Wards Affected: All Wards

Report Title: Call-in of Mayor's Decision requesting a covenant protecting Churston Golf Course from development

Is the decision a key decision? No

When does the decision need to be implemented? once a decision has been made

Supporting Officer Contact Details: Anne-Marie Bond, Assistant Director Corporate and Business Services, anne-marie.bond@torbay.gov.uk / Martin Phillips, Head of Finance, martin.phillips@torbay.gov.uk

1. Proposal and Introduction

1.1 On 27 June 2016 the Mayor took the following decision:

“Petition requesting a covenant protecting Churston Golf Course from development and Monitoring Officer Report pursuant to Section 5 Local Government and Housing Act 1989

That following receipt of a valuation from the District Valuer dated 17 May 2017 which at paragraph 11 confirms that a 10 year covenant would not have an effect of the value of the Council's property interest in land comprising Churston Golf Course the Council enters into a deed of covenanting with the residents of Churston & Galmpton ward in the following terms:-

‘Torbay Council covenants with all inhabitants of the ward of Churston and Galmpton that for a period of **10 years** beginning on the date of this deed it will not on the land, shown edged in red on the plan attached to the submitted report to the Council meeting on 25 September 2014, known to be Churston Golf Course, allow any development of Churston Golf Course without any such proposal first obtaining the majority of votes in a referendum of the persons who at the day of the referendum would be entitled to vote as electors at an election of Councillors for the Churston and Galmpton Ward and are registered as local government electors at an address within this Ward. For the purposes of this covenant ‘development’ shall not include any development permitted under the terms of the lease between The Council of the Borough of Torbay and Churston Golf Club Limited dated 3 April 2003. Nothing contained or implied in this Deed shall prejudice or affect the exercise by the Council of its regulatory functions under the Town and Country Planning Act 1990 or any other statute or statutory instrument.’

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

In accordance with the Local Government Act 1972, the Mayor on behalf of the Council has all necessary information to make this Covenant. The covenant will then be appropriately registered with the Land Registry with immediate effect.”

- 1.2 The Mayor’s decision was called in for scrutiny and considered at the meeting of the Overview and Scrutiny Board held on 12 July 2017. An extract of their Minute is set out below:

“6. Petition requesting a covenant protecting Churston Golf Course from development

The Board considered the details of a call-in by seven Members of the Council of the decision of the Mayor to enter into a deed of covenant with the residents of Churston with Galmpton Ward for a period of 10 years in respect of land at Churston Golf Course.

The Call-in Promoter outlined that the decision had been published alongside a report issued by the Monitoring Officer pursuant to section 5 of the Local Government and Housing Act 1989. The Monitoring Officer’s report set out her view that the Mayor’s decision was outside the Council’s Budget and Policy Framework and was therefore ultra vires.

The Deputy Mayor read a letter from the Mayor to the Chairman of the Board asking that consideration of the call-in be deferred until he had responded to the Monitoring Officer’s report (which he was required to do within 21 days of it being issued).

Members of the Board indicated that they were minded to agree that the decision was contrary to the Council’s Budget and Policy Framework and, at that point, the Monitoring Officer provided advice to the Board.

Resolved: that, having heard the Monitoring Officer reconfirm her advice that the decision of the Mayor to place a covenant on the land at Churston Golf Course was contrary to the Policy Framework, the matter shall be referred to the Council in accordance with the Constitution.”

- 1.3 Members are requested to consider this report and firstly determine whether the decision if implemented would be contrary to Policy Framework or contrary to, or not wholly in accordance with the Budget.
- 1.4 The s.151 Officer has confirmed that there are no financial implications of the decision, and therefore it is his advice that the decision is in accordance with the Budget.
- 1.5 The advice of the Monitoring Officer is set out clearly in Appendix 2.
- 1.6 If Members determine that the decision, if implemented, would not be contrary to Policy Framework or contrary to, or not wholly in accordance with the Budget, they need to determine whether they wish to refer the decision back to the Mayor, setting out any concerns they have.
- 1.7 If Members determine that the decision, if implemented, would be contrary to Policy Framework or contrary to, or not wholly in accordance with the Budget, then the

decision shall be deemed as a recommendation to the Council and the Council itself shall take the final decision on the matter.

2. Reason for Proposal

- 2.1 To consider the recommendation of the Overview and Scrutiny Board and further information detailed in the submitted report.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Council considers the contents of this report (including appendices) in determining whether or not the Mayor's decision dated 27 June 2016 in respect of a covenant protecting Churston Golf Course from development is contrary to the Policy Framework or contrary to (or not wholly in accordance with) the Council's budget, and take any subsequent decisions that flow from their decision in this respect.

Appendices

- Appendix 1: Reasons for call-in Petition requesting a covenant protecting Churston Golf Course from development
Appendix 2: Monitoring Officer Report Issued pursuant to S.5 Local Government and Housing Act 1989
Appendix 3: District Valuer Letter 17 May 2017
Appendix 4: District Valuer Letter 29 June 2017
Appendix 5: Record of Decision Petition requesting a covenant protecting Churston Golf Course from development and Monitoring Officer Report pursuant to Section 5 Local Government and Housing Act 1989
-

4. Background Information

4. Background Information

- 4.1 The Overview and Scrutiny Board considered the call-in notice and the Monitoring Officer's Report issued pursuant to S.5 Local Government and Housing Act 1989 in respect of the Mayor's decision regarding entering into a deed of covenant with the residents of Churston with Galmpton Ward for a period of 10 years in respect of land at Churston Golf Course and concluded that the decision of the Mayor to place a covenant on the land at Churston Golf Course was contrary to the Policy Framework and therefore the matter will be referred to the Council in accordance with the Constitution.

5. Options

- 5.1 In accordance with the Standing Orders, the Council has to firstly to determine whether or not the decision (if implemented) would be contrary to Policy Framework or contrary to, or not wholly in accordance with the Budget (D10.7).
- 5.2 If the Council determines that the decision would not be contrary to the Budget and Policy Framework, the subsequent action they can take it to refer any decision to which it objects back to the decision maker together with the Council's views on that decision (D9.4C).

- 5.3 If the Council decides that the decision would be contrary to Policy Framework or contrary to, or not wholly in accordance with the Budget, the decision shall be deemed as a recommendation to the Council and the Council itself shall take the final decision on the matter.

Petition requesting a covenant protecting Churston Golf Course from development

Reasons for Call-in

The decision of the Mayor is contrary to the Policy Framework as, taking the advice of the District Valuer, the imposition of a covenant will restrict or reduce the current or future value of the land comprising Churston Golf Course.

As such, the Mayor is acting beyond his powers and against the specific advice of the Monitoring Officer.



Monitoring Officer Report Issued pursuant to s.5 Local Government and Housing Act 1989

3 July 2017

1. Introduction

- 1.1 In accordance with legislation and in accordance with the Council's Constitution, if I, as the Council's Monitoring Officer believe that any proposal, decision or omission by the Council (acting through the Executive or as the Council), has given rise to (or is likely to, or would give rise to) a contravention by the Council of "any enactment or rule of law" it is my duty to prepare a report ("a Monitoring Officer Report") on the matter.
- 1.2 I make this report believing that the decision of the Mayor dated 27 June 2017 is such a contravention.
- 1.3 As this report relates to a decision of the Mayor, it must be submitted to him. It must also be sent to every member of the Council.
- 1.4 In preparing a Monitoring Officer Report, I must, so far as is practicable, consult with the Chief Executive and the Chief Finance Officer. I have consulted with the Chief Executive, but it has not been possible to consult with the Chief Finance Officer due to his absence from the office on annual leave.
- 1.5 The Mayor must consider this report within 21 days of it first being sent to him and all members. The Mayor is under a duty to ensure that no step is taken to give effect to any decision to which this report relates until the end of the first business day after the day on which his consideration of the report is concluded and reported.
- 1.6 The Mayor must prepare a report setting out what action (if any) he has taken in response to this report; what action (if any) he proposes to take (and when); and his reasons for taking (or not taking) action. The Mayor must ensure that a copy of his report is sent to every member of the Council and myself as Monitoring Officer.

2. Contravention

- 2.1 The Council's Policy Framework, in the form of the Asset Management Strategy states that the Council shall not restrict or reduce the current or future value of its assets through the use of contractual restrictions, covenants, or peppercorn rents.
- 2.2 The Council is the freehold owner of the land comprising Churston Golf Course.
- 2.3 The Mayor can only make decisions which are not contrary to the Policy Framework and are not contrary to (or not wholly in accordance with) the Budget. This is set out in law within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Schedule 4, and as set out in the Constitution at F5.1;

"Executive functions may only take decisions that are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision that is contrary to the Policy Framework or contrary to (or not wholly in accordance with) the Budget approved by the Council, then ... that decision may only be taken by the Council."

2.4 Therefore the Mayor cannot make any decision in respect of the land comprising Churston Golf Course if it reduces the current or future value of it.

2.5 The Mayor has previously sought to impose a 100 year covenant on the land at Churston Golf Course on the following terms;

'Torbay Council covenants with all inhabitants of the ward of Churston and Galmpton that for a period of 100 years beginning on the date of this deed it will not on the land, shown edged in red on the plan attached to the submitted report, known to be Churston Golf Course, allow any development of Churston Golf Course without any such proposal first obtaining the majority of votes in a referendum of the persons who at the day of the referendum would be entitled to vote as electors at an election of Councillors for the Churston and Galmpton Ward and are registered as local government electors at an address within this Ward. For the purposes of this covenant 'development' shall not include any development permitted under the terms of the lease between The Council of the Borough of Torbay and Churston Golf Club Limited dated 3 April 2003. Nothing contained or implied in this Deed shall prejudice or affect the exercise by the Council of its regulatory functions under the Town and Country Planning Act 1990 or any other statute or statutory instrument.'

2.6 However ultimately the Mayor withdrew his decision on 17 December 2015, although the Mayor's wish to place a covenant on the land remains on the Council's Forward Plan.

2.7 More recently the Mayor requested that Officers explore whether a covenant of a shorter period would result in a diminution of the value of the land at Churston Golf Course, and consequently the District Valuer was instructed to advise.

2.8 The District Valuer (DV) prepared his advice, as contained within a letter dated 17 May 2017 (attached as appendix 1). On 27 June 2017, I met with the Mayor and Deputy Mayor to discuss this advice, together with Liam Montgomery, Head of Asset Management within the TDA.

2.9 Within this meeting it was discussed that within the words used in Paragraph 11 of the DVs letter, there was a contradiction, highlighted in yellow as set out below;

"I have also been asked about the effect of a shorter period of time that a restricted covenant would last for and the effect on value. In my opinion a restrictive covenant of 5 years or less would probably have a negligible effect on value. My reasoning for this is that any development of the site is going to be a long term project with several hurdles to overcome. I think that once the term of the restrictive covenant is above 10 years there would be an effect on value."

It was agreed that the TDA would revert to the DV and ask that he consider this wording.

2.10 Consequently the DV issued a revised letter on 29 June 2017 (attached as appendix 2), and I met with the Mayor at 5pm on the same day and provided him with a copy. In respect of Paragraph 11 this stated;

“I have also been asked about the effect of a shorter period of time that a restricted covenant would last for and the effect on value. In my opinion a restrictive covenant of 5 years or less would still have a negative effect on value although this is likely to be minimal. My reasoning for this is that any development of the site is going to be a long term project with several hurdles to overcome. I think that once the term of the restrictive covenant is above 5 years, there would be a measurable negative effect on value.”

2.11 I advised the Mayor that the advice from the DV was now absolutely clear that the imposition of any covenant, irrespective of length, would result in a diminution in value of the asset. As such it was contrary to the Corporate Asset Management Plan which is a Policy Framework document, and therefore the Mayor could not make a decision to impose a covenant. The Mayor asked that further questions be submitted to the DV.

2.12 Shortly after returning to my office, the Mayor arrived and handed to me a Record of Decision dated 27 June 2017 (attached as appendix 3), placing a covenant on the land comprising of Churston Golf Course for a period of 10 years. It should be noted that the Record of Decision that the Mayor has signed does not accord in its entirety with Standing Orders in relation to Access to Information, namely E17.

2.13 I firmly advised the Mayor that he could not make the decision and that as Monitoring Officer I am required to advise all Councillors that such a decision was outside his powers as it was contrary to the Policy Framework. The Mayor acknowledged my advice, but confirmed that he was making the decision, and asked that it be published.

2.14 I have re-affirmed my advice to the Mayor earlier today, when I advised him as to the contents of this report, and the process that would now follow.

3. Conclusion

3.1 The Mayor is seeking to make a decision that is unlawful as it is ultra vires (i.e. outside of his powers). The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Schedule 4 is clear that the Mayor cannot make a decision which is contrary to Policy Framework.

3.2 The revised letter of the DV does not, in my opinion, leave any ambiguity nor room for interpretation. The imposition of a covenant of any duration on the land at Churston Golf Club will result in a reduction in the value of the asset.

3.3 As such it is my clear belief that the Mayor's decision has given rise to a contravention of a rule of law, and therefore it is my duty to prepare this report and submit it to the Mayor and all Councillors.

Anne-Marie Bond
Monitoring Officer

Appendix 1 : District Valuers Letter of 17 May 2017
Appendix 2 : District Valuers Letter of 29 June 2017
Appendix 3 : Decision of the Mayor dated 27 June 2017

Valuation Office Agency
Longbrook House
New North Road
Exeter
Devonshire EX4 4GL

Mr P Palmer MRICS
Estates Manager
Torbay Development Agency
3rd Floor Tor Hill House
Union Street
TORQUAY
TQ2 5QW

Our Reference : AD/CAY/ 1634558
Your Reference :

Please ask for : Andrew Doak
Tel : 03000 500143
Mobile : 07850 795882
E Mail : andrew.doak@voa.gsi.gov.uk

Date : 17 May 2017

Dear Paul

Churston Golf Course
Dartmouth Road, Churston Ferrers, TQ5 0LA

1. I refer to your instructions dated 4 May 2017 and my terms of conditions dated 5 May 2017 in respect of this case. This letter should be treated as an addendum to my valuation report in respect of Churston Golf Club dated 3 February 2016 under case reference 1574234. This note extends and adds to the scope of advice provided in that report.
2. There are two parts to the advice you have requested; Part 1 relates the 1972 conveyance of the golf course land to Torbay Council and specifically clause 4 of that conveyance document. Part 2 is to consider whether a restrictive covenant imposed on the land lasting 30 years would change the restricted value of the property compared to a covenant for 100 years.
3. The conveyance is dated 20 December 1972 and is between Churston Golf Club as Vendor, Messrs Rawlence, Young & Bailey as Trustees, Woodcote (Guernsey) Investment Co Ltd as the Company and Torbay Council as Purchaser. The sale price for the land was £125,000. I have not seen a plan of the conveyance as it was not attached to the conveyance document and I have therefore assumed that the conveyance covers the whole of the golf course broadly as it exists now.
4. The conveyance is written in standard legal language so I will set out the terms as I broadly understand them. The conveyance creates a covenant that is for the benefit of the Trustees who own land adjoining the land included in the conveyance. The covenant will bind any future owner of the land as it passes with the land. It binds the purchase to use the land in such a way that there will always be an 18-hole golf course on part of the land. There is no mention of the length of the course required in this conveyance, although the subsequent lease under which the golf club currently occupies the course provided for a golf course of 18 holes and minimum length 6,000 yards. The Clause goes on to say that the provision of the golf course is required until such time as there is no public demand for a golf course. Any dispute on establishing whether public demand still exists can be referred to Arbitration. The conveyance does not define the criteria defining public demand nor when those criteria are met.

5. The covenant does not restrict the purchaser to maintain the existing boundaries of the Course, but does require the course to be of at least the same standard as the current one. I assume that the phrase "same standard" would imply that the replacement course would have to be of similar length, have a similar par score, of equal number of holes and be in the same locality as the current course.
6. The Clause then goes on to say that it will not be a breach of the covenant for the purchaser to sell Parcel OS4259. It also states that if Parcel OS4259 is disposed of, the purchaser will procure re-siting of the lost facilities in such a manner so as to produce a golf course and buildings no less suitable than the current facilities. I understand that Parcel OS4259 is the parcel of land that currently houses the Club House, 1st and 18th greens and the ancillary facilities such as the training school.
7. Essentially this Clause reinforces the use of the land as a golf course with the parcel that was subject to the potential sale to Bloor Homes being out-with the covenant. However the disposal of this land (Parcel OS4259) means that other work is required to maintain the golf course to the current standard within the remaining boundaries or by the acquisition of further land. It is perhaps worth mentioning that Clause 5 is a claw-back clause that provides for any increase in value on a sale of Parcel OS4259 to be divided between Torbay Council and Woodcote Guernsey Investment Co Ltd.
8. It is difficult to see that Clause 4 of the 1972 conveyance changes the current situation, because it always envisaged the possibility of development of Parcel OS4259 and the reality is that proposals have been in place to sell the land. The other issues however, mainly around access to other parts of the course for a replacement Club House etc. have not changed and this covenant does nothing to change those issues. Therefore, in my opinion, Clause 4 of the 1972 Conveyance does not change any of the opinions of value expressed in my previous report.
9. The second issue is the effect of the 30 year covenant against disposal of any part of the golf course for redevelopment unless it is approved by a Referendum of the local residents of Churston and Galmpton. My valuation of the restricted value of the golf course subject to the 100 year covenant took a discount from the development value to reflect the risk of the vote of the local population going against the proposals for development, over the next 100 years. The risk of a negative vote does not change but the risk profile changes slightly if the covenant period is reduced from 100 years (that is, near perpetuity) to a shorter period. By discounting the unrestricted value of the golf course with the potential for redevelopment over 30 years I arrive at a valuation of £785,000 as opposed to £618,500 reported in my previous valuation report.
10. Therefore, in my opinion this difference between £618,500 and £785,000 reflects the difference in value between a covenant against development for 100 years and a covenant against development for 30 years.
11. I have also been asked about the effect of a shorter period of time that a restricted covenant would last for and the effect on value. In my opinion a restrictive covenant of 5 years or less would probably have a negligible effect on value. My reasoning for this is that any development of the site is going to be a long term project with several hurdles to overcome. I think that once the term of the restrictive covenant is above 10 years, there would be an effect on value. This would be proportional to the length of the covenant, so the shorter the duration of the covenant the less effect on value, the longer the duration of the covenant the greater the discount to the unrestricted value.

12. I trust that this letter will give you the advice you need in respect of the above matter.
Should you require any further explanation or further advice please do not hesitate to get in touch and I will be pleased to assist further.

Yours sincerely

D Andrew C Doak BSc MRICS
Senior Surveyor
RICS Registered Valuer
DVS

Valuation Office Agency
Longbrook House
New North Road
Exeter
Devonshire EX4 4GL

Mr P Palmer MRICS
Estates Manager
Torbay Development Agency
3rd Floor Tor Hill House
Union Street
TORQUAY
TQ2 5QW

Our Reference : AD/CAY/ 1634558
Your Reference :

Please ask for : Andrew Doak
Tel : 03000 500143
Mobile : 07850 795882
E Mail : andrew.doak@voa.gsi.gov.uk

Date : 29 June 2017

Dear Paul

Churston Golf Course
Dartmouth Road, Churston Ferrers, TQ5 0LA

1. I refer to your instructions dated 4 May 2017 and my terms of conditions dated 5 May 2017 in respect of this case. This letter should be treated as an addendum to my valuation report in respect of Churston Golf Club dated 3 February 2016 under case reference 1574234. This note extends and adds to the scope of advice provided in that report.
2. There are two parts to the advice you have requested; Part 1 relates the 1972 conveyance of the golf course land to Torbay Council and specifically clause 4 of that conveyance document. Part 2 is to consider whether a restrictive covenant imposed on the land lasting 30 years would change the restricted value of the property compared to a covenant for 100 years.
3. The conveyance is dated 20 December 1972 and is between Churston Golf Club as Vendor, Messrs Rawlence, Young & Bailey as Trustees, Woodcote (Guernsey) Investment Co Ltd as the Company and Torbay Council as Purchaser. The sale price for the land was £125,000. I have not seen a plan of the conveyance as it was not attached to the conveyance document and I have therefore assumed that the conveyance covers the whole of the golf course broadly as it exists now.
4. The conveyance is written in standard legal language so I will set out the terms as I broadly understand them. The conveyance creates a covenant that is for the benefit of the Trustees who own land adjoining the land included in the conveyance. The covenant will bind any future owner of the land as it passes with the land. It binds the purchase to use the land in such a way that there will always be an 18-hole golf course on part of the land. There is no mention of the length of the course required in this conveyance, although the subsequent lease under which the golf club currently occupies the course provided for a golf course of 18 holes and minimum length 6,000 yards. The Clause goes on to say that the provision of the golf course is required until such time as there is no public demand for a golf course. Any dispute on establishing whether public demand still exists can be referred to Arbitration. The conveyance does not define the criteria defining public demand nor when those criteria are met.

5. The covenant does not restrict the purchaser to maintain the existing boundaries of the Course, but does require the course to be of at least the same standard as the current one. I assume that the phrase "same standard" would imply that the replacement course would have to be of similar length, have a similar par score, of equal number of holes and be in the same locality as the current course.
6. The Clause then goes on to say that it will not be a breach of the covenant for the purchaser to sell Parcel OS4259. It also states that if Parcel OS4259 is disposed of, the purchaser will procure re-siting of the lost facilities in such a manner so as to produce a golf course and buildings no less suitable than the current facilities. I understand that Parcel OS4259 is the parcel of land that currently houses the Club House, 1st and 18th greens and the ancillary facilities such as the training school.
7. Essentially this Clause reinforces the use of the land as a golf course with the parcel that was subject to the potential sale to Bloor Homes being out-with the covenant. However the disposal of this land (Parcel OS4259) means that other work is required to maintain the golf course to the current standard within the remaining boundaries or by the acquisition of further land. It is perhaps worth mentioning that Clause 5 is a claw-back clause that provides for any increase in value on a sale of Parcel OS4259 to be divided between Torbay Council and Woodcote Guernsey Investment Co Ltd.
8. It is difficult to see that Clause 4 of the 1972 conveyance changes the current situation, because it always envisaged the possibility of development of Parcel OS4259 and the reality is that proposals have been in place to sell the land. The other issues however, mainly around access to other parts of the course for a replacement Club House etc. have not changed and this covenant does nothing to change those issues. Therefore, in my opinion, Clause 4 of the 1972 Conveyance does not change any of the opinions of value expressed in my previous report.
9. The second issue is the effect of the 30 year covenant against disposal of any part of the golf course for redevelopment unless it is approved by a Referendum of the local residents of Churston and Galmpton. My valuation of the restricted value of the golf course subject to the 100 year covenant took a discount from the development value to reflect the risk of the vote of the local population going against the proposals for development, over the next 100 years. The risk of a negative vote does not change but the risk profile changes slightly if the covenant period is reduced from 100 years (that is, near perpetuity) to a shorter period. By discounting the unrestricted value of the golf course with the potential for redevelopment over 30 years I arrive at a valuation of £785,000 as opposed to £618,500 reported in my previous valuation report.
10. Therefore, in my opinion this difference between £618,500 and £785,000 reflects the difference in value between a covenant against development for 100 years and a covenant against development for 30 years.
11. I have also been asked about the effect of a shorter period of time that a restricted covenant would last for and the effect on value. In my opinion a restrictive covenant of 5 years or less would still have a negative effect on value although this is likely to be minimal. My reasoning for this is that any development of the site is going to be a long term project with several hurdles to overcome. I think that once the term of the restrictive covenant is above 5 years, there would be a measurable negative effect on value. This would be proportional to the length of the covenant, so the shorter the duration of the covenant the less effect on value, the longer the duration of the covenant the greater the discount to the unrestricted value.

12. I trust that this letter will give you the advice you need in respect of the above matter.
Should you require any further explanation or further advice please contact me.

Yours sincerely

D Andrew C Doak BSc MRICS
Senior Surveyor
RICS Registered Valuer
DVS

Record of Decisions

Petition requesting a covenant protecting Churston Golf Course from development

Decision Taker

Mayor on 27 June 2017

Decision

That following receipt of a valuation from the District Valuer dated 17 May 2017 which at paragraph 11 confirms that a 10 year covenant would not have an effect of the value of the Council's property interest in land comprising Churston Golf Course the Council enters into a deed of covenanting with the residents of Churston & Galmpton ward in the following terms:-

'Torbay Council covenants with all inhabitants of the ward of Churston and Galmpton that for a period of **10 years** beginning on the date of this deed it will not on the land, shown edged in red on the plan attached to the submitted report to the Council meeting on 25 September 2014, known to be Churston Golf Course, allow any development of Churston Golf Course without any such proposal first obtaining the majority of votes in a referendum of the persons who at the day of the referendum would be entitled to vote as electors at an election of Councillors for the Churston and Galmpton Ward and are registered as local government electors at an address within this Ward. For the purposes of this covenant 'development' shall not include any development permitted under the terms of the lease between The Council of the Borough of Torbay and Churston Golf Club Limited dated 3 April 2003. Nothing contained or implied in this Deed shall prejudice or affect the exercise by the Council of its regulatory functions under the Town and Country Planning Act 1990 or any other statute or statutory instrument.'

In accordance with the Local Government Act 1972, the Mayor on behalf of the Council has all necessary information to make this Covenant. The covenant will then be appropriately registered with the Land Registry with immediate effect

Reason for the Decision

To implement the Mayor's Decision of 4 December 2014.

Implementation

This decision will come into force and may be implemented on 12 July 2017 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

At the Council meeting held on 4 December 2014 the Mayor decided to make a 100 year covenant.

At that stage the Mayor's legal advice was that he was required to specifically refer the disposal to the Secretary of State. This he did, but the Secretary of State subsequently confirmed the Mayor was entitled to use the General Disposal Consent and no such referral was in fact required.

The Mayor's legal advice was then to use the General Disposal Consent. This he did, but on the day satisfactory information was provided to the Mayor to allow him to rely on said consent the Council amended its constitution removing the Mayor's ability to implement the decision.

The Mayor continues to be able to make decisions on covenants where there is no value impact. The Mayor has been advised by the District Valuer that a 10 year covenant will not have a value impact. Accordingly, the Mayor has made a 10 year covenant.

The Mayor's decision is set out above.

Alternative Options considered and rejected at the time of the decision

Alternatives were considered.

One alternative considered was that the Mayor should move away from the clear commitment he has at all times made to the residents of Churston and Galampton and deny them a covenant. The Mayor does not prefer this option particularly when other covenants have recently been made for the people of Torquay in relation to Windmill Hill.

Another alternative considered was to revisit the previous circumstances which prevented the original 100 year covenant being implemented. The Mayor does not prefer this option either. On balance and having considered all the options the Mayor has determined a 10 year covenant is in the interest of Torbay as a whole.

Is this a Key Decision?

No.

Does the call-in procedure apply?

Yes.

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

None.

Published

3 July 2017

Signed: _____
Mayor of Torbay

Date: 27 June 2017