



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

**21 June 2018**

**-: Present :-**

**Chairman of the Council (Councillor Doggett) (In the Chair)**

The Elected Mayor of Torbay (Mayor Oliver)

Councillors Amil, Brooks, Bye, Carter, Darling (M), Darling (S), Ellery, Excell, Haddock, Hill, King, Kingscote, Lewis (B), Lewis (C), Long, Manning, Mills, Morey, Morris, Parrott, Pentney, Robson, Stockman, Stocks, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman

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**28 Opening of meeting**

Members observed a minute's silence as a mark of respect in memory of the late former Councillor Eileen Salloway who passed away on 10 May 2018 and will be greatly missed. The meeting was then opened with a prayer.

**29 Apologies for absence**

Apologies for absence were received from Councillors Barnby, Bent, O'Dwyer, Sanders and Winfield. It was noted that Councillor Morris would be arriving late and Councillor Carter needed to leave around 7.30 pm.

**30 Minutes**

The Minutes of the meeting the annual Council meeting held on 14 May 2018 and the adjourned annual Council meeting held on 14 May 2018 were confirmed as correct records and signed by the Chairman.

**31 Communications**

The Chairman referred to the successful ceremony and parade for RAF Brize Norton held earlier today.

The Overview and Scrutiny Co-ordinator reminded members of the Overview and Scrutiny Spotlight Review on Neighbourhood Policing meeting being held at the Town Hall, Torquay at 9.30 am on Monday, 25 June 2018 and encouraged as many Councillors to attend as possible.

Councillor Thomas (D) provided a report to the Council on his work as the Council's representative on the Heart of the South West Joint Committee and Torbay Together as attached to these Minutes.

### **32 Order of business**

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable: agenda Item 10 (Call-in of Elected Mayor's Decision on Future of Oldway Mansion) and Item 11 (Future of Oldway Mansion) to be considered after Item 7(a) (Petition – Oldway is not for sale).

### **33 Public question time - Licensing for Landlords**

In accordance with Standing Order A24, the Council heard from Mrs Holbrook who represented Mrs Waugh who had submitted a question in relation to the Council's position on licensing for landlords. The Executive Lead for Housing, Councillor Stocks, responded to the question that had been put forward.

### **34 Petition - Oldway is not for sale**

In accordance with Standing Order A12, the Council received a petition requesting the Council not to sell Oldway Mansion and estate and to secure a structured and considered long-term strategy for keeping Oldway at the heart of the community. The Chairman reported that 888 qualifying electronic signatures had been received by the deadline for submission of petitions to this Council meeting and that there were approximately 2501 signatures on the petition as at 12 June 2018.

At the invitation of the Chairman, Mr Hawthorne addressed the Council in relation to the petition.

It was noted that the matters set out in the petition were due to be considered at this Council meeting (please refer to Minutes 35 and 36 below).

### **35 Call-in of Elected Mayor's Decision on Future of Oldway Mansion**

At its meeting held on 13 June 2018, the Overview and Scrutiny Board considered the Notice of Call-in of the Mayor's decision part (iii) to commence market testing to determine whether there is interest in securing the freehold or long leasehold disposal of Oldway Mansion. The Board resolved that, having listened to the advice of the Monitoring Officer, the Elected Mayor's decision was contrary to the Policy Framework as it did not believe that it made best effect of the Council's reducing resources (as set out the Corporate Plan). In accordance with Standing Order D10.3 the matter was referred to the Council for consideration.

The Council considered the submitted report on the findings of the Overview and Scrutiny Board and further information regarding the Elected Mayor's decision, along with the advice of the Monitoring Officer. They also received a record of decision setting out the Elected Mayor's response to the position of the Overview and Scrutiny Board.

Members firstly considered whether or not the Elected Mayor's decision was contrary to the Policy Framework.

Councillor Lewis proposed and Councillor Darling (S) seconded a motion, which was agreed by the Council (by recorded vote) as set out below:

**that the Elected Mayor's decision is contrary to the Policy Framework (Corporate Plan) as it does not believe that it makes best effect of the Council's reducing resources.**

A recorded vote was taken on the motion. The voting was taken by roll call as follows: For: Councillors Brooks, Bye, Carter, Darling (M), Darling (S), Doggett, Hill, King, Kingscote, Lewis (B), Lewis (C), Long, Morey, Morris, Pentney, Robson, Stubley, Skyes, Thomas (D), Thomas (J), Tolchard and Tyerman (22); Against: Elected Mayor Oliver and Councillors Ellery, Excell, Manning, Mills, Parrott, Stockman and Stocks (8); Abstain: Councillors Amil and Haddock (2); and Absent: Councillors Barnby, Bent, O'Dwyer, Sanders and Winfield (5).

In accordance with Standing Order D10.8, the Monitoring Officer advised that as the Council had determined that the Elected Mayor's decision was contrary to the Policy Framework, the decision was deemed as a recommendation to the Council. Elected Mayor Oliver proposed and Councillor Mills seconded a motion:

- (iii) that market testing commences now, through accredited agents, to see whether there is interest in securing the freehold or long leasehold disposal of Oldway Mansion and Estate. The marketing should engage with all interested parties, including charities, trusts, private individuals and commercial organisations, and for local community groups, such as the Friends of Oldway, the Community Asset Transfer Policy would be applicable;

During the debate Councillor Thomas (D) proposed and Councillor Robson seconded an amendment to the motion as follows:

- (iii) that market testing ~~commences now~~, through accredited agents, to see whether there is interest in securing the freehold or long leasehold disposal of Oldway Mansion and Estate **not be pursued**. ~~The marketing should engage with all interested parties, including charities, trusts, private individuals and commercial organisations, and for local community groups, such as the Friends of Oldway, the Community Asset Transfer Policy would be applicable;~~

The amended (substantive) motion was then considered by members, which was agreed by the Council as follows:

- (iii) **that market testing through accredited agents, to see whether there is interest in securing the freehold or long leasehold disposal of Oldway Mansion and Estate not be pursued.**

### 36 Future of Oldway Mansion

The Council received the report and recommendations of the Oldway Mansion and Estate Working Party, as set out in the submitted report. A revised Working Party recommendation was circulated on 20 June 2018. It was noted DCA consultants were appointed to produce an options appraisal and proposals for the future use of Oldway Mansion and estate, which were broadly agreed by the Working Party.

Councillor Robson proposed and Councillor Morey seconded a motion, which was agreed (by roll call) by the Council as set out below:

**This Council thanks the Working Party for their work over the preceding months and DCA for their production of a comprehensive and enlightening report.**

**Council notes and supports paragraphs (i), (ii), (iv) and (v) of the Elected Mayors decision of 11 June 2018.**

**Whilst the Council supports the ambitions for the future restoration of Oldway Mansion, including the ideas contained in the DCA report, it recognises that it is not currently in a position to commit to funding its restoration, beyond that which is needed to deal this year with the dry rot.**

#### **Decision**

- 3.1 That the Oldway Working Party's terms of reference be amended so as to include oversight in respect of:**
- 3.1.1 specifying, fully costing and prioritising the works identified in Phase 1 of the DCA report;**
  - 3.1.2 exploring with the community all potential sources of funding for the entirety of the Phases, including, but not limited to;**
    - Grant funding**
    - Fund raising events**
    - Crowd funding**
    - Business opportunities and investment**
    - Legacies**
    - Philanthropic contributions**
  - 3.1.3 production of a flexible programme of proposed delivery of restoration works which aligns with the availability of funding; and**
  - 3.1.4 strategic oversight of commissioning and delivery of any restoration works.**

A recorded vote was taken on the motion. The voting was taken by roll call as follows: For: Councillors Amil, Brooks, Bye, Carter, Darling (M), Darling (S), Doggett, Ellery, Haddock, Hill, King, Kingscote, Lewis (B), Lewis (C), Long, Manning, Morey, Morris, Parrott, Pentney, Robson, Stockman, Stocks, Stubley, Skyes, Thomas (D), Thomas (J), Tolchard and Tyerman (29); Against: (0); Abstain: Elected Mayor Oliver and Councillors Excell and Mills (3); and Absent: Councillors Barnby, Bent, O'Dwyer, Sanders and Winfield (5).

(Note: Councillor Carter left the meeting after discussion of this item.)

### **37 Members' questions**

Members received a paper detailing questions, as set out at Appendix 3 to these Minutes, notice of which had been given in accordance with Standing Order A13. The paper also contained the answers to the questions which had been prepared by Elected Mayor Oliver and Councillors Ellery, Excell, Lewis (C), Mills, Parrott and Thomas (D). It was noted that Question 13 had been withdrawn at the request of Councillor Darling (S).

Supplementary questions were put and answered by Councillors Ellery, Excell, Mills, Parrott and Elected Mayor Oliver, arising from their responses to the questions in respect of questions 1, 2, 3, 4, 5, 6, 9, 10, 11 and 12.

### **38 Notice of Motion - Provision of Disabled Toilet Facilities at Goodrington**

Councillor Tyerman advised the Council that he wished the notice of motion in relation to the provision of disabled toilet facilities at Goodrington to be withdrawn as the matter had already been dealt with outside of the meeting.

### **39 Notice of Motion - Provision of Affordable Housing**

Members considered a motion in relation to increasing the supply of good quality affordable homes in Torbay, notice of which was given in accordance with Standing Order A14. In accordance with Standing Order A14.3(b), the motion was dealt with by this meeting.

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

**Over the past few years the number of affordable homes built in Torbay has failed to reach targets set by the Council and the availability of good quality homes available to rent at affordable prices has fallen short of meeting the level of demand in Torbay.**

**As an initial move to increase the supply of good quality affordable homes Council requests the Director of Adult Services and Housing to bring forward to Council, at the earliest opportunity and no later than 19 July 2018, proposals to deliver affordable housing schemes at locations which have no significant impairment to rapid delivery and which are assessed as being able to support financially viable**

schemes, or which together, are able to support a collective package which achieves overall financial viability.

Sites to be considered for inclusion in the report must include but should not be limited to;

- (i) Redwell Lane
- (ii) Totnes Road
- (iii) St Kilda's

#### **40 Notice of Motion - Transformation Project - Town Centre Regeneration**

Members considered a motion in relation to the delivery of the Town Centre Regeneration Transformation Project and the Town Centre Regeneration Board, notice of which was given in accordance with Standing Order A14. In accordance with Standing Order A14.3(b), the motion was dealt with by this meeting.

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

**In June 2015 this Council established the Town Centre Regeneration Programme Board to deliver one of the Council's Transformation Projects.**

**The key objectives of Town Centre Regeneration Transformation Project are stated to be:**

- (a) To deliver and enable significant and successful regeneration of Torbay's Town Centres as a key part of Torbay's overall growth and place making agenda; and**
- (b) To generate income to support the Council's budget in order to deliver local services.**

**Further, in April 2017 Council approved as a policy framework document the "Transformation Strategy for Torbay's Town Centres" as an appendix to the "Torbay Economic Strategy."**

**Further still, in October 2017 Council agreed the following motion:**

- (i) that prudential borrowing of £25 million be approved to create a Town Centre Regeneration Programme Fund that will support delivery of the projects identified within Phase 1 of the Town Centre Regeneration (TCR) Programme, as set out in the Council's Transformation Strategy for Town Centres, with any draw down against this sum being delegated to the Chief Executive in consultation with the Elected Mayor, Group Leaders and Chief Finance Officer, in accordance with the approved Business Case at (iii) below;**

- (ii) that any income (revenue or capital) from the projects within Phase 1 of the TCR Programme, in excess of the amount required to cover the prudential borrowing costs for the £25 million and sustain service delivery (including any increased service costs/forecast income), be re-invested into the delivery of the Town Centre Regeneration Programme;**
- (iii) that the Town Centres Regeneration Programme Board must submit for approval by the Chief Executive, in consultation with the Elected Mayor and Group Leaders, an initial 5 year Town Centres Regeneration Business Plan, including delivery timescales and interdependencies between the projects demonstrating how the prudential borrowing will be used. The Business Plan needs to be regularly reviewed, with the Board submitting amendments for approval. The Overview and Scrutiny Board will periodically review progress against the business plan;**
- (iv) that the Town Centres Regeneration Business Plan will include the delivery of at least two public realm projects, one for Paignton and one for Torquay, at a combined cost of approximately £3 million, and the delivery of a refurbished Lower Union Lane Multi Storey Car Park at a cost of approximately £3.5 million, subject to the completion of Heads of Terms and a signed Agreement to Lease for the development of student accommodation at Upton Place (or another project that can cover the prudential borrowing costs of the car park refurbishment and public realm projects), with detailed proposals to be included in the Business Plan as per (iii) above. Final approval of public realm schemes and car park refurbishment to be delegated to the Executive Head of Business Services in consultation with the Chief Finance Officer and the Chairman of the Town Centres Regeneration Board, with the drawdown of the Prudential Borrowing to be approved in accordance with (i) above;**
- (v) that, if necessary, the £25 million Town Centre Regeneration Programme Fund can be used to make strategic acquisitions of property, with the revenue and/or capital income from such purchases being reinvested into the delivery of the TCR Programme. The authority to make such acquisitions is delegated to the Executive Head of Business Services, in consultation with the Chief Finance Officer and the Town Centres Regeneration Programme Board, following assessment of a clear business case. The drawdown of the Prudential Borrowing to be approved**

in accordance with (i) above. Any purchase of property in excess of £5 million will need full Council approval; and

- (vi) that the outline business cases included as part of the submitted report (Appendices 1 to 4) are approved in principle and that authority to proceed with each project is delegated to the Executive Head of Business Services, in consultation with the Chief Finance Officer and the Town Centres Regeneration Programme Board, following an assessment of more detailed and complete business cases.

The Council notes the following:

1. a viable business plan, in line with the original objectives of the Town Centre Regeneration Programme, has not received the approval from the Chief Executive, as required in the decision taken by the Council in April 2017; and
2. the decision taken by the Elected Mayor to withdraw Councillor Haddock as his representative on the Town Centres Regeneration Programme Board, despite Councillor Haddock as Chairman of the Board, has been instrumental in promoting the schemes by the Board.

In view of the above, the Council therefore resolves:

- (i) that all responsibility for progressing and overseeing the Town Centre Regeneration Programme be transferred to the Investment and Regeneration Committee, with the Committee's terms of reference to be amended accordingly by the Monitoring Officer. Accordingly the Town Centre Regeneration Programme Board be discontinued;
- (ii) decision making responsibility for committing any element of the £25 million previously approved by Council, be placed with the Investment and Regeneration Committee and operated within the existing criteria contained within their Policy Framework, with detailed business cases being presented for approval by the Investment and Regeneration Committee;
- (iii) the £25 million of prudential borrowing for Town Centre Regeneration be in addition to such other sum agreed from time to time by Council for funding schemes and purchases within the Investment and Regeneration Fund Strategy, but the £25 million shall be specifically ring fenced for town centre regeneration;



- (iv) **the principle of permitting public realm projects and car park refurbishment, as specified in section (iv) of the Council decision taken on 19 October 2017, to be funded from surpluses generated by other projects, be retained within the Town Centre Regeneration Programme when transferred to the Investment and Regeneration Committee;**
- (v) **the Investment and Regeneration Committee may resolve from time to time to appoint working parties from amongst its members or any other member of Council to investigate individual projects and to monitor their progress; and**
- (vi) **that the Overview and Scrutiny Board be requested to regularly review progress of the Investment and Regeneration Committee in regard to its work in progressing Town Centre and other regeneration projects.**

#### **41 Children and Young People's Plan**

The Council considered the submitted report on a revised Children and Young People's Plan. It was noted the revised plan sought to integrate the Children's Plan within the Council's Policy Framework to ensure a continuous, coherent approach for the commissioning, planning and delivery of services for children and young people.

Councillor Parrott proposed and Councillor Stockman seconded a motion, which was agreed (unanimously) by the Council as set out below:

**that the Children and Young People's Plan 2018/2023 be approved as part of the Council's Policy Framework and that it be noted that final amendments may be made, in accordance with the Constitution, in light of the outcome of the Ofsted Inspection.**

#### **42 Statutory Officer Appointment**

The Council was requested to confirm the statutory officer appointment for the Director of Children's Services.

Councillor Parrott proposed and Councillor Tyerman seconded a motion, which was agreed (unanimously) by the Council as set out below:

**that Alison Botham be appointed as the Statutory Officer for the Director of Children's Services from 6 July 2018.**

#### **43 Community Governance Review**

The Council resolved on 27 October 2016 to undertake a community governance review once the electoral review of ward boundaries had concluded. The electoral

review was due to conclude on 22 June 2018 and members considered the submitted report on when the review should be undertaken. It was noted the review would assist the Council to consider whether or not to form new town councils within Torbay. The financial pressures facing the Council in 2020 and a need to consider a wider review of local government reorganisation were highlighted at the meeting.

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

**(i) given the severity of the financial projections identified by the Chief Executive and the Section 151 Officer for 2020 that the Chief Executive be requested to immediately review all local government reorganisation options, including Torbay Council reverting to a District Council. It is not envisaged that this review will change the five year contractual relationship with Plymouth City Council for the delivery of Children's Services;**

**(ii) that in reviewing the options as set out in (i) above, the Chief Executive shall engage with all relevant bodies, including, but not limited to:**

- MPs
- Local Government Association
- Local Partnerships
- other Council's

**and the Chief Executive shall involve the Elected Mayor and Group Leaders as appropriate; and**

**(iii) In light of (i) and (ii) above that Minute 92 of 27 October 2016 be rescinded.**

#### **44 Duration of Meeting**

At this juncture, the Monitoring Officer reported that the meeting had exceeded four hours in duration and in accordance with Standing Order A11.2, the Chief Executive had indicated that the remainder of the business left on the agenda must be transacted at the meeting. Therefore, the meeting continued.

#### **45 Establishment of a Standards Hearing Sub-Committee**

The Council considered the submitted report on establishing the Standards Hearing Sub-Committee.

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

**(i) that, a sub-committee of the Standards Committee be established to comprise three Members of the Standards**

**Committee (and 1 Brixham Town Councillor if the complaint is about a member of the Town Council); and**

- (ii) that the terms of reference of the Standards Hearing Sub-Committee be to consider any alleged breaches of the Members Code of Conduct or local protocols, as and when referred to it by the Monitoring Officer.**

**46 Treasury Management Outturn 2017/2018 (subject to Audit)**

Members noted the submitted report in respect of the Treasury Management Outturn for 2017/2018.

**47 Budget Monitoring 2017/2018 - Quarter Four**

The Council noted the forecast position for Revenue Budget for 2017/18 based on quarter four information, as set out in the submitted report.

**48 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 Elected Mayor to his Executive.

**49 Exclusion of the Press and Public**

Councillor Ellery 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 item 20 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 Minute 50 the press and public were formally excluded from the meeting.

**50 Transformation Project - Future of TOR2 Services (Strategic Delivery Model)**

The Council considered the submitted exempt report on the future of TOR2 services.

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

**51 Investment and Regeneration Committee Recommendation - Investment Opportunity**

The Chairman reported that there were no recommendations from the Investment and Regeneration Committee for consideration at this meeting of the Council.

Chairman

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## Torbay Council representative on the Heart of the South West Joint Committee

### Talking Points for the meeting of the Council held on 21 June 2018

#### Joint Committee

- The second meeting of the Heart of the South West Joint Committee was held on 25 May 2018 at Devon County Hall.
- Councillor David Fothergill, Leader of Somerset County Council, was unanimously re-elected Chairman of the Joint Committee and Councillor John Tucker, Leader of South Hams District Council, appointed Vice-chairman.

#### Productivity Strategy and Delivery Plan

- The Joint Committee considered framework for the Delivery Plan for the Heart of the South West's Productivity Strategy.
- The Delivery Plan will be based around a series of opportunities which will be delivered through a range of tools or investments:
  - Opportunities in our transformational sectors:
    - Digital – Creative, Big Data and Photonics
    - Advanced Engineering – Marine, Nuclear and Aerospace
    - Healthy Ageing
  - Opportunities in our bedrock sectors:
    - Agriculture, food and drink
    - High value tourism
    - Defence
  - Enabling Opportunities:
    - Construction
    - Housing
    - Energy
    - Infrastructure
- It is recognised that across these opportunities will have elements which impact on our rural and coastal communities and that sometimes these will need to be packaged distinctly.

- The Joint Committee recognise that we will need to stay agile in order to respond to new funding opportunities.

#### **Peninsula Sub-National Transport Body**

- The Joint Committee noted the work that is underway to establish a Sub-National Transport Body (STB) for the South West Peninsula. The emerging approach is for two STBs to be formed in the South West – Western Gateway covering BANES, Bristol, Gloucestershire, North Somerset, South Gloucestershire, Wiltshire, Bournemouth, Poole and Christchurch; and Peninsula covering Cornwall, Devon, Somerset, Plymouth and Torbay and potentially Dorset (after their reorganisation).
- The aim is to establish a Shadow Sub-National Transport Body in the Autumn of 2018.

Torbay Together – Jake Berry visit – Update by Councillor Thomas (D)

I have been requested to provide Council with an update on the recent visit to see Jake Berry (The governments' minister for growth) of Torbay's Strategic Partnership, known locally as Torbay Together.

For the benefit of members of the public gathered here this evening. The Conservative group brought a motion to Council approx. 2 years ago to set up a strategic partnership for the Bay. Basically a group of individuals from all walks of life who wanted to see the Bay move forward over the next 20 years. This group includes representatives from the NHS, Police, Fire, the Voluntary Sector, Business representatives, the Community Development Trust, the business forum and of course a representative from the Council, ie myself. It was and still is important that this body of people is not the Council, it is a partnership and the Council are just one of the players sat around the table.

It has taken approx. 18 months for the group to pull together it's vision for the Bay, it is no surprise this vision hangs and links into the economical strategies that exist for Torbay and the wider region including direct links into the Heart of the South West Local enterprise Partnership. The group has no power to create new policies or new directions of travel, but it does have the power of 'togetherness' something that this Bay has often been lacking over recent years.

With any new partnership or group, trust has had to be earned, gained and respected. However I do believe that Torbay Together is now on the very first rung of helping to drive the Bay forward with some of its ambitions.

To that end and working with our MP, Kevin Foster, he was able to pull together a meeting with the minister for growth, Jake Berry in London last week. We had 45 minutes to present our offer – this was not a begging bowl, this was a genuine 'deal' where with the government's investment we could genuinely progress some of the key ideas in the document to help deliver growth, prosperity for all, and a huge lift in the GVA of the Bay. Positive opportunities for all individuals in the Bay and a better place to live, work and play.

I don't have time this evening to go through the full plan, but to give you just one of the headlines. This includes an ambition for South Devon College to obtain University Status by 2025.

Anyway back to the visit – if you wish to have a blow by blow account of our day trip to London, I need to point you in the direction of the Herald Express, both Jim Parkers column (oh, By the Way – he is the chairman of Torbay Together) and page 35 give you a blow by blow account including the full story of Matilda the Torbay/Russian Doll, the meeting with no trouser belts and our 20 minute audience with the minister.

Mr Chairman, I am extremely conscious of the time – I simply wish to conclude by informing you that the meeting went exceedingly well, the minister was impressed with our presentation. I think he liked the Torbay Doll – at least he was prepared to have his photo taken holding her and he didn't call for security.

However, the most important part of the meeting and the serious part of our visit was to ask the minister to come to the Bay, to experience some of the issues first hand, See some of our proposals and learn how as a committed partnership we wanted to move the Bay forward. This approach has worked very well in Luton under the Luton One initiative and we wanted to replicate the same opportunities here in the Bay.

I am therefore delighted to inform Council this evening that the Minister is extremely interested, he does want to come down and see what we can do, he draws comparisons with Grimsby and their Town Deal, I believe there is an opportunity for a Torbay Town Deal – let's see what happens next. I will of course keep Council informed as we more along this very exciting journey.



# Minute Item 37

Meeting of the Council, Thursday, 21 June 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.

<b>Question (1) by Councillor Darling (M) to the Executive Lead for Adults and Children Services (Councillor Parrott)</b>	<b>How has the Local Education Authority promoted a zero tolerance approach to up-skirting in Torbay schools?</b>
Councillor Parrott	<p>The Local Authority works within the diverse provider landscape created by the recent education reform agenda in order to facilitate the flow of information provided to children and young people and ensure a consistent approach between maintained, academy and independent schools in Torbay. The Local Authority uses its position of influence and brokerage, rather than a statutory power of direction which is not available in this context.</p> <p>To develop an ethos that fosters mutual respect between pupils, pupils are taught Personal, Social, Health and Economic Education (PSHE). Through this curriculum element, pupils are taught appropriate barriers, acceptable behaviours and provided with opportunities to consider the impact of their own behaviour on others. It should be noted that PSHE along with Relationships and Sex Education (RSE) are not currently, mandatory elements within the curriculum and that the relevant DfE guidance dates back to 2000.</p> <p>In support of an effective educational offer, schools should have a behaviour policy that is consistently and fairly applied. Schools encourage good behaviour through a mixture of high expectations, clear policy and an ethos which fosters discipline and mutual respect between pupils and between staff and pupils. The issue of up skirting falls within the scope of PSHE and RSE and will be a matter for individual schools to deal with through their behaviour policy.</p> <p>In March 2017, The Secretary of State for Education confirmed the Government's ambition to support all young people to stay safe and prepare for life in modern Britain. A key element within the DfE proposals will be to make Relationships Education, Relationships and Sex Education (RSE - Secondary) and Personal, Social, Health and Economic Education (PSHE - both) statutory in all schools, subject to the outcome of a thorough consideration of the subject. The government laid an amendment to the Children and Social Work Bill on 1 March 2017 which they intend to come into effect from September 2019.</p> <p>Torbay Education Officers, in Partnership with Public Health, CAHMS and Torbay Teaching School Alliance have been proactive in their collective response to the March 2017 proposals. The draft guidance has been used as</p>

	<p>a framework to create a PSHE network of schools and professionals to support the development of local syllabus. This will include reviewing and using best practice evidence for implementation across schools to deliver effective Relationships and Sex Education, which will have a significant weighting towards mutual respect and consent.</p>
<p><b>Question (2) by Councillor Lewis (B) to the Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (Elected Mayor Oliver)</b></p>	<p><b>As you are aware The Paignton Community Partnership and I are desperate for the improvement to the Shelters on Paignton Sea Front to take place, sooner rather than later! This is even more important following the March Storm which caused even more damage, they now need a complete refurbishment rather than a simple coat of paint.</b></p> <p><b>It is now time the Council, the Partnership and outside funders all came together to find a long term solution to the problem.</b></p> <p><b>Will the Portfolio holder please give me a full update, with timescales, on when we might see some action on the Shelters and for them to be restored to their former glory.</b></p>
<p>Elected Mayor Oliver</p>	<p>The shelters along both Paignton and Preston Beaches do not have a specified maintenance budget. A pooled budget exists for reactive repairs and programmed maintenance across a wide range of Council assets. This budget is under extreme pressure following years of austerity measures. As such the Council can only realistically afford a collaborative approach whereby paint and simple materials are supplied and volunteers or others undertake the work. In March 2018 Council Officers suggested to the Community Partnership that they could partner with South Devon College as they had previously assisted with the refurbishment of a shelter at Ilsham Marine Drive and this had been undertaken to a very high standard, at a cost of £4,500. Given that the academic year will soon end, the Community Partnership do not think that the College will be able to meet their required timelines. The Council is happy to assist the Community Partnership with its bid for up to £50,000 from the Coastal Revival Fund and has already sent a letter to them offering to be the accountable body for this process. This bid needs to be submitted by the Community Partnership on the 5<sup>th</sup> July 2018. Also the authority has identified £5,700 of Section 106 funding that could be used as a contribution to this worthwhile project. Given the timing of the bid process for the Coastal Revival Fund it is highly unlikely that these shelters will be refurbished in time for the summer season.</p>
<p><b>Question (3) by Councillor Robson to the Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and</b></p>	<p><b>The Torbay Air Show held earlier this month was highly successful in attracting visitors and was much appreciated by many residents in Torbay. Whilst final figures on its financial performance are I am sure not yet determined, revised budget figures presented to the Air Show Working Party on May 15th show that a significant deficit was expected beyond the level of financial commitment given by Council in July 2017. Do you consider that everything reasonably possible is being done to maximise income and minimise costs in order to keep the Council's financial commitment within budget.</b></p>

<b>Transformation (Elected Mayor Oliver)</b>	
Elected Mayor Oliver	<p>Whilst there are some final invoices to be processed, yes it is believed that the Torbay Air show was delivered within budget and was a significant success with record attendance of circa 165,000. We have received excellent feedback from the public, accommodation providers and coach operators that it was a brilliant, high quality event, one of the best free air shows in the UK that is attracting more and more people year on year.</p> <p>At the Torbay Airshow Working Party on 15th May a budget was presented showing the 'actual' funds in place at that time. It was explained at the working party that it was anticipated that the gap would be closed as outstanding trader payments and income were received. In addition, expenditure has continued to be managed downwards whilst not affecting the safety or quality of the event.</p> <p>Richmond Event Management have a five year contract, as agreed in line with the Council decision made in July 2017 and the process they undertake with officers is about constantly ensuring the financial commitment made by the Council is not exceeded, whilst delivering an event that is increasingly attracting visitors and placing Torbay firmly on the map to the rest of the UK as a great location to visit and enjoy.</p>
<b>Question (4) by Councillor Long to the Executive Lead for Planning and Waste (Councillor Mills)</b>	<b>In recent weeks residents have reported a number of missed collections by Tor 2, and one week where Tor 2 notified residents on social media of rearranged collections. What explanation is there for this ongoing issue?</b>
Councillor Mills	TOR2 are again experiencing problems with their household waste collections, mainly of their recycling material. The Authority is told that this is due to vehicles, that are in need of replacing, breaking down regularly and a shortage of trained drivers with the specific HGV qualification. A number of remedial actions are in hand, which include some new hired vehicles that will be delivered shortly and a clear intention to move some of the agency staff onto permanent contracts, together with the training of other drivers to the required standard for the operation of collection vehicles. Council officers recognise that this is not a good position to be in and the Authority is implementing the required performance deductions for the current level of missed collections, but the TOR2 Joint Management Team are currently reassured that a suitable recovery plan is in hand.
<b>Question (5) by Councillor Thomas (D) to the Executive Lead for Planning and Waste (Councillor Mills)</b>	<b>Residents in the Blatchcombe Ward have been reporting late collections of waste, both recycled waste and residual waste, over the past few weeks.</b> <p><b>I have also observed streets with recycled boxes filled with material outside of every house over periods of up to 3 days indicating a widespread absence of collections. Even on the run up to the Airshow weekend, I observed recycling boxes overflowing on Saturday and</b></p>

	<p><b>Sunday - not quite the right impression we are looking to set to visitors who may have been lured into the Bay for the first time to view the Airshow.</b></p> <p><b>The poor performance levels on waste collection have been observed for many months and residents across the Bay are unhappy that Torbay Council appears unable to make Tor2 deliver on its service commitments.</b></p> <p><b>Can you please tell me what the latest excuse is for this poor performance? Please supply a break down providing the number of missed collections alongside with the penalty charges we have imposed on a month by month basis for the past 12 months.</b></p>
Councillor Mills	<p>TOR2 are again experiencing problems with their household waste collections, mainly of their recycling material. The Authority is told that this is due to vehicles, that are in need of replacing, breaking down regularly and a shortage of trained drivers with the specific HGV qualification. A number of remedial actions are in hand, which include some new hired vehicles that will be delivered shortly and a clear intention to move some of the agency staff onto permanent contracts, together with the training of other drivers to the required standard for the operation of collection vehicles. Council officers recognise that this is not a good position to be in and the Authority is implementing the required performance deductions for the current level of missed collections, but the TOR2 Joint Management Team are currently reassured that a suitable recovery plan is in hand.</p> <p>For each day if TOR2 miss more than 25 houses, the Council can make an "A" deduction which equates to £1,100 pounds a time.</p> <p>Within the attached exempt spreadsheet (which was circulated separately to all Members) the totals include all the missed collections along with other deductions for spilled litter, late container delivery, assisted collections and sharps collections for all of last year and this year to date.</p>
<p><b>Question (6) by Councillor Darling (S) to the Executive Lead for Community Services (Councillor Excell)</b></p>	<p><b>Both Councillor Long and I have been in correspondence with the Torbay Council's Highways Team, following the recent fatality on the Great Hill Road /St Marychurch Road between Torquay and Newton Abbot. Can you please advise when the talks with Devon County Council will be concluded and when officers will be in a position to report back to members?</b></p>
Councillor Excell	<p>The issue of traffic using the Road between Great Hill Road, Torquay and Milber has been raised with Devon County Council and Officers have requested whether there has been any post South Devon Highway studies and whether there are any safety improvements being considered.</p> <p>There is no timescale for a response to this as Devon will more than likely wish to view any collisions in the area as part of any future site reviews. Officers have however requested that Torbay would wish to be advised of any outcomes once they are in a position to provide this information.</p>

<p><b>Question (7) by Councillor Mills to the Council's Representative on the Heart of the South West Joint Committee (Councillor Thomas (D))</b></p>	<p><b>I understand that Somerset County Council have applied to the Government to become a Unitary Council. How will this proposal impact on the Heart of the South West Joint Committee?</b></p>
<p>Councillor Thomas (D)</p>	<p>Somerset has only announced that it is to consult on the future Governance arrangements in Somerset. The outcome is far from certain!</p> <p>However, if this was to lead to the establishment of a new Unitary Authority in due course, then elected presentative(s) of the new Unitary Authority would represent the former County and Districts at the Joint Committee, as indeed Torbay and Plymouth Unitary representatives represent their respective constituents.</p>
<p><b>Question (8) by Councillor Pentney to the Executive Lead for Planning and Waste (Councillor Mills)</b></p>	<p><b>I understand that the Council can conduct post planning viability reviews of planning applications where applications have stated that they would need to reduce or forgo affordable housing contributions due to the unviability of the scheme. Please advise how many such reviews have been undertaken in the last four years, the schemes that were subject to these reviews and what changes to the affordable housing provision were made?</b></p>
<p>Councillor Mills</p>	<p>Two sites are currently under review with regards to the deferred housing contribution and these are White Rock in Paignton and The Pines in Torquay. At present there is no definite outcome as the relevant processes are still being worked through. Other sites within this time period have either completed within the timescales set out within the S106, have provided the full 30% or are still currently on site.</p>

## Second Round

<p><b>Question (9) by Councillor Long to the Executive Lead for Environment (Councillor Ellery)</b></p>	<p><b>A member of the public has advised me that the contractor the Council uses for grass cutting in the Barton and Watcombe area only employ 3 staff. Is this the reason why grass cutting has been so delayed this year?</b></p>
<p>Councillor Ellery</p>	<p>The contractor the council used for the Barton And Watcombe area has 9 staff available not 3 and uses them accordingly depending on demand. The cutting in Torbay started late as the ground was so wet and then the hot dry spell has seen a growth spurt with grass areas becoming overgrown very quickly. This has been a national trend but the crews are catching up as quickly as they can.</p>
<p><b>Question (10) by Councillor Darling (S) to the Executive Lead for</b></p>	<p><b>The Field in Trust deed for King George V playing fields off Teignmouth Road, Torquay has now been formally signed. When does the local Authority plan to reinstate the commemorative plaque that was stolen?</b></p>

<b>Environment (Councillor Ellery)</b>	
Councillor Ellery	The Fields in Trust deed does allow for a Plaque to be Reinstated, but this will not be of the quality of the one stolen because the cost of this could be up to £2k. I understand Councillor Steve Darling was looking to community funding so that a higher quality Plaque could be reinstated. This funding will need to come from the community or other sources as the council have no budget for a high quality replacement.
<b>Question (11) by Councillor Darling (M) to the Executive Lead for Community Services (Councillor Excell)</b>	<b>I understand the Council have conducted traffic counts before and after the completion of the South Devon Link Road, along Hele Road Torquay. Can you please provide me with a table that compares these counts?</b>
Councillor Excell	Traffic data gathered for Hele Road, Torquay has yet to be fully verified by officers and some further surveys may be considered. Officers will provide this data once they are satisfied that results are representative.

### Third Round

<b>Question (12) by Councillor Long to the Executive Lead for Community Services (Councillor Excell)</b>	<b>How many hours a week does Torbay's CCTV not have active supervision?</b>
Councillor Excell	Out of the 168 hours in any one week, the CCTV service is without active supervision for only 38 hours per week (Sunday to Thursday 0200-0800 and Friday and Saturday nights 0400-0800).
<b>Question (13) by Councillor Darling (S) to the Chairman of the Overview and Scrutiny Board (Councillor Lewis (C))</b>	<b>Earlier this year the Overview and Scrutiny Board agreed to hold a meeting with the Police to consider the reductions in uniformed police officers in Torbay. This has now dragged on for months, with fear of crime mounting and a lack of policing in Torbay impacting on our communities. Why have you allowed this meeting to hold the Police to account to drag on for months?</b>
	This question was withdrawn.