



Minutes of the Council

21 July 2016

-: 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, Lewis, Manning, Mills, Morey, O'Dwyer, Parrott, Pentney, Robson, Stockman, Stocks, Stringer, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman

28 Opening of meeting

The meeting was opened with a prayer.

29 Apologies for absence

Apologies for absence were received from Councillors Cunningham, Kingscote and O'Dwyer (until the adjournment) and Councillors Morris, Sanders and Winfield (for the whole meeting).

30 Minutes

The Minutes of the Special and Annual meeting of the Council both held on 11 May 2016 were confirmed as a correct record and signed by the Chairman.

31 Declarations of interests

Councillor Thomas (D) declared a pecuniary interest in respect of Minute 55.

32 Communications

The Overview and Scrutiny Co-ordinator thanked the Scrutiny Leads and members of the Overview and Scrutiny Board for their work since the last meeting which he stated had been more overview than scrutiny.

33 Strategic Agreement between Torbay and Southern Devon NHS Foundation Trust (Integrated Care Organisation - ICO) and Torbay Council /Torbay and South Devon Clinical Commissioning Group

The Council considered the submitted report on the Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust which set out the strategic direction designed to maximise choice and independence for those requiring adult social care and support in the context of an integrated care organisation.

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

- (i) that the Annual Strategic Agreement (ASA) between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust set out at Appendix 1 (and annexes 1 to 13) to the submitted report be approved;
- (ii) that, to support the funding requirements of Torbay and South Devon NHS Foundation Trust for 2016/17 as identified in the ASA, the Council allocates £2.4m to adult social care on a one off basis to be funded as identified in paragraph 4.8 of the submitted report; and
- (iii) that, the allocation of the Better Care Fund to specific schemes (as set out in Appendix 2 to the submitted report) be noted and that any subsequent changes in the allocation or the overall application required as a result of changes in central government guidance and/or the requirement of NHS England be agreed by the Chief Financial Officer and the Director of Adult Services, in consultation with the Executive Lead for Health and Wellbeing.

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

34 Adult Social Care - Local Account and Annual Adult Safeguarding Report

Members considered the submitted report which set out the achievements for local people in relation to adult social care and outlined the level of performance for the last financial year and commitment to service delivery.

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

that the Local Account set out in Appendix 1 to the submitted report be approved and that the multi agency safeguarding annual report set out in Appendix 2 to the submitted report be approved.

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

35 Provisional Revenue Outturn 2015/2016 - Subject to External Audit

Members noted the submitted report in respect of the provisional Revenue Outturn 2015/2016.

36 Capital Investment Plan Outturn 2015/2016 - Subject to Audit

Members noted the submitted report in respect of the Capital Investment Plan Outturn 2015/2016.

37 Treasury Management Outturn 2015/2016

Members noted the submitted report in respect of the Treasury Management Outturn 2015/2016.

38 Equalities Objectives

Members considered the submitted report which set out the Council's proposed equality objectives in order to meet the Public Sector Equality Duty.

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

that the Equality Objectives 2016 to 2020 as set out at Appendix 2 to the submitted report be approved.

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

39 Consultation, Communication and Engagement Strategy

Members considered the submitted report which set out how the Council will communicate, consult and engage.

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

- (i) that the Communication, Consultation and Engagement Strategy 2016 – 2020 set out in Appendix 2 to the submitted be approved; and
- (ii) that a Communication, Consultation and Engagement Working Party be established comprising five Members politically balanced with the following terms of reference:
 - to develop the approach for improving Members and officers working together to ensure that Members are aware of all engagement activity;
 - to develop approaches to ensure Members are equipped to promote and be involved in engagement activity; and
 - to develop a set of key performance indicators against which this strategy and the action plan can be measured.

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

40 Local Government Boundary Review

Members considered the submitted report which set out statistical and benchmarking information and the recommendation of the Overview and Scrutiny Board on a review of boundaries and the number of Councillors required.

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

- (i) that the Assistant Director of Corporate and Business Services be instructed to formally write to the Local Government Boundary Commission for England on behalf of the Council requesting a review of the Council Ward Boundaries to be carried out from April 2017 with a view to any changes being implemented from May 2019 when the next Local Government Elections are scheduled; and
- (ii) that any meeting with the Local Government Boundary Commission for England includes the Mayor and Group Leaders together with relevant officers.

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

41 Exclusion of the Press and Public

Prior to consideration of the item in Minute 42 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

42 Proposed Investment at Torbay Business Park

Members considered the submitted exempt report on a proposed investment at Torbay Business Park.

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

that the recommendation set out in the submitted exempt report be approved.

An amendment was proposed by Councillor O'Dwyer and seconded by Councillor Robson which sought the following to be incorporated at the end of the proposed recommendation:

within the term of the agreed lease.

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

The original motion was then before Members and on being put to the vote, was declared carried (unanimous).

43 Adjournment

At this juncture the meeting was adjourned until 5.30pm on Thursday, 21 July 2016.

44 Petitions - Sandringham Drive, Paignton

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

objecting to the release of restrictive covenants on 9 Sandringham Drive, TQ3 1HU, that would allow a substantial extension, to be built which contravened covenants that neighbours, and much of the properties on the road are subject to (approximately 126 signatures)

It was noted that the petition would be referred to the Assistant Director of Corporate and Business Services in consultation with the Executive Lead for Business Services.

45 Public question time

In accordance with Standing Order A24, the Council noted two questions which had been submitted by Mr David Ward. Councillor Amil responded to question 1 and the Mayor advised he would arrange for a written response to be sent in respect of question 2.

46 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.

Written responses were circulated prior to the meeting. Supplementary questions were then asked and answered in respect of round one questions 2, and 5, round two questions 1 and 4 and round three questions 1 and 2.

47 Order of Business

At this juncture and in accordance with Standing Order A7.2, the Chairman varied the order of the business to enable Item 24 (New Primary School in Paignton) to be considered before Item 20 (Notice of Motion).

48 New Primary School in Paignton

Members considered the submitted report on a proposal to open a new one form entry primary school with early years' provision.

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

that in response to the identified need for a new school in Paignton, as outlined in the submitted report and appendices, the proposal to open a new primary school on the Torbay School Site at Torquay Road from September 2018 be approved.

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

49 Notice of motion - Racism, Xenophobia and Hate Crime

Members considered a motion in relation to racism, xenophobia and hate crime, notice of which was given in accordance with Standing Order A14.

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

Residents of Torbay are proud to live in a diverse and tolerant society, racism, xenophobia, and hate crimes have no place in our Country. Torbay Council condemns such actions unequivocally, and will not allow hate to become acceptable, and will reassure all people living in Torbay that they are valued members of our Community.

This Council resolves to publically condemn any such attacks and make it clear what steps it will undertake to tackle this behaviour. Torbay Council should also remind all Staff and Partners of our opposition to racism, xenophobia and hate.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor.

The Mayor advised that he supported the motion and referred it to the Executive Lead for Community Services for investigation.

50 Amendments to the Corporate Asset Management Plan

Members considered the submitted report proposing amendments to the existing Corporate Asset Management Plan 2015-2019 and allow for clear and published processes to exist in relation to the award of grants in lieu of rent as well as the Council's approach to long leases for sports clubs.

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

that the report be deferred.

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

- (i) that, a new Appendix AM-G ~ 'Procedure for determining applications for grants to offset market rent (grants in lieu of rent)', as set out in Appendix 2 to the submitted report, be added to the existing Corporate Asset Management Plan 2015 ~ 2019;
- (ii) that, Appendix AM-H ~ 'Granting of sports leases – An overarching strategy', as set out in Appendix 3 to the submitted report, be added to the existing Corporate Asset Management Plan 2015 ~ 2019; and

- (iii) that, the existing Corporate Asset Management Plan 2015 ~ 2019 be amended to ensure that any grant from the Council to assist with a tenant's rent will be time bound and will not extend beyond the next scheduled.

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

The substantive motion was then before members for consideration.

An objection was proposed by Councillor Darling (S) and seconded by Councillor Pentney:

that the Council formally objects to the Amendments to the Corporate Asset Management Plan on the basis that:

- i) all current and future sports leases granted to 'not for profit organisations' should have a peppercorn rent up to a maximum of £500 a year.

In accordance with the Constitution at F4.9, the Council therefore requires the Mayor to consider this objection by 12 August 2016 to either:

- a) submit a revision of the Corporate Asset Management Plan 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.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Mayor Oliver and Councillors Amil, Brooks, Carter, Darling (M), Darling (S), Doggett, Excell, Haddock, King, Manning, Mills, Morey, Pentney, Stockman, Stocks, Stringer and Stubley (18). Against: Councillors Barnby, Bent, Bye, Cunningham, Ellery, Hill, Kingscote, Lewis, O'Dwyer, Robson, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (15). Abstain: Councillor Parrott (1). Absent: Councillors Morris, Sanders and Winfield (3). Therefore the objection was declared carried and the Chairman advised that the Mayor would consider the objection and publish his response by 12 August 2016 for consideration at the Council meeting on 22 September 2016.

(Note: During consideration of this item the following non-pecuniary interests were declared:

Councillor Darling (S)	member of Babbacombe Corinthians Sailing Club and Paignton Canoe Club
Councillor Excell	member of Torre Table Tennis Club
Councillor Morey	member of Brixham Rugby Club and Brixham Cricket Club

Councillor O'Dwyer member of Torquay Golf Club and season ticket holder at Torquay United AFC

Councillor Stockman member of Brixham Cricket Club).

51 Torre Valley North Lease

Members considered the submitted report on the proposed lease for Torre Valley North sports lease.

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

that the report be deferred to the Council meeting in September 2016 to enable further information to be obtained.

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

52 Self Build and Custom Build Housing Allocation Policy

Members considered the submitted report which provided an update on the self build housing option and sought approval of the self build housing allocation policy.

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

that the Torbay Council Self Build/Custom Build Allocation Policy, as set out in Appendix 2 to the submitted report, be agreed as an appendix to the Housing Strategy.

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

53 Proposed Disposal by Long Lease - Waterpark and Go-Kart Site, Goodrington Sands, Tanners Road, Paignton TQ4 6LN (Mayoral Decision)

The item was withdrawn from the agenda for consideration at a future meeting.

54 Devolution

Members considered the submitted report which sought an 'in principle' approval to sign up to the pursuit of a Devolution Deal and the creation of a Combined Authority for the Heart of the South West sub-region to administer the powers and funding devolved through the Deal. It was noted such an 'in principle' agreement from all of the local authorities, partners and MPs involved in the Heart of the South West devolution process would open up negotiations with HM Treasury which was the next necessary step in securing the Deal.

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

- (i) that the Council endorses the current approach to devolution and agree to sign up to the principle of creating a Combined Authority for the Heart

of the South West, as set out in the Prospectus for Productivity, as the basis for negotiation with Government towards a Devolution Deal for the area; and

- (ii) that the Council notes that giving this endorsement does not commit the Council to entering into a Devolution Deal or becoming a member of a Heart of the South West Combined Authority. This would be subject to future debate and agreement by the Council and subject to negotiations with Government.

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

55 Torbay Air Show

Members considered the submitted report which provided a summary of the outcomes of the first Torbay Air Show in 2016 and a financial proposal to underwrite the Air Show in future years for the benefit of Torbay's economy.

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

- (i) that 2016 Air Show be funded from the balance of the revenue budget contingency (£190k) and the remainder from CSR reserves;
- (ii) that the Council makes a three year funding commitment to develop the Torbay Air Show in accordance with the proposal in Appendix 3 of the submitted report to be funded as part of the 2017/18 budget development with future years built into the Medium Term Resources Plan;
- (iii) that the Senior Leadership Team monitor, on a regular basis, the proposals to hold a 2017 Air Show; and
- (iv) that a Torbay Air Show Working Party (comprising 5 members politically balanced) be established to enable Members to be kept fully briefed on the progress of the Torbay Air Show and to monitor the budget allocated for the Torbay Air Show.

An amendment to (ii) above was proposed by Councillor O'Dwyer and seconded by Councillor Thomas (J):

- (ii) that the Council makes a three year ~~funding~~ commitment to develop the Torbay Air Show **on a cost neutral mean basis** ~~in accordance with the proposal in Appendix 3 of the submitted report to be funded as part of the 2017/18 budget development with future years built into the Medium Term Resources Plan;~~ and

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Bent, Bye, Kingscote, Morey, O'Dwyer, Robson, Stockman, Sykes, Thomas (J) and Tolchard (10). Against: Mayor Oliver and Councillors Amil, Brooks, Cunningham, Ellery, Excell, Haddock, Hill, King, Lewis, Manning, Mills, Parrott, Stubley and Tyerman (15). Abstain: Councillors Carter,

Darling (M), Darling (S), Doggett, Pentney, Stocks and Stringer (7). Absent: Councillors Barnby, Morris, Sanders, Thomas (D) and Winfield (5). Therefore the amendment was declared lost.

The original motion was then before Members and on being put to the vote was declared carried.

(Note: Prior to consideration of this item Councillor Thomas (D) declared a pecuniary interest and withdrew from the meeting room.)

Chairman