



Clerk: June Gurry
Telephone: 01803 207013
E-mail address: governance.support@torbay.gov.uk
Date: Tuesday, 16 October 2018

Governance Support
Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Member

COUNCIL - THURSDAY, 18 OCTOBER 2018

I am now able to enclose, for consideration at the Thursday, 18 October 2018 meeting of the Council, the following reports that were unavailable when the agenda was printed.

| Agenda No | Item | Page |
|------------------|--|-------------------|
| 6. | Public question time | (Page 123) |
| 7. | Members' questions | (Pages 124 - 127) |
| 14. | Composition and Constitution of Executive and Delegation of Executive Functions (revised) | (Pages 128 - 137) |

Yours sincerely

June Gurry
Clerk

Statement for Council Meeting – 18 October 2018

We, the trustees of Torbay Coast & Countryside Trust, wish to speak to you regarding the proposal to use compulsory purchase powers to force the Trust to surrender land and urge the Council to seek negotiated settlements instead.

We believe that compulsory purchase has considerable risks, which have been down-played in the report to Council:

- a) It is not guaranteed to be cheaper for the Council than a negotiated settlement;
- b) It will severely damage relations, undermine trust and destroy any sense of partnership between the Council and the Trust.
- c) Lastly, we believe that CPO could lead to the overall failure of the Trust.

We believe that fair negotiated settlements are vital if the Trust is contribute to the future success of Torbay. Fair settlement would put the Trust on a firm financial footing. It would us turn Ocombe Farm into a profitable retail and visitor enterprise, providing substantial revenue for the Trust.

In respect of Preston Down Road, a settlement appears possible. Our respective agents have agreed a figure (within a range approved by the District Valuer) and the trustees are minded to settle. We therefore ask the Council for an offer in writing rather than wasting resources on compulsory purchase preparations.

In respect of Little Blagdon Farm, the Trust has not been in 'ongoing discussions' regarding early surrender for many years. Rather, we remind you that Little Blagdon Farm was leased to the Trust until 2059 as compensation for land given up at Ocombe for Suttons Seeds. At the time, the Council down-played the likelihood of breaking the lease after fifteen years and the Trust has invested in the land on the basis that we would be farming this land until 2059.

The loss of Little Blagdon Farm will cripple the Trust's farming operation, an operation through which 38% of the leased land is managed without recourse to council funding. We have therefore asked officers to prioritise sourcing alternative land over financial compensation. Progress has been frustratingly slow and we now urge you to recognise the consequences if alternative land is not found.

We assure you that the Trust will continue to work with the Council as long as matters are handled in a collaborative manner. However, please understand that we will resist most strongly any action that seeks to force the Trust to surrender land.

Agenda Item 7

Meeting of the Council, Thursday, 18 October 2018

Questions Under Standing Order A13

A member may only submit three questions for consideration at each Council Meeting. Each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn. The time for member's questions will be limited to a total of 30 minutes.

| | |
|---|---|
| Question (1) by Councillor Darling (S) to the Executive Lead for Adults (Councillor Parrott) | What is Torbay Council doing to support Purple Angel's day centre for people with dementia? |
| Question (2) by Councillor Long to the Executive Lead for Community Services (Councillor Excell) | Residents on Great Hill Road, Torquay, and the surrounding area have described that they are living in fear due to the speeding traffic issues outside their properties. At the Full Council Meeting on 19th July 2018, a motion was tabled regarding those traffic issues by Councillor Darling (S) and myself. I understand that this motion was delegated to the Executive Head for Business Services to respond to. When might a decision be made in relation to this motion? |
| Question (3) by Councillor Tyerman to the Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (Elected Mayor Oliver) | Why is it that the Toilet provision in the central area of Goodrington Beach has been closed and is being removed when the Mayor gave assurances to the local community that such provision was a condition of granting the lease to Whitbread which led to the demolition of the previous toilet block and made it clear in a published decision which has not been rescinded that toilet provision in the central area of Goodrington Beach would remain in place. |
| Question (4) by Councillor Carter to the Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (Mayor Oliver) | On the 19 April 2018 Full Council meeting the following decision was made about Crossways Paignton This Council notes that the Crossways arcade and car park continues to be a blot on Paignton town centre and was identified as the number one issue by residents taking part in a recent survey conducted by Paignton Liberal Democrats. It is noted that Council has already, in October 2016, passed a motion which was proposed by Councillor Haddock and seconded by Councillor Robson authorising the Director of Corporate and Business Services to consider the acquisition or compulsory purchase of this site. Furthermore, Council reinforced this decision in April 2017 when, as part of the Transformation Project for Town Centre, it was adopted into the Council's Policy Framework |

| | |
|---|---|
| | <p>the Transformation Strategy for Torbay Town Centres as an appendix to the Torbay Economic Strategy. The responsibility clearly lies with the Town Centre Regeneration Board. Therefore, Council now instructs the Town Centre Regeneration Board to undertake, as a high priority, investigation of the acquisition by the Council of the Crossways site and to determine the best use of the site considering both financial and strategic aspects. The Town Centre Regeneration Board to make recommendations to the Council as soon as possible with the preferred options of the redevelopment of the Crossways site.</p> <p>I understand that this has now been transferred to the Investment and Regeneration Committee following the disbanding of the Town Centre Regeneration Board and an update is due to go to Committee on 16 October 2018, just prior to this meeting. Can you please explain why such a report has taken six months to prepare, when this blot on the landscape should be seen as the highest priority to resolve in Paignton?</p> |
| <p>Question (5) by Councillor Pentney to the Executive Lead for Community Safety (Councillor Excell)</p> | <p>The following motion about vehicles blocking the highway on the road down to Oddicombe beach was referred to the Mayor at Council on 19 July 2018:</p> <p>This Council notes the following freedom of information request in respect of Oddicombe Cliff Road.</p> <p>“This bank holiday Monday afternoon there was a lot of irresponsible parking on this stretch of road from Babbacombe Downs to the Beach. Pedestrian footways were blocked by cars and vehicles had to drive on the pavement to gain access to the beach. As you know there is signage stating no parking beyond this point March to September.</p> <ol style="list-style-type: none"> 1. Are these restrictions enforceable? <p style="margin-left: 40px;">No. I believe these signs relate to the area which is not highway.</p> 2. If yes, how many tickets have been issued at this location in the last 12 months? <p style="margin-left: 40px;">N/A</p> 3. What is the planned parking enforcement regime over this summer? <p style="margin-left: 40px;">As advised above, parking restrictions are not in place to enable parking enforcement. If enforcement was to occur there will need to be a restriction. Also consideration as to how the beach land can be enforced. Colleagues in the Highways Team will be able to advise on the process to ensure this area of highway down to the beach can be enforced. I am aware this will require the writing of a traffic regulation order and consideration as to the signage and/or lines. The area which is classed as beach land can only be managed by locking the area to restrict access to vehicles.”</p> |

| | |
|---|--|
| | <p>This Council understands that last summer on at least two occasions' emergency medical staff had to use the cliff rail way to gain access to a patient at Oddicombe Beach due to the road being blocked by inappropriately parked vehicles.</p> <p>In light of the above this Council instructs the Executive Head of Assets and Business Services to review the parking regulations on the public highway leading to Oddicombe Beach and consult with Oddicombe Beach users/stakeholders regarding the introduction of enforceable parking regulations in the interests of public safety.</p> <p>Mayor's response:</p> <p>The Mayor referred the matter to the Executive Head of Business Services to review and respond.</p> <p>Can you please advise the Council of the progress to date in respect of resolving this community safety issue?</p> |
| <p>Question (6) by Councillor Darling (M) to the Executive Lead for Community Services (Councillor Excell)</p> | <p>Shoppers in Torbay are outraged at the lack of public toilets in Torquay Town Centre. Whilst I welcome the imminent provision of new facilities at the junction of Market Street and Union Street, why did Torbay council not engage with local café owners and offer them a payment of a few hundred pounds so that they could advertise that the public can use their toilet facilities until the new ones became available?</p> |

Second Round

| | |
|--|---|
| <p>Question (7) by Councillor Long to the Executive Lead for Community Safety (Councillor Excell)</p> | <p>At the Full Council Meeting on 19th July 2018, a motion was tabled by Councillor Darling (S) and myself in relation to a request for a Grit Bin to be returned to Southern Close in Torquay. I understand that the Mayor delegated this decision to the Chief Executive. When might a decision be made on this matter?</p> |
| <p>Question (8) by Councillor Darling (S) to the Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (Mayor Oliver)</p> | <p>At the Council meeting on 20 September 2018 I asked the following question and received the below reply:</p> <p>On the 1st of August 2018, due to the severe financial pressure that the Council faces, Torbay Council introduced a moratorium on non-essential spending for all parts of the Local Authority. Since then what meetings have you held with the two MPs who represent Torbay to put pressure on the Government to adequately fund the Council?</p> <p>I contacted both MPs to request a meeting to discuss Torbay's finances as a matter of urgency. I met with Sarah Wollaston MP on 30 August 2018, however, Kevin Foster MP has declined to meet with me.</p> <p>So, since the 20 September has Kevin Foster MP made himself available to discuss the financial challenges that Torbay Council faces in light of his Governments cuts?</p> |

| | |
|--|--|
| <p>Question (9) by Councillor Carter to the Deputy Mayor and Executive Lead for Planning and Waste (Councillor Mills)</p> | <p>Part of the decision to take TOR2 back in house on the 21 June 2018 Full Council was that the Chief Executive, in consultation with the Mayor and Group Leaders be given delegated authority to negotiate the complete acquisition of TOR2, with a target completion date of 1st October 2018 and a longstop date of 21st December 2018. Can you please advise me what risks the officers have identified should there be slippage on the dates above?</p> |
|--|--|

Third Round

| | |
|---|--|
| <p>Question (10) by Councillor Long to the Executive Lead for Community Safety (Councillor Excell)</p> | <p>Are there any reasons that the Council are aware of why residents should not be able to walk down Hatchcombe Lane in Torquay to access the woods at the end of the Lane?</p> |
| <p>Question (11) by Councillor Darling (S) to the Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (Mayor Oliver)</p> | <p>On 2 October 2018 a Culture and Events Members Update was circulated on behalf of Councillor Amil, Executive Lead for Tourism, Culture and Harbours. Does the Mayor's Executive have their priorities confused, for years I have been asking for updates in a similar vain to the Culture and events members update to be circulated about Children's Services. Why does the Mayors Executive prioritise culture and events over our children?</p> |
| <p>(Late) Question (12) by Councillor Darling (M) to the Council's representative on the TOR2 Board (Councillor Bent)</p> | <p>How are we holding TOR2 (80% owned by Kier 20% owned by Torbay Council), to their contract in terms of maintaining their waste and recycling vehicles?</p> |

REVISED Schedule 5 - Scheme of Delegation of Executive Functions to the Executive, Committees of the Executive and Officers

This report is presented to the meeting of Council on 18 October 2018 in accordance with Standing Order C4.2(a) for inclusion in the Council’s Scheme of Delegation (Schedule 5 of Part 3) of the Constitution of Torbay Council.

1. The names, addresses and wards of the people appointed to the Executive by the elected Mayor are set out below:

| Name | Address | Electoral Ward |
|--|---|---------------------------|
| Deputy Mayor and Executive Lead Planning and Waste- Councillor Derek Mills | 5 Bascombe Close Churston Brixham TQ5 0JR (01803) 843412 or 07769369651 | Churston with Galmpton |
| Executive Lead for Tourism, Culture and Harbours - Councillor Amil | c/o Town Hall Castle Circus Torquay TQ1 3DR 07815561301 | Cockington with Chelston |
| Executive Lead for Children and Housing – Councillor Cindy Stocks | 27 Ellacombe Road Torquay TQ1 3AT (01803) 295702 07787 766544 | Ellacombe |
| Executive Lead for Environment – Councillor Vic Ellery | 3 Alma Road Brixham TQ5 8QR (01803) 854928 | Berry Head with Furzeham |
| Executive Lead for Community Services - Councillor Robert Excell | Excell Studio 203 Union Street Torre Torquay TQ1 4BY (01803) 212377 07811965194 | Tormohun |
| Executive Lead for Customer Services – Councillor Richard Haddock | Churston Farm Shop Dartmouth Road Brixham TQ5 0LL (01803) 845837 07836 584944 | St Marys with Summercombe |

| Name | Address | Electoral Ward |
|--|---|-----------------------------|
| Executive Lead for Adults – Councillor Julien Parrott | 51 Princes Road Torquay TQ1 1NW (01803) 389624 | Ellacombe |
| Executive Lead for Health and Wellbeing – Councillor Jackie Stockman | Winsome Higher Furzeham Road Brixham TQ5 8QP (01803) 851255 | Berry Head with Furzeham |

2. The elected Mayor is responsible for the discharge of all executive functions (except as specified in paragraph 3. below). Executive Leads will have an advisory role in relation to the areas of responsibility set out below.

| Executive Lead | Portfolio/Service Area: | Main Director/Assistant Director/Executive Head/Lead Officer |
|---|--|---|
| <p>Elected Mayor Gordon Oliver</p> <p>Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation</p> | <p>Transformation: Programme Management Project Management</p> <p>Economic Regeneration: TDA Commissioning</p> <p>Assets: Asset Management</p> <p>Business Services: Events</p> <p>Finance: Financial Services – Martin Phillips Creditors Debtors Payments Internal Audit Cashiers Procurement Systems Accountancy</p> <p>Governance and Corporate Services: Communications Coroner Governance Support (Democratic and Electoral Services) Registrars Human Resources & Payroll</p> | <ul style="list-style-type: none"> <input type="checkbox"/> Chief Executive/Chief Executive TDA <input type="checkbox"/> Director of Corporate Services and Operations <input type="checkbox"/> Director of Commercial and Transformation <input type="checkbox"/> Head of Financial Services <input type="checkbox"/> Executive Head Assets and Business Services |

| Executive Lead | Portfolio/Service Area: | Main Director/Assistant Director/Executive Head/Lead Officer |
|---|---|---|
| <p>Page 13</p> | <p>Corporate Support (Freedom of Information and Performance) Legal Services Policy and Overview & Scrutiny Senior Leadership Team Strategic Support</p> <p>Business Development and Administration: JOT administrative & Technical Support JOT Contract Management: Leisure contracts Crematorium Waste Disposal Building Control Homes Improvement Agency Concessionary Fares Analysts</p> | |
| <p>Deputy Mayor and Executive Lead for Planning and Waste</p> <p>Councillor Derek Mills</p> | <p>Planning and Transport: Planning Applications, Appeals & Enforcements</p> <p>Business Services: TOR2 (Commissioning) & Service Delivery</p> <ul style="list-style-type: none"> <input type="checkbox"/> (Twinning) <input type="checkbox"/> (Design Review Champion) <p>Delegated Decision: <i>Regeneration of the Castle Circus area of Torquay</i></p> <p>Delegated Decisions: <i>Executive functions in absence of Mayor (see paragraph 3(iv) below.</i></p> | <ul style="list-style-type: none"> <input type="checkbox"/> Director of Corporate and Services and Operations <input type="checkbox"/> Executive Head of Assets and Business Services |

| Executive Lead | Portfolio/Service Area: | Main Director/Assistant Director/Executive Head/Lead Officer |
|---|---|---|
| <p>Executive Lead for Tourism, Culture and Harbours</p> <p>Councillor Nicole Amil</p> | <p>Business Services: Harbour Authority Resort Services (Beaches) Theatres Arts & Museums Culture</p> <p><input type="checkbox"/> (Armed Forces Champion) <input type="checkbox"/> (Heritage Champion)</p> | <p><input type="checkbox"/> Director of Corporate Services and Operations</p> <p><input type="checkbox"/> Executive Head of Assets and Business Services</p> |
| <p>Executive Lead for Community Services</p> <p>Councillor Robert Excell</p> | <p>Community Safety: Corporate Health & Safety Emergency Planning Anti-Social Behaviour and Vulnerability (excluding town centres) Safer Communities (excluding town centres) CCTV & Security</p> <p>Business Services: Parking Services Sports Development</p> <p>Transport: Local Transport & Strategic Transport Highways & Street scene</p> | <p><input type="checkbox"/> Director of Corporate Services and Operations</p> <p><input type="checkbox"/> Executive Head of Assets and Business Services</p> <p><input type="checkbox"/> Executive Head of Community Safety</p> |
| <p>Executive Lead for Adults</p> <p>Councillor Julien Parrott</p> | <p>Adult Services (NHS Trust Provider): Adult Mental Health Adult Safeguarding Care Homes Commissioning & Management Community Alarms</p> | <p><input type="checkbox"/> Director of Adult and Housing</p> <p><input type="checkbox"/> Assistant Director Adults Services (NHS Trust Provider)</p> <p><input type="checkbox"/> Director of Public Health</p> |

| Executive Lead | Portfolio/Service Area: | Main Director/Assistant Director/Executive Head/Lead Officer |
|---|--|---|
| | <p>Community Equipment Domiciliary & Day Care</p> <p>Adult Social Care Commissioning: Community Engagement Healthwatch Housing Strategy & Development NHS Advisory Service Performance Management</p> <p>Public Health: Domestic Abuse</p> | |
| <p>Executive Lead for Customer Services Councillor Richard Haddock</p> | <p>Customer Services: Customer Services & Connections ICT Library Services Revenue & Benefits Print & post Room Website Support</p> | <p><input type="checkbox"/> Director of Corporate Services and Operations</p> <p><input type="checkbox"/> Executive Head of Customer Services</p> |
| <p>Executive Lead for Health and Wellbeing Councillor Jackie Stockman</p> | <p>Public Health: Health Improvement Strategy and Policy Intelligence</p> <p><input type="checkbox"/> (Mental Health Champion)</p> | <p><input type="checkbox"/> Director of Public Health</p> |

Page 133

| Executive Lead | Portfolio/Service Area: | Main Director/Assistant Director/Executive Head/Lead Officer |
|---|---|--|
| Executive Lead for Environment Councillor Vic Ellery | <p>Business Services: Flood Risk Management (client side) Natural Environment and Parks & Open Spaces</p> <p>Community Safety: Food & Safety Licensing & Public Protection Trading standards (DCC)</p> | <ul style="list-style-type: none"> <input type="checkbox"/> Executive Head of Assets and Business Services <input type="checkbox"/> Executive Head of Community Safety |

| | | |
|---|--|---|
| <p>Executive Lead for Children and Housing</p> <p>Councillor Cindy Stocks</p> | <p>Housing: Housing Strategy & Development Housing Options Housing Standards</p> <p>Community Safety: Anti-Social Behaviour and Vulnerability (town centres only) Safer Communities (town centres only)</p> <p>Children’s Safeguarding: Early Help Targeted Support Services Multi Agency Safeguarding Hub Single Assessment Children in Need/Child Protection Children Looked After/Care Leavers Children with Disabilities Fostering Adoption Independent Reviewing Youth Offending Services Integrated Youth Support Services Quality Assurance Professional Support to Torbay Safeguarding Children Board</p> <p>Education Learning and Skills: Early Years and Childcare Pupil Place Planning Special Education Needs & Disability School Admissions School Improvement and Commissioning School Transport Virtual School Children’s Centres</p> | <ul style="list-style-type: none"> <input type="checkbox"/> Director of Adults Services and Housing <input type="checkbox"/> Executive Head of Community Safety <input type="checkbox"/> Director of Children’s Services <input type="checkbox"/> Assistant Director of Children’s Safeguarding |
|---|--|---|

| Executive Lead | Portfolio/Service Area: | Main Director/Assistant Director/Executive Head/Lead Officer |
|----------------|--|--|
| | <i>Delegated Decision: contract for housing pathway for single vulnerable adults</i> | |

3.
 - (i) The Deputy Mayor (Councillor Derek Mills) will be responsible for the discharge of all executive functions relating to the regeneration of the Castle Circus area of Torquay as the elected Mayor owns properties in this area and has a pecuniary interest.
 - (ii) The Executive Lead for Children and Housing (Councillor Cindy Stocks) will be responsible for the discharge of all executive functions relating to the contract for housing pathway for single vulnerable adults.
 - (iii) The Deputy Mayor will be responsible for the discharge of executive functions if the elected Mayor:
 - (a) is absent (e.g. on holiday) for a period of time or in cases of urgency where the Chief Executive is satisfied that the elected Mayor cannot be reasonably contacted;
 - (b) is incapacitated through illness; or
 - (c) has a pecuniary interest in any matter requiring determination.
 - (v) If the elected Mayor or the Deputy Mayor (Councillor Derek Mills) are unable to act on a matter requiring a decision then the Chief Executive shall have the power to determine any matter requiring a decision.
4. The elected Mayor has established two Executive Committees namely the Policy Development and Decision Group (Joint Operations Team) and the Policy Development Group (Joint Commissioning Team) which meet in public on a monthly basis in accordance with the Standing Orders – Executive, Committees, Access to Information and Budget and Policy Framework. Their membership and Terms of Reference are included in Schedule 4 – Terms of Reference of the Constitution.
5. No executive functions have been delegated to area committees, any other authority or any joint arrangements at the present time.
6. The elected Mayor has also (so far as lawful) delegated to officers the discharge of those functions that are referred to in Schedule 7 and are executive functions in the manner set out in that Schedule, in accordance with (and subject to) the Council's Standing Orders in relation to the Executive.
7. So far as the Constitution requires officers to consult with "the relevant member", the areas of responsibility of the Executive Leads are as set out paragraph 2 above.