



**Minutes of the Council**  
**(Council decisions shown in bold text)**

**8 December 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, Morris, O'Dwyer, Parrott, Robson, Pentney, Stockman, Sanders, Stocks, Stringer, Stubley, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield

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**97 Opening of meeting**

The meeting was opened with a prayer.

**98 Apologies for absence**

Apologies for absence were received from Councillors Sykes.

**99 Minutes**

The Minutes of the meeting of the Council held on 27 October 2016 were confirmed as a correct record and signed by the Chairman.

**100 Declarations of interests**

No interests were declared.

**101 Communications**

The Overview and Scrutiny Co-ordinator thanked members of the Priorities and Resources Review Panel for their work on reviewing the Mayor's budget proposals and the support from officers (in particular the Overview and Scrutiny Manager). He advised that the Overview and Scrutiny Board would be reaching its conclusions and making recommendations to the Mayor at its meeting on 14 December 2016.

**102 Public question time**

In accordance with Standing Order A24, the Council heard from Mr Long who had submitted a statement and question in relation to the disposal of Christmas trees. Councillor King responded to the statement and question that had been put forward, plus a supplementary question asked by Mr Long.

**103 Members' questions**

Members received a paper detailing the questions and answers, as set out at Appendix 1 to these Minutes, 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 questions 1, 2 and 3. Verbal responses were provided at the meeting. Councillor Mills responded to the supplementary question in respect of question 3 in the absence of the Mayor.

**104 Notice of Motion - Petition Scheme (Council Decision)**

Members considered a motion in relation to the requirements of the Council's Petition Scheme, notice of which was given in accordance with Standing Order A14.

Councillor Darling (S) proposed and Councillor Carter seconded the motion, as set out below:

The Council's petition scheme requires a signature, address and postcode. By making petitioners provide a postcode can exclude people who may wish to sign petitions.

Therefore this Council resolves:

That the Monitoring Officer be instructed to amend the Council's Constitution to remove the requirement for petitioners to include a postcode as part of their address when signing a petition to further support public involvement and engagement.

An amendment by Councillor Thomas (D) and seconded by Councillor Lewis was circulated prior to the meeting. During the debate, Councillor Darling (S) and Councillor Carter accepted the amendment, which was then incorporated in the original motion and was agreed by the Council (unanimously) as set out below:

**The Council's petition scheme requires a signature, address and postcode. By making petitioners provide a postcode can exclude people who may wish to sign petitions.**

Therefore this Council resolves:

**That the Monitoring Officer be instructed to amend the Council's Constitution to remove the requirement for petitioners to include a postcode and that the requirement of 'full address' be amended to 'name or number, street and town' when signing a petition to further support public involvement and engagement.**

#### **105 Revision of Council Tax Support Scheme**

The Council considered the submitted report on a review of the current Council Tax Support Scheme for 2016/17. The Scheme provided a discount to help low income households with the cost of Council Tax payments. Members noted that for each financial year the Council must consider whether to revise or replace its current scheme by 31 January and continued reductions in Government grants had led to a number of proposed changes to the Scheme to make it more affordable.

Councillor King proposed and Councillor Tyerman seconded the motion and during the debate Councillor Stockman proposed and Councillor Tyerman seconded an amendment (the addition of paragraph (vi) below). Councillor King and Councillor Tyerman accepted the amendment, which was then incorporated in the original motion and was agreed by the Council as set out below:

- (i) that, having considered the outcomes of the full consultation results and having due regard to the matters under the Public Sector Equality Duty (as set out in the Equality Impact Assessment) and the potential impacts on people with disabilities, carers, women and working age groups the proposed changes to the reviewed Council Tax Support Scheme as set out in section 11 to Appendix 1 to the submitted report be approved;**
- (ii) that Personal Allowances and Premiums for Council Tax Support are uprated from 1 April 2017 in line with the prescribed pensioner scheme and national working-age benefits, which are both set by the Government;**
- (iii) that the Discretionary Awards (Exceptional Hardship) fund of £80,000, which is used to top up Council Tax Support awards in appropriate cases, be continued;**
- (iv) that it be noted that the discretionary Awards (Exceptional Hardship) policy and fund will be reviewed during the new financial year, 2017/18;**
- (v) that the Head of Finance, in consultation with the Executive Lead Member for Customer Services, be authorised to make final detailed changes to the Council Tax Support Scheme and to implement the scheme from April 2017; and**

- (vi) **that the Council request the Head of Finance to review the exceptional hardship policy so as to consider an extension of the scheme to those impacted by the minimum set income for self employed earners.**

(Note: Mayor Oliver joined the meeting during this item.)

#### **106 Council Tax Base 2017/2018**

Members considered the submitted report which set out the Council's tax base for council tax purposes for 2017/18.

Mayor Oliver proposed and Councillor Mills seconded the motion, which was agreed by the Council, as set out below:

- (i) **that the calculation of the Council Tax Base for the year 2017/18 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 2017/18 be approved as shown in Appendix 2 to the submitted report;**
- (iii) **that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as its Council Tax base for the year 2017/18 should be 44,049.22; and**
- (iv) **that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as the Council Tax base for Brixham Town Council for the year 2017/18 should be 5,900.83.**

#### **107 Adoption of Planning Contributions and Affordable Housing Supplementary Planning Document**

Following the adoption of the Torbay Local Plan 2012-2030 and the submission of the Community Infrastructure Levy, the Council considered the submitted report setting out a review of the Planning Contributions and Affordable Housing Supplementary Planning Guidance. Members noted the document set out the Council's approach to developer contributions for both commercial and residential properties.

Councillor King proposed and Councillor Mills seconded the motion, as set out below:

- (i) **that following consideration of representations made on the Draft Planning Contributions and Affordable Housing Supplementary Planning Document (SPD), the SPD be adopted, with minor modifications, as a Supplementary Planning Document as set out in Appendix 3 to the submitted report; and**

- (ii) that the Executive Head of Business Services, in consultation with the Executive Lead for Planning, Transport and Housing, be given delegated powers to make minor amendments to the document to ensure legibility and clarity.

During the debate Councillor Thomas (D) proposed and Councillor Lewis seconded an objection to the motion as set out below:

**that the Council formally objects to the adoption of the Planning Contributions and Affordable Housing Supplementary Planning Document on the basis that the officer recommendation should be adopted by Council as follows:**

- 3.3 that following Consideration of representations received on the Draft Planning Contributions and Affordable Housing Supplementary Planning Document (SPD), the SPD be adopted, with minor modifications, as a Supplementary Planning Document as set out in Appendix 3 to the submitted report except that the threshold for provision of affordable housing in paragraph 3.4 of the SPD, and accompanying text elsewhere, be amended to 3 instead of 11 to ensure that the document adheres to the affordable housing thresholds set out in Policy H2 of the Adopted Torbay Local Plan, i.e. 3 dwellings for greenfield sites and that the Written Ministerial Statement of 28 November 2014 should be noted in the SPD as a material consideration; and**
- 3.4 that the Executive Head of Business Services, in consultation with the Executive Lead for Planning, Transport and Housing, be given delegated powers to make minor amendments to the document to ensure legibility and clarity.**

**In accordance with the Constitution at F4.9, the Council therefore requires the Mayor to consider this objection by 6 January 2017 and either:**

- a) submit a revision of the Planning Contributions and Affordable Housing Supplementary Planning Document 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 objection (substantive motion) was then considered by members, which was agreed by Council (shown in bold text above). The Mayor would consider the objection and publish his response by 6 January 2017 for consideration at the Extraordinary Council meeting on 19 January 2017.

**108 Special Responsibility Allowance Chairman of Investment Committee**

Following the Council's decision to establish an Investment Committee, members considered the submitted report on a proposal to introduce a Special Responsibility Allowance for the Chairman of the newly formed Committee.

Councillor Mills proposed and Councillor Bent seconded the motion, which was agreed by the Council, as set out below:

**that the Special Responsibility Allowance for the Chairman of the Investment Committee be set at £3,405 and that the Members' Allowances Scheme be updated accordingly.**

**109 Capital Plan Update 2016/2017 Quarter 2 and Mayor's Proposals for Capital Plan Revisions for Budget Process 2017/2018**

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

**110 Revenue Budget Monitoring 2016/2017 - Quarter Two (Mayoral Decision)**

The Council noted the forecast position for Revenue Budget for 2016/17 based on quarter two information, as set out in the submitted report. Members also noted the observations of the Overview and Scrutiny Board which were circulated prior to the meeting.

**111 Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency**

Members noted the submitted report setting out the executive decision taken (appointment of consultants to develop an alternative delivery option for Children's Services) to which the call-in procedure did not apply.

**112 Summary of decision taken by the Mayor in accordance with Standing Order E15 - Access to Information (Special Urgency)**

Members noted the submitted report on an executive decision (appointment of consultants to develop an alternative delivery option for Children's Services) which had not been included in the Forward Plan.

**113 Exclusion of the Press and Public**

Mayor Oliver proposed and Councillor Mills seconded the motion, which was agreed by the Council (unanimously), as set out below:

**that the press and public be excluded from the meeting prior to consideration of the following items on the agenda on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.**

Prior to consideration of the items in Minutes 114 and 115 the press and public were formally excluded from the meeting.

#### **114 Proposed investment at Torbay Business Park**

The Council considered proposals for investment at Torbay Business Park as set out in the submitted exempt report.

Mayor Oliver proposed and Councillor Thomas (D) seconded the motion, which was agreed by the Council (unanimously), as set out below:

**that Council Minute 42/7/16 – Proposed Investment at Torbay Business Park be rescinded and that the following amendment to the original report be approved:**

**That subject to confirmation of heads of terms, a satisfactory *five year* rental guarantee, parent company guarantee and such guaranties being confirmed as acceptable by the Assistant Director, Corporate and Business Services, in consultation with the Mayor and Group Leaders and Section 151 Officer, the Council approves investing the sum [as set out in the exempt report] in the project, at Torbay Business Park.**

#### **115 Investment Committee Recommendation - Investment Opportunity**

The Council considered the recommendations of the Investment Committee on an investment opportunity. Members received details of the proposal as set out in the exempt report circulated prior to the meeting.

The decision of the Council meeting is restricted due to exempt information contained within the decision.

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Chairman





# Minute Item 103

## Meeting of the Council

Thursday, 8 December 2016

### 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.

<b>Question (1) by Councillor Darling (M) to the Executive Lead for Planning, Transport and Housing (Councillor King)</b>	With the arrival of the first major winter storm, Angus, many residents have contacted me with concerns about flooding in their area. Can you please explain how Torbay Council in partnership with Tor2 have ensured that their gully clearance has peaked in time to take account of the autumn leaf fall and storm season?
<b>Councillor King</b>	<p>TOR2 provide a cyclic service to the authority to ensure that leaf debris is removed from the highway and that all 24,000 road gullies are cleaned at least once annually.</p> <p>TOR2 make provision to increase the street sweeping elements in the Autumn period to take account of the additional leaf fall, and Streetscene inspectors will report any areas that require attention. Unfortunately where we have autumn storms that combine strong winds and heavy rain, there is an increased risk of flooding due to the leaf fall being accelerated over a short period and it would be impossible to take measures to prevent this. TOR2 will however provide an emergency response to deal with flooding issues in these cases.</p> <p>Also, if during the year any road gullies are identified as being blocked, these are reported to TOR2 for cleaning and the numbers of gullies reported as blocked are recorded as part of the contract performance specifications.</p>
<b>Question (2) by Councillor Darling (S) to the Chairman of the Overview and Scrutiny Board (Councillor Lewis)</b>	<p>Earlier this Autumn Overview and Scrutiny agreed to gauge the impact of Brexit on the Council, our partners, local businesses and our communities.</p> <p>Areas for exploration included:</p> <ul style="list-style-type: none"><li>• That the financial position of local authorities such as Torbay must not be further worsened and should, if possible, be improved.</li><li>• That the Government must give an immediate guarantee that the existing rights of citizens of other European Union countries who are already living in Torbay will be protected.</li><li>• That the importance of the visitor economy and hospitality industry (including language schools and care homes) in Torbay must be recognised and their future protected.</li></ul>

	<ul style="list-style-type: none"> <li>• That there must not be any weakening of environmental legislation, particularly relating to clean bathing waters, or employment rights that at present derive from EU directives.</li> <li>• That fisheries support for areas such as Torbay must be maintained by the Government following a withdrawal from the Common Fisheries Policy.</li> <li>• That convergence funding, European Social Funding, European Regional Development Funding and other EU derived funding must be replaced with funds from the UK Treasury.</li> <li>• Reported increases in race hate crimes and antisocial behaviour directed at EU citizens in the UK and other ethnic minorities since the referendum result was announced, including in Torbay.</li> </ul> <p>The local government association have started to request evidence from Councils regarding this matter. Can you explain why the council have failed to gather such evidence?</p>
<b>Councillor Lewis</b>	<p>The holding of an overview and scrutiny inquiry day on the impact of Brexit in Torbay has been added to the Overview and Scrutiny Board's Work Programme. However, the focus of the Board over the last three months has been on the development of the Sustainability and Transformation Plan for the NHS in Devon (and, in particular, the CCG's consultation on the Proposed Reconfiguration of Community Services) and the Mayor's consultation on his proposals for the Revenue and Capital Budget for 2017/2018.</p> <p>Arrangements will be put in place in the New Year for the inquiry day on the impact of Brexit.</p>

## Second Round

<b>Question (3) by Councillor Darling (M) to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</b>	<p>Torbay Council had originally given the developer of the Pavilion and Marina car park site a deadline of October, 2016 to have all appropriate plans submitted for consideration by the Development Management Committee. Can you please explain why the Local Authority have now allowed this to slip to January?</p>
<b>Mayor Oliver</b>	<p>In accordance with the agreement for lease, a planning application was submitted on 29 September 2016. Now that has been submitted, the Local Planning Authority is progressing within their timescales, and it would be inappropriate for me to comment upon any planning matters.</p>