



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

22 June 2017

-: Present :-

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

The Mayor of Torbay (Mayor Oliver)

Councillors Amil, Barnby, Bye, Carter, Lewis (B), Darling (M), Darling (S), Ellery, Excell, Haddock, Hill, King, Lewis (C), Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Sanders, Stocks, Stubley, Thomas (D), Thomas (J) and Tyerman

31 Opening of meeting

The meeting was opened with a prayer.

32 Apologies for absence

Apologies for absence were received from Councillors Bent, Kingscote, Pentney, Stockman, Stringer, Sykes, Tolchard and Winfield.

33 Minutes

The Minutes of the meeting the extraordinary meeting of the Council held on 6 April, the Special meeting of Council held on 9 May, the annual Council meeting held on 9 May and the adjourned annual Council meeting held on 10 May 2017 were confirmed as correct records and signed by the Chairwoman.

34 Declarations of interests

The following non-pecuniary interests were declared:

Councillor	Minute Number	Nature of interest
Bye	40	President of Paignton Pantomime Production

35 Communications

The Chairman advised that the Armed Forces Day Parade was taking place at 10.45 a.m. on Saturday 1 July starting behind the Vue Cinema on the Esplanade and processing along the seafront towards the Redcliffe Hotel.

The Mayor:

- (a) conveyed condolences on behalf of the Council and residents of Torbay to the friends and families of all those affected by the recent tragic events in Manchester and London; and
- (b) advised that a ceremony would be held on 19 July 2017 at 2.00 p.m. at the Cenotaph on Torquay seafront for HMS Torbay to return the Freedom of the Borough following the decommissioning of this Trafalgar-class nuclear submarine after 28 years of service.

36 Order of Business

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable:

- (a) a Public Question Time session to be held after Item 5 (Communications) as the Chairwoman had used her discretion to allow a public question received after the agenda was published to be considered as it related to Item 8 on the agenda; and
- (b) Item 8 (Transformation Project – Future Direction of the Council's relationship with Torbay Leisure Centre) on the agenda to be considered before Item 6 (Harbour Light Building, Paignton Harbour).

37 Public Question Time

In accordance with Standing Order A24, the Council heard from Mr Robert Loxton who had submitted questions in relation to the future direction of the Council's relationship with Torbay Leisure Centre. Councillor Excell responded to the questions that had been put forward, plus a supplementary question asked by Mr Loxton.

38 Transformation Project - Future direction of the Council's relationship with Torbay Leisure Centre

The Council considered the submitted report on the outcome of discussions with the current operator Parkwood Leisure to secure the future sustainability of the Torbay Leisure Centre for the benefit of Torbay residents.

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

- (i) that the Council enters into a new lease with Parkwood Leisure for the provision of the Torbay Leisure Centre and the Velopark until 2029;**
- (ii) that from the point of transfer to the new arrangements to the end of the term, no management fee is payable by the Council;**

- (iii) that the new arrangements include the operation and management of the Velopark and the TUPE of existing Velopark staff;**
- (iv) that the Council provides a £1.7 Million loan to Parkwood Leisure through prudential borrowing for investment projects to improve the building, increase revenue generation, modernise and improve the facilities and improve customer satisfaction; and**
- (v) that the final terms of the lease and loan arrangements are delegated to the Assistant Director (Communities and Customer Services) in consultation with the Executive Lead for Community Services and the Section 151 Officer.**

39 Harbour Light Building, Paignton Harbour

Members considered the submitted report which set out the recommendation of the Harbour Committee for the Council to consider funding the redevelopment of the Harbour Light Restaurant in accordance with the Port Masterplan, subject to vacant possession, as set out in the business case in the submitted exempt report.

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

- (i) that, the Executive Head of Business Services be asked to obtain vacant possession of the Harbour Light building at Paignton harbour;**
- (ii) that Council approve funding of up to £600,000 to redevelop the Harbour Light building and that a contribution of £100,000 should be made from the harbour reserve fund with the balance of the funding obtained through prudential borrowing; and**
- (iii) that, the Executive Head of Business Services, supported by the Torbay Development Agency, be asked to secure tenants for the redeveloped building, on favourable terms, which represent best value.**

40 Transformation Project - Future of Palace Avenue Theatre, Paignton

As part of the development of the 2017/18 budget the future of the Palace Theatre was considered. Due to the financial challenges which operating a small theatre presents a review was undertaken and it was determined that the Council should seek an external partner to operate the Theatre to secure its future as a community theatre. The submitted report set out the outcome of the tender process.

Mayor Oliver proposed and Councillor Mills seconded a motion as set out below:

That the Palace Theatre, Paignton be declared no longer sustainable for service delivery by the Council and on that basis the Assistant Director of

Corporate and Business Services be requested to dispose of the Council's Freehold interest in the property, in accordance with the Asset Management Strategy and that the Theatre remains open whilst a sale is achieved.

During the debate Councillor Lewis (C) proposed and Councillor Morey seconded a motion as set out below:

- (i) that the negotiations continue with the preferred bidder to effect the transfer of the Palace Theatre under a 10 year lease to a new Community Interest Company; and
- (ii) that the Assistant Director (Communities and Customer Services) be give delegated authority to conclude the negotiations with the preferred bidder in consultation with the Executive Lead for Tourism, Culture and Harbours.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Amil, Barnby, Bye, Carter, Darling (M), Darling (S), Doggett, Ellery, Hill, Lewis (B), Lewis (C), Manning, Morey, Morris, O'Dwyer, Parrott, Robson, Sanders, Stocks, Stubley, Thomas (D), Thomas (J) and Tyerman (23); Against: Councillor Mills and Mayor Oliver (2); Abstain: Councillors Brooks, Excell, Haddock and King (4); Absent: Councillors Bent, Kingscote, Pentney, Stockman, Stringer, Sykes, Tolchard and Winfield (8). Therefore the amendment was declared carried.

The amended (substantive) motion was then considered by members.

A recorded vote was taken on the amended (substantive) motion. The voting was taken by roll call as follows: For: Councillors Amil, Barnby, Bye, Carter, Darling (M), Darling (S), Doggett, Ellery, Haddock, Hill, King, Lewis (B), Lewis (C), Manning, Morey, Morris, O'Dwyer, Parrott, Robson, Sanders, Stocks, Stubley, Thomas (D), Thomas (J) and Tyerman (25); Abstain: Councillors Brooks, Excell and Mills and Mayor Oliver (4); Absent: Councillors Bent, Kingscote, Pentney, Stockman, Stringer, Sykes, Tolchard and Winfield (8). The amended (substantive) motion was declared carried as follows:

- (i) that the negotiations continue with the preferred bidder to effect the transfer of the Palace Theatre under a 10 year lease to a new Community Interest Company; and**
- (ii) that the Assistant Director (Communities and Customer Services) be give delegated authority to conclude the negotiations with the preferred bidder in consultation with the Executive Lead for Tourism, Culture and Harbours.**

(Note: prior to consideration of this item Councillor Bye declared his non-pecuniary interest.)

41 Review of Investment Fund Strategy

This item was deferred.

42 Transformation Project - Housing Companies Policy Framework Document

The Council considered the submitted report which set out the Mayor's proposed Housing Company Policy Framework document. The report also included a proposed officer recommendation for a Policy Framework document.

Mayor Oliver proposed and Councillor Mills seconded a motion as set out below:

That the Housing Company Policy Framework document set out at Appendix 2 to the submitted report be approved.

During debate Councillor Thomas (D) proposed and Councillor Darling (S) seconded an objection to the motion as follows:

That Council objects to the Mayor's Policy Framework document as set out at Appendix 2 to the submitted report.

The Council objects on the basis that his proposals do not sufficiently, nor progressively, address the Council's challenges in respect of:

- (i) Increasing the number of affordable homes delivered;**
- (ii) Increasing standards in the private rented sector;**
- (iii) Providing greater flexibility when dealing with housing needs for local people;**
- (iv) Increasing the level of adapted accommodation to allow more people with care and support needs to live in specialist housing;**
- (v) Unlocking stalled sites in and around the town centre to assist with regeneration and increase footfall in the areas town centres; and**
- (vi) Assisting with regenerating areas of deprivation.**

The Council requests that the Mayor consider how the Policy Framework can be used more progressively to address these issues, including how the creation of a Housing Rental Company could be used to address the same.

In accordance with the Constitution at F4.9, the Council therefore requires the Mayor to consider this objection by 7 July 2017 and either:

- (a) submit a revision of the Housing Company Policy Framework 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 was put to the vote and declared carried. The Mayor will consider the objection and publish his response by 7 July 2017 for consideration at the Council meeting on 20 July 2017.

43 Constitution Amendments

Council considered the submitted report which set out proposed changes to the Council's Constitution in respect of the length of time of speeches and the Terms of Reference of the Development Management Committee.

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

- (i) that the Standing Orders – Council Meetings be amended as set out in paragraph 1.1 to the submitted report; and**
- (ii) that the Terms of Reference for the Development Management Committee be amended as set out in Appendix 1 of the submitted report, subject to Option 4 (i.e. deletion of paragraph 5) being implemented.**

(Note: Councillors Morris and Stubley left the meeting at this juncture.)

44 Corporate Plan Amendment - Vision/Place Narrative for Torbay Partners

The submitted report set out the work developed by a group of key partners in Torbay following the Local Government Association (LGA) Corporate Peer Review recommendations. The document had been considered by the Strategic Partnership Working Party and the Policy Development and Decision Group (Joint Operations Team) and the report set out the recommendations of the Mayor and the Working Party.

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

- (i) that the partners within the Strategic Partnership be thanked for their work in producing the document;**
- (ii) that subject to the title being changed to 'Your Future – Your Torbay' the Strategic Partnership's Vision for Torbay as set out at Appendix 1 be adopted as part of the Council's Policy Framework within the Corporate Plan; and**
- (iii) that the Introduction to the Council's Corporate Plan be amended to include the following additional paragraph:**

“Partners across Torbay have come together to develop ‘Your Future - Your Torbay’ which is a long term high level plan and vision with a compelling narrative articulating the ambitions for Torbay’s future. This Corporate Plan will provide the framework by which the Council delivers its elements of Your Future – Your Torbay.”

45 Composition and Constitution of Executive and Delegation of Executive Functions

The Council received and noted the submitted report in respect of changes made by the Deputy Mayor (on behalf of the Mayor) to his Executive.

46 Provisional Revenue Outturn 2016/2017 - Subject to External Audit

Members noted the submitted report in respect of the Revenue Outturn for 2016/2017.

47 Capital Investment Plan Outturn 2016/2017 - Subject to Audit

Members noted the submitted report in respect of the Capital Investment Plan Outturn for 2016/2017.

48 Treasury Management Outturn 2016/17

Members noted the submitted report in respect of the Treasury Management Outturn for 2016/2017.

49 Exclusion of the Press and Public

Prior to consideration of the item in Minute 50 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.)

50 Regeneration Opportunity

The Council considered details of the proposal as set out in the submitted exempt report.

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