



Minutes of the Council

10 December 2015

-: Present :-

Chairman of the Council (Councillor Hill) (In the Chair)
Vice-Chairwoman of the Council (Councillor Brooks)

The Mayor of Torbay (Mayor Oliver)

Councillors Amil, Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, King, Kingscote, Lang, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Stockman, Stocks, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield

87 Opening of meeting

The meeting was opened with a prayer.

88 Apologies for absence

Apologies for absence were received from Councillors Sanders and Stringer.

89 Minutes

The Minutes of the meeting of the Council held on 22 October 2015 were confirmed as a correct record and signed by the Chairman.

90 Declarations of interests

The following non-pecuniary interests were declared:

Councillor	Minute Number	Nature of interest
Councillor Amil	100	Member of ERTC Board
Councillor Bent	92	Director of Tor2
Councillor Carter	101	Member of Board of TEDC
Councillor Doggett	103	Lay member of the Joined Up Medicines Operational Group

Councillor	Minute Number	Nature of interest
Councillor O'Dwyer	104	Board member Sanctuary Affordable Housing Ltd
Councillor Sykes	99	Social member of Churston Golf Club

91 Communications

The Chairman advised that he would be taking part in two Boxing Day Dips at Torquay and Paignton and invited Members to join him to support these events.

The Mayor informed Members of a decision he had taken supporting action on sugar reduction in diets. The decision supported the key actions outlined in Public Health England's report 'Sugar Reduction – the evidence for action' and had been sent to Sarah Wollaston, MP, in support of her campaign.

The Overview and Scrutiny Co-ordinator referred to the meetings of the Priority and Resources Panel meetings that had been held as part of the consultation exercise on the Mayor's budget proposals. The Overview and Scrutiny Co-ordinator went on to thank Members of the Panel, the Executive Lead Members who took part in the meetings and gave special thanks to the staff for their hard work in preparing for and supporting the meetings.

92 Members' questions

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

The Chairman reported that Question 3 had been withdrawn by Councillor Darling.

Verbal responses were provided at the meeting. Supplementary questions were then asked and answered in respect of questions 1 and 2.

93 Notice of Motion on Council Functions Decision Making Structure

Members considered a motion in relation to the governance referendum and the decision making structure for Council functions, notice of which was given in accordance with Standing Order A14.

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

The Council, at its meeting on 22 October 2015, resolved to hold a referendum to consider changing its current governance structure.

Following this decision, there has been concern and confusion that some of the current Committees appointed by the Council will be disbanded. It is for the Council to determine how it discharges those functions (e.g. Planning,

Licensing, Harbours, Audit) which are reserved to the Council under both the Mayoral and Leader models of governance.

Therefore, this Council resolves:

that the committees as set out in Schedule 4 – Terms of Reference, of the Council's Constitution remain in place until May 2019.

In accordance with Standing Order A14.3(b), the Monitoring Officer advised that the motion would be dealt with by this meeting.

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

94 Notice of Motion Boundary Review

Members considered a motion in relation to a proposed electoral review on the number of Councillors for Torbay Council, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor (S) Darling and seconded by Councillor Carter:

The Council notes that the last Electoral Review for Torbay Council was carried out in 2001. Since that time there has been:

- a continuous reduction in the number of staff resulting in a reduction from 1455 full time equivalent staff in March 2010 to 890 full time equivalent staff in October 2015;
- a number of significant changes in the way the Council operates, in particular the establishment of the:
 - Integrated Care Organisation (ICO) for adult social care and health and
 - proposed transfer of Children's Services into the ICO
 - the development of the Torbay Development Agency and continuation Torbay Coast and Countryside Trust
 - commissioning of services such as the contract with TOR2; and
 - the growth of academy schools in Torbay which have left only a residual Local Education Authority function.

The change to the way the Council now operates means that there is reduced engagement for Councillors as many of the operational decisions are made outside of the Council chamber.

Therefore, this Council resolves:

that the Assistant Director of Corporate and Business Services be requested to develop a business case for submission to the Local Government Boundary Commission for England requesting an electoral review to reduce the number of Councillors in Torbay to come into effect from May 2019.

An amendment was proposed by Councillor Tyerman and seconded by Councillor Bent:

Therefore, this Council resolves:

- (i) that, following the referendum next May which will establish the preferred form of Governance for Torbay to take effect from 2019, the Assistant Director of Corporate and Business Services be requested to prepare a report identifying:
 - (a) the respective populations and number of Councillors in other small unitary Councils using a similar form of governance;
 - (b) detail of the number of voters per Councillor in each ward in Torbay together with a forecast of how that might change through housing development by May 2019; and
 - (c) which functions of the Council have been externalised since the formation of Torbay Unitary Authority, resulting in a significant reduction of senior officers from 28 to 9, for example growth of academy schools and Integrated Care Organisation; and
- (ii) that such report should be presented to the Overview and Scrutiny Board by July 2016 such that they can make recommendations to Council on whether a review of Boundaries and/or the number of Councillors is required at this time.

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

The substantive motion (the original motion with the new resolution) was then before Members for consideration.

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

95 Licensing Act 2003 'Draft Statement of Principles 2016-2021' (Licensing Policy)

The Council considered the submitted report on the Council's draft Statement of Principles 2016-2021 (Licensing Policy) which set out how the Council would carry out its functions under the Licensing Act.

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

that the Licensing Policy Statement of Principles 2016 set out in Appendix 2 to the submitted report be approved.

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

96 Gambling Act 2005 'Statement of Principles 2016' (Gambling Policy)

Members received the submitted report on the draft Statement of Principles 2016 (Gambling Policy) setting out the principles by which the Council will exercise its functions under the Gambling Act.

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

that the Gambling Policy Statement of Principles 2016 set out in Appendix 2 to the submitted report be approved.

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

97 Formal Adoption of the Torbay Local Plan

Members received the submitted report on the 'Torbay Local Plan (A landscape for success: The Plan for Torbay - 2012 to 2030 and beyond)' which would form the legal basis for decisions on spatial planning matters within the Bay over the next fifteen years plus. The Plan set out a strategy for change and embraced growth in Torbay whilst placing protection and enhancement of Torbay's unique environment at its heart.

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

- (i) that the new Torbay Local Plan referred to in the submitted report be formally Adopted as the statutory development plan for Torbay for the period 2012-2030, with effect from 10 December 2015;
- (ii) that Members note that the Plan as Adopted comprises the Proposed Submission Torbay Local Plan (February 2014), as amended by: (a) the Proposed Replacement Main Modifications set out in Appendices 2 and 3 to the submitted report; (b) the Proposed Replacement Additional (Minor) Modifications set out in Appendices 4, 5 and 6 to the submitted report; and (c) the Further Additional Modifications set out in Appendix 7 to the submitted report;
- (iii) that as a consequence, the current Adopted Torbay Local Plan (1995-2011) be superseded by the newly Adopted Torbay Local Plan (2012-2030) with immediate effect following Adoption;
- (iv) that following Adoption, the Local Plan Adoption Statement and related documentation be made available in accordance with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations, and that interested parties be notified accordingly;
- (v) that Members agree to the retention of the existing planning guidance and Adopted Supplementary Planning Documents listed in Section 8 of Appendix 1 to the submitted report as supplementary planning

guidance for development management purposes, pending their review, consolidation or replacement; and

- (vi) that in consultation with the Executive Lead and Assistant Director as appropriate, officers be authorised to progress the following 'post-Adoption actions':
- (a) the consequential compilation, editing (including typographical, grammatical and document layout matters) printing and publication of the final modified versions of the Adopted Local Plan and Policies Map booklet (including the interactive online version), Sustainability Appraisal and Habitats Regulations Assessment;
 - (b) the establishment of a South Devon Delivery Review Panel (or similar) to facilitate the implementation and delivery of the Local Plan's development strategy, including requisite liaison and partnership with adjoining local authorities as part of the Council's duty to cooperate;
 - (c) the continued involvement in preparation of Neighbourhood Plans through appropriate mentoring and provision of professional advice, in order to secure, as a matter of urgency, the delivery of compliant Neighbourhood Plans for Submission to the Council by the end of March 2016;
 - (d) the development and implementation of appropriate monitoring mechanisms to ensure that key determinants of the Local Plan development strategy are monitored on a consistent and regular basis (usually annually), in particular the delivery of new homes and jobs;
 - (e) a review of existing Supplementary Planning Documents [SPDs] (see (v) above, and Section 8 of Appendix 1 to the submitted report) other than recently Adopted Masterplans, and publication of up-to-date supplementary planning guidance;
 - (f) the review of the existing Local Development Scheme (2014) in order to produce a revised programme of development plan work, to include preparation of the Authority's Monitoring Report, identified revised and new Supplementary Planning Documents, and potential Local Development Documents, including any necessary Site Allocation Development Plan Documents; and
 - (g) the continued development of the Spatial Planning evidence base, working with partners, to inform and ensure robust future reviews of the Torbay Local Plan, noting that the first major review could take place as soon as 2017.

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

(Note: Councillor Kingscote joined the meeting during this item.)

98 Torquay Gateway (Edginswell) Masterplan Supplementary Planning Document

The Council received the submitted report on the Torquay Gateway (Edginswell) Masterplan to be adopted as a Supplementary Planning Document. The Masterplan aimed to further define the nature of future development within the Edginswell area of Torquay. It was noted the area covered was allocated as a Future Growth Area within the new Torbay Local Plan to deliver new homes, employment and infrastructure in Torbay.

It was proposed by Councillor King and seconded by Councillor Morris:

that the Torquay Gateway (Edginswell) Masterplan, as set out in Appendix 2 to the submitted report, be approved and adopted as a Supplementary Planning Document.

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

99 Covenant Protecting Churston Golf Club from Development - Call-In

At its meeting held on 4 November 2015, the Overview and Scrutiny Board considered the Notice of Call-in of the Mayor's decision in respect of the General Disposal Consent Order 2003 to be applied to the disposal (by way of a restrictive covenant), of the land comprising of Churston Golf Club. The Board resolved that the decision of the Mayor be referred to Council for consideration. The Council considered the submitted report on the findings of the Overview and Scrutiny Board and further information regarding the Mayor's decision.

It was proposed by Councillor Lewis and seconded by Councillor Darling

that the Council formally object to the Mayor's decision of 22 October 2015 to apply the General Disposal Consent Order 2003 to the decision of 4 December 2014 to make a disposal (by way of a restrictive covenant), of the land comprising of Churston Golf Club, thereby meaning that the specific consent of the Secretary of State is not required.

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

At the invitation of the Chairman, the Mayor indicated that he would respond to the resolution of the Council within ten working days.

100 Transitional Funding for the English Riviera Tourism Company

Following the recent 'no' vote for the proposed Torbay Retail and Tourism Business Improvement District (TRTBID), Members received the submitted report on transitional funding proposals for the English Riviera Tourism Company to enable it

to maintain the existing level of tourism destination marketing and visitor information services beyond April 2016. A revised officer recommendation was circulated prior to the meeting.

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

that, the Council agrees:

- (i) to provide transitional funding to the English Riviera Tourism Company (ERTC) for a maximum period of nine months from 1 April 2016 to 31 December 2016;
- (ii) that the maximum amount of transitional funding should not exceed £200,000 and that this funding be taken from the 'Comprehensive Spending Review' reserve;
- (iii) that if an alternative funding model can be found prior to the end of 2016, any transitional funding not required by the ERTC will be returned to the Council; and
- (iv) that the Executive Head of Business Services be requested to work with the Board of the ERTC and the Executive Lead for Tourism, Culture and Harbours to provide a report to Council in February 2016 with further advice on the options to deliver sustainable support for tourism that is funded by the private sector.

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

(Note: During consideration of Minute 100, Councillor Amil declared her non-pecuniary interest.)

101 Claylands

The Council considered the submitted report on the proposed redevelopment of Council owned land known as 'Claylands' in Paignton using a combination of funding from the Council and the Heart of the South West Local Enterprise Partnership. It was noted the redevelopment would support business growth in Torbay.

It was proposed by Mayor Oliver and seconded by Councillor Mills:

- (i) that Local Enterprise Partnership (LEP) funding (£2.5M), if obtained, be applied to fund the site remediation and infrastructure works at Claylands;
- (ii) that subject to the LEP funding the Council commits to make available up to £7.5M of funds to develop business premises on the Claylands

site subject to the investment achieving a target rate of return on capital set out in exempt Appendix 2 to the submitted report. This initially would be funded from Prudential Borrowing that would be repaid from future Rental Yields from the site; and

- (iii) that the authority to commit Council funds be delegated to the Council's Executive Director for Operations and Finance in consultation with the Mayor and Chief Finance Officer.

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

(Note: During consideration of Minute 101, Councillor Carter declared her non-pecuniary interest.)

102 Reduction of Energy Consumption and Carbon Emissions

Members received the submitted report on proposals to further reduce energy consumption and carbon emissions within highway street lighting in residential areas. It was noted that the proposals formed part of the Carbon Reduction Commitment programme to tackle climate change and committed to improve energy efficiency of streetlights resulting in reduced energy costs in the future.

It was proposed by Councillor Excell and seconded by Councillor Darling (M):

- (i) that, subject to (ii) below, Option 2 to replace existing lanterns with LED (conventional gear) as detailed in Appendix 1 to the submitted report is implemented; and
- (ii) that the Scheme be funded by prudential borrowing or borrowing from Salix on terms to be agreed by the Chief Finance Officer over a 10 year period to provide a revenue saving from 2017/18.

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

103 Joint Health and Wellbeing Strategy

The Council considered the submitted report and the recommendations of the Health and Wellbeing Board on the Joint Health and Wellbeing Strategy. The Strategy was a requirement under the Health and Social Care Act and set out priorities for health and well-being.

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

- (i) that the Joint Health and Wellbeing Strategy set out at Appendix 2 to the submitted report be approved, with the priorities being delivered through three strands:
 - (a) The Joined-up Health and Social Care Plan;
 - (b) The Healthy Torbay framework; and

- (c) The Community Safety and Adult and Children's Safeguarding plans; and
- (ii) that it be noted that the Joint Health and Wellbeing Strategy will be subject to an annual review by the Health and Wellbeing Board and that it may be possible to bring the three strands referred to in (i) (a) to (c) above together at a later stage.

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

104 Torbay's Housing Strategy 2015-2020

Members considered the submitted report setting out Torbay's Housing Strategy 2015-2020. It was noted the Housing Strategy was an overarching document which co-ordinated a number of priorities and documents to ensure a strategic approach for all housing tenures in Torbay.

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

that Torbay's Housing Strategy including "My Home is My Life" and the new Homelessness Strategy set out at Appendices 2, 3 and 4 to the submitted report be approved.

An amendment was proposed by Councillor Thomas (D) and seconded by Councillor Darling:

That the Council formally objects to the draft Housing Strategy on the basis that:

- i) the targets contained therein are not sufficiently specific, measureable, attainable, relevant and timely;
- ii) the targets contained therein are not sufficiently ambitious;
- iii) the strategy does not detail sufficiently how the Council's assets will be utilised in order to deliver the strategy;
- iv) the strategy is not clear whether the delivery plans contained therein are considered to be a part of the Policy Framework; and
- v) that the role of Overview and Scrutiny in the Housing Partnership Steering/Monitoring Group is not clear.

In accordance with the Constitution, Standing Order – Budget and Policy Framework, paragraph F4.9, the Council therefore requires the Mayor to consider this objection and by 8 January 2016 either:

- a) submit a revision of the Housing 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.

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

The substantive motion (to refer the Council's objections to the Mayor) was then before Members for consideration.

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

(Note: During consideration of Minute 104, Councillor O'Dwyer declared his non-pecuniary interest.)

105 Proposed Council Tax Support Scheme 2016/17

The Council considered the submitted report on a review of the current Council Tax Support Scheme for 2016/17. Members noted that for each financial year the Council must consider whether to revise or replace its current scheme by 31 January.

It was proposed by Mayor Oliver and seconded by Councillor Mills:

- (i) that the current Council Tax Support scheme be continued without change from 1 April 2016 to 31 March 2017;
- (ii) that Personal Allowances and Premiums for Council Tax Support are uprated from 1 April 2016 in line with the prescribed pensioner scheme and national working-age benefits, which are both set by the Government;
- (iii) that the Exceptional Hardship Fund of £80,000, which is used to top up Council Tax Support awards in appropriate cases, be continued;
- (iv) that the Chief Accountant be given delegated authority, in consultation with the Mayor and Executive Lead for Finance and Regeneration, to make any further adjustments required to the Exceptional Hardship Policy and Fund and the Vulnerable policy; and
- (v) that a full review of the current scheme will take place during 2016/17 to consider whether any revisions are necessary from 1 April 2017 to 31 March 2018 that will also take into account the welfare changes announced in the 2015 Summer Budget.

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

106 Torbay Council Annual Pay Policy Statement and Review of Pensions Discretions

The Council considered the submitted report setting out the Council's Annual Pay Policy Statement as required under Section 38(1) of the Localism Act 2011. It was noted that the Pay Policy Statement drew together the Council's overarching policies on pay and conditions which would be published on the Council's website. The report also set out the annual review of pensions discretions as required by the Local Government Pension Scheme Regulations.

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

- (i) that the Torbay Council Annual Pay Policy Statement 2016/17 as set out at Appendix 2 to the submitted report be approved;
- (ii) that, subject to (i) above, the terms of reference for the Employment Committee be amended to include the following:
 - 8. To determine any salary package for Directors/Assistant Directors to include any salary package equating to £100,000 or more.
 - 9. To determine any settlement agreement for Directors/Assistant Directors to include any severance package including associated pension costs equating to £100,000 or more; and
- (iii) that the Employers Pensions Discretions, as set out in Appendix 3 to the submitted report be approved.

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

107 Council Tax Base 2016/17

Members considered the submitted report which set out the Council's tax base for council tax purposes for 2016/17.

It was proposed by Mayor Oliver and seconded by Councillor Mills:

- (i) that the calculation of the Council Tax Base for the year 2016/17 be approved as shown in Appendix 1 to the submitted report;
- (ii) that the calculation of the Brixham Town Council Tax Base for the year 2016/17 be approved as shown in Appendix 2 to the submitted report;
- (iii) that, subject to (i) above, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as its Council Tax base for the year 2016/17 should be 43,180.70; and

- (iv) that, subject to (ii) above, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as the Council Tax base for Brixham Town Council for the year 2016/17 should be 5,811.07.

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

108 Capital Plan Update - 2015/16 Quarter 2 and Mayor's proposals for Capital Plan revisions for budget process 2016/2017

The Council noted the current position in respect of the Council's approved Capital Investment Plan for quarter two, as set out in the submitted report.

109 Revenue Budget Monitoring 2015/16 - Quarter Two

The Council noted the current projected outturn for the Revenue Budget for 2015/16 based on quarter two information, as set out in the submitted report.

Chairman