



## **Minutes of the Council**

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

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### **134 Opening of meeting**

The meeting was opened with a prayer.

### **135 Minutes**

The Minutes of the meeting of the Council held on 3 February 2016 were confirmed as a correct record and signed by the Chairman. In respect of the Minutes of the adjourned meeting of the Council held on 11 February 2016, Councillor Tyerman advised that his non-pecuniary interest which he declared as a trustee of Torbay Coast and Countryside Trust was independent from the Council and therefore the Monitoring Officer's dispensation did not apply. Therefore, subject to the Minutes of the adjourned meeting of the Council being updated with Councillor Tyerman's interest, the Minutes were approved as a correct record.

### **136 Declarations of interests**

At the invitation of the Chairman, the Monitoring Officer reminded Members of the dispensation granted in respect of Members' interests in relation to the setting of the Council Tax and matters relating to Council controlled companies where Members were appointed as unpaid directors by the Council. It was noted that this meant Members were permitted to discuss and vote on the budget in respect of these matters without the need to declare an interest. The Monitoring Officer also advised Members of a dispensation granted to the Mayor on his pecuniary interest in relation to Connections for the purposes of proposing the Mayor's overall final revenue budget and voting on any substantive motion.

The following non-pecuniary interests were declared:

<b>Councillor</b>	<b>Minute Number</b>	<b>Nature of interest</b>
Councillor Tyerman	142	Trustee of Torbay Coast and Countryside Trust and Director of subsidiary companies
Councillor Tyerman	149	Director of Torbay Youth Trust Ltd.
Councillor Thomas (J)	Whole meeting	Trustee and Director of the Shekinah Mission

The Mayor declared a pecuniary interest in respect of Minute142 in relation to Connections and advised of the Monitoring Officer's dispensation for the purposes of proposing his final budget and voting on any substantive motion. The Mayor also declared a pecuniary interest in respect of Minutes 141 and 150.

### **137 Communications**

The Mayor referred to the programme of events scheduled for 2016 including the new Air Show and expressed thanks to the voluntary sector groups that contribute towards making these events a success. The Mayor paid particular thanks to those organisations who deliver events on Paignton Green, which also supported a wide range of local charities. The organisations included Paignton Regatta, BMAD, Torbay Carnival and Torbay Motor Show.

The Overview and Scrutiny Co-ordinator updated Members on the meeting of the Overview and Scrutiny Board held on 17 February 2016. The Co-ordinator advised members that at that meeting the Board discussed the changes to the mechanism of Overview and Scrutiny which reflected the recommendations of the Local Government Association Corporate Peer Challenge Feedback Report and the work undertaken with the Centre of Public Scrutiny in 2014/2015.

### **138 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 11 (Executive Lead for Business Response to Objection to the Current Corporate Plan – Connections) to be considered before agenda Item 8 (Revenue Budget Proposals 2016/17); and agenda Item 7 (Members' Questions) to be considered after Item 19 (Change of Job Title for Executive Director of Operations), with the exception of question 17 which would be taken after Item 6 (Petition – Health and Safety at Cary Park and immediate surroundings).

### **139 Petition - Health and Safety at Cary Park and immediate surroundings**

In accordance with Standing Order A12, the Council received a petition concerning Health and Safety at Cary Park and immediate surroundings (approximately 103 signatures).

It was noted that the petitioners had requested their petition to be submitted direct to the decision-maker and it would be referred to the Assistant Director for Community and Customer Services for consideration in consultation with the Executive Lead for Community Services.

#### 140 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.

A verbal response was provided on question 17 at the meeting and a supplementary question was then asked and answered in respect of the question.

#### 141 Executive Lead for Business Response to Objection to the Current Corporate Plan - Connections

Further to the adjourned meeting of the Council held on 11 February 2016, Members considered the Record of Decision setting out the Executive Lead for Business' response to the objections raised by the Council on the current Corporate Plan in relation to face to face customer service presence.

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

that the Council be recommended to revise the current Corporate Plan under 'Use reducing resources to best affect' as set out below (changes shown in bold text):

*'Use reducing resources to best effect  
Thinking for the future*

We will continue to ensure we are working to maximise efficiencies, ensuring every pound and every hour of work is well spent but the scale of the budget gap means this alone will not be enough. Therefore we will need to think and act differently:

- We may stop providing some services.  
**Including reducing the Connections Service in Torquay and Brixham, but maintaining an appointments system for face to face customer service presence for one day per week in Brixham and Torquay libraries, with any further changes made to the locations of face to face customer service being determined by Full Council.'**

An amendment was proposed by Councillor Lewis and seconded by Councillor Stocks:

that the Council be recommended to revise the current Corporate Plan under 'Use reducing resources to best affect' as set out below (changes shown bold):

'Use reducing resources to best effect

*Thinking for the future*

We will continue to ensure we are working to maximise efficiencies, ensuring every pound and every hour of work is well spent but the scale of the budget gap means this alone will not be enough.

Therefore we will need to think and act differently:

- We may stop providing some services.

~~Including reducing the Connections Service in Torquay and Brixham, but maintaining an appointments system for face to face customer service presence for one day per week in Brixham and Torquay libraries, with any further changes made to the locations of face to face customer service key services protecting our vulnerable residents, for example Connections, being determined by Full Council.~~

- **The Council will maintain a face-to-face customer service presence in Torquay, Paignton and Brixham and before any change is made a report be presented to Council for approval.'**

At the request of the Chairman, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (25); Against: Councillors Amil, Brooks, Excell, Haddock, King, Lang, Manning, Mills, Morris, Parrott and Stubley (11); Absent: Mayor Oliver (1). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the amendment it was declared carried.

The substantive motion was then before Members for consideration.

At the request of the Chairman, a recorded vote was taken on the substantive motion. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (25); Against: Councillors Amil, Brooks, Excell, Haddock, King, Lang, Manning, Mills, Morris, Parrott and Stubley (11); Absent: Mayor Oliver (1). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the substantive motion it was declared carried.

(Note: Prior to the consideration of Minute 141, Mayor Oliver declared his pecuniary interest and withdrew from the meeting.)

**142 Revenue Budget 2016/2017**

The Council considered the final Revenue Budget proposals of the Mayor, which he had put forward following his consideration of the objections that were made by the Council at its adjourned meeting on 11 February 2016.

In accordance with legislation, the Chairman advised recorded votes would be taken on the motion and amendments.

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

that it be recommended to Council:

- (i) that the net revenue expenditure and council tax requirement for 2016/17 as shown in paragraph 3.3 of the submitted report, that includes the funding raised by the 2% council tax increase specifically for adult social care, be approved;
- (ii) that in relation to (i) above, Council confirms its commitment (by a statement signed by the Section 151 Officer) to allocate the additional funding raised by the 2% council tax increase to adult social care in 2016/17 and in future years;
- (iii) that the 2016/17 allocation of the revenue budget to services as per the budget digest and the associated fees and charges (both circulated separately) be approved, subject to a revised amount of £744,000 (an increase of £10,000) for Customer Services to be allocated from the Grant Income and Contingencies budget, to enable an appointments system for face to face enquiries one day per week in Council libraries in Torquay and Brixham;
- (iv) that the Dedicated Schools Grant be used in accordance with the nationally laid down Schools Financial Regulations (paragraph 11 of the submitted report) and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed and this authorisation be included in the officer scheme of delegation;
- (v) that in accordance with the requirement of the Local Government Act 2003, to consider and note the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's reserves (paragraph 12 of the submitted report);
- (vi) that Council approve the temporary use of £2.5m from the Insurance Reserve in 2015/16 to fund the projected 2015/16 overspend, which is to be repaid from the 2016/17 budget;
- (vii) that Council note that Brixham Town Council have yet to set their budget for 2016/17 and this precept, when known, will be included as

- part of the Torbay Council budget for Council Tax setting purposes;
- (viii) that, subject to clarification of the acceptance process from DCLG, that Council delegate acceptance of a four year funding settlement for Revenue Support Grant to the Chief Finance Officer in consultation with the Mayor and Executive Director of Operations and Finance;
  - (ix) that, the Review of Reserves 2016/2017 as set out in the submitted report at appendix 3, be approved; and
  - (x) that, the Treasury Management Strategy 2016/2017 (incorporating the Annual Investment Strategy 2016/2017 and the Minimum Revenue Provision Policy 2016/2017) as set out in the submitted report at appendix 4 be approved.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Thomas (D) and seconded by Councillor Ellery:

that the Mayor's Revenue Budget proposals be amended to include:

That the Assistant Director of Corporate and Business Services, in consultation with the Mayor and Group Leaders, be authorised to agree the criteria and principles for use of the transformation budget of £600,000.

A recorded vote was taken on the amendment. The vote was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, King, Kingscote, Lang, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Stringer, Stublely, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (37). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the amendment it was declared carried (unanimous).

(Note: Prior to consideration of the following amendment, the Mayor declared his pecuniary interest in relation to Connections and withdrew from the meeting.)

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Morey and seconded by Councillor Stocks:

- (i) that the Mayor's Revenue Budget proposals be amended to include an additional £38,000 to be allocated from the Grant Income and Contingencies Budget for six months transitional funding of Connections to allow an options appraisal be to undertaken on the future of Customer Services; and
- (ii) that an initial options appraisal be presented to the Council at its extraordinary meeting on 7 April 2016.

A recorded vote was taken on the amendment. The vote was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (25); Against: Councillors Amil, Brooks, Excell, Haddock, King, Lang, Manning, Mills, Morris, Parrott and Stubley (11); and Absent: Mayor Oliver (1). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the amendment it was declared carried.

The substantive motion (the original motion updated by the two amendments) was then before Members for consideration.

A recorded vote was taken on the substantive motion. The vote was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, King, Kingscote, Lang, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Stringer, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (36); and Against: Councillor Sanders (1). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the substantive motion it was declared carried.

#### **143 Capital Plan Budget 2016/17**

The Council considered the final Capital Plan Budget proposals of the Mayor (as set out in the Mayor's Record of Decision dated 19 February 2016), which he had put forward following his consideration of the objections that were made by the Council at its adjourned meeting on 11 February 2016.

In accordance with legislation, the Chairman advised recorded votes would be taken on the motion and amendments.

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

- (i) that the latest position for the Council's Capital expenditure and funding for 2015/16 be noted;
- (ii) that 2016/17 Capital Strategy (set out at Appendix 1 of the submitted report) be approved;
- (iii) that prudential borrowing of £10 million for an Investment Fund to enable acquisition of properties for investment purposes to be funded from future rental income be approved. Criteria for the purchases within the Fund be presented to Council for approval in due course;
- (iv) that prudential borrowing of £3 million for essential capital repair works be approved with the cost of borrowing to be included in future year revenue budgets and that the allocation of the budget be agreed by the Executive Head – Business Services in consultation with the Chief Finance Officer and the Mayor and Group Leaders with the

Overview and Scrutiny Co-ordinator being notified in advance of any decisions;

- (v) that prudential borrowing of £0.350 million to upgrade and update the Council's CCTV equipment be approved with the cost of borrowing to be included in future year revenue budgets offset by any future external contributions and any resulting revenue savings;
- (vi) that prudential borrowing of £1.0 million for an IT Investment Fund for 2016/17 to 2019/20 be approved with the cost of borrowing to be included in future year revenue budgets and that the allocation of the Fund be agreed by Executive Director of Operations and Finance consultation with the Chief Finance Officer, the Executive Head – Customer Services and the Executive Lead for Customer Services;
- (vii) that the reallocation of £0.5m within the existing schools capital allocation to provide two mobile accommodation buildings at Paignton Community Sports Academy be approved to meet an immediate need for pupil places;
- (viii) that the Council will not take up the option in 2016/17 of using capital receipts to fund one off revenue costs of transformation to meet future budget reductions;
- (ix) that, subject to approval of (iii) to (viii) above, the budget forecast for 2016/17 to 2019/20 at Appendix 2 of the submitted report be approved as the Capital Plan; and
- (x) that the Corporate Asset Management Plan for 2015 – 2019 (as set out in Appendix 4 of the submitted report) be approved.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Thomas (D) and seconded by Councillor Darling (S):

that the Mayor's Capital Budget proposals be amended to include:

- (i) that the matrix scoring criteria for capital projects is prepared and presented to the Council for approval at its extraordinary meeting on 7 April 2016; and
- (ii) that following approval of the matrix scoring criteria by the Council on 7 April 2016, any revisions required to the Capital Plan will be presented to Council for approval at the Annual Council meeting on 11 May 2016.

A recorded vote was taken on the amendment. The vote was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, King, Kingscote, Lang, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Stringer, Stubbley, Sykes, Thomas (D), Thomas (J),

Tolchard, Tyerman and Winfield (37). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the amendment it was declared carried (unanimous).

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Carter and seconded by Councillor Sanders:

that it be noted that the Mayor in his response to the Council's objections does not acknowledge the request of the Council to undertake public consultation to ensure that appropriate projects are brought forward for the Paignton seafront and harbour side. Therefore, the Council resolves that public consultation will be undertaken to ensure that appropriate projects are brought forward for the Paignton seafront and harbour side (with a particular focus on Paignton Harbour) to inform the Capital Plan.

A recorded vote was taken on the amendment. The vote was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, King, Kingscote, Lang, Lewis, Manning, Morey, Morris, Parrott, Sanders, Stockman, Stocks, Stringer, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (33); Against: Councillors Brooks, Mills and O'Dwyer (3); and Abstain: Councillor Robson (1). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the amendment it was declared carried.

(Note: At this juncture, Councillor Winfield left the meeting.)

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Darling (S) and seconded by Councillor Darling (M):

that in respect of the criteria for the purchases within the £10 million Investment Fund, part of the criteria includes housing delivery investment options. The parameters of the criteria to include a commitment to fully explore and assess the merits of the Council developing its own residential property and to potentially become a landlord to increase the supply and delivery rate of affordable homes, provide more comprehensive solutions around temporary accommodation, to better meet the needs of our most vulnerable residents, tackle the indices of deprivation in the community investment areas (as identified in the Local Plan) and to provide a potential revenue income stream to the Council.

A recorded vote was taken on the amendment. The vote was taken by roll call as follows: For: Councillors Bent, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Morey, Parrott, Robson, Sanders, Stockman, Stocks, Stringer, Thomas (D) and Tolchard (16); Against: Mayor Oliver, Councillors Amil, Barnby, Brooks, Bye, Excell, Haddock, Hill, King, Kingscote, Lang, Lewis, Manning, Mills, Morris, O'Dwyer, Stubley, Sykes, Thomas (J) and Tyerman (20); and Absent: Councillor Winfield (1). Therefore, as less than two-thirds of Members present and voting had cast their vote in support of the amendment it was declared lost.

The substantive motion (the original motion updated by the two amendments in relation to matrix scoring criteria and consultation on Paignton projects) was then before Members for consideration.

A recorded vote was taken on the substantive motion. The vote was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, King, Kingscote, Lang, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Stringer, Stubbley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman (36); and Absent: Councillor Winfield (1). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the substantive motion it was declared carried (unanimous).

#### 144 Mayor's Response to Objection to the Current Corporate Plan - Libraries

Further to the adjourned meeting of the Council held on 11 February 2016, Members considered the Record of Decision setting out the Mayor's response to the objections raised by the Council in respect of the current Corporate Plan in relation to libraries.

It was proposed by the Mayor and seconded by Councillor Morris:

that the Council be recommended to revise the current Corporate Plan under 'Use reducing resources to best affect' as set out below (changes shown in bold text):

'Use reducing resources to best effect

*Thinking for the future*

We will continue to ensure we are working to maximise efficiencies, ensuring every pound and every hour of work is well spent but the scale of the budget gap means this alone will not be enough. Therefore we will need to think and act differently:

- We may stop providing some services.
- Some services will need to be provided differently with greater community support and/or with integrated working with our partners, **including reviewing the delivery of libraries whilst maintaining libraries in Torquay, Paignton, Churston and Brixham.**

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

#### 145 Council Tax 2016/2017

The Council received the submitted report in relation to the setting of Council Tax for 2016/17.

In accordance with legislation, the Chairman advised recorded votes would be taken on the motion.

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

- (i) that the Council is recommended to note:
  1. that in December 2015 the Council calculated the Council Tax Base for 2016/17:-
    - (a) for the whole Council area as 43,180.70, [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
    - (b) for dwellings in the Brixham Town Council area as 5,811.07 to which a Parish precept relates; and
  2. that the Police and Crime Commissioner for Devon and Cornwall and the Devon and Somerset Fire and Rescue Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table in paragraph (ii) 3. below.
- (ii) that the Council is recommended to approve:
  1. the Council Tax requirement for the Council's own purposes for 2016/17 (excluding Brixham Town Council) of £56,631,056;
  2. that the following amounts be calculated for the year 2016/17 in accordance with Chapter Three of the Act:
    - (a) £267,034,519 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account the precept issued to it by Brixham Town Council;
    - (b) (£210,169,615) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act;
    - (c) £56,864,904 being the amount by which the aggregate at (ii) 2(a) above exceeds the aggregate at (ii) 2(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax Requirement for the year (item R in the formula in Section 31B of the Act);
    - (d) £1316.91 being the amount at (ii) 2(c) above (Item R), all divided by Item T ((i) 1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);

- (e) £233,848 being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act;
- (f) £1,311.49 being the amount at (ii) 2(d) above less the result given by dividing the amount at (ii) 2(e) above by Item T ((i) 1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates;
3. that the Council, in accordance with Chapter Three of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2016/17 for each part of its area and for each of the categories of dwellings.

	Valuation Band							
	A	B	C	D	E	F	G	H
Ratio of each band to Band D	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9
	£	£	£	£	£	£	£	£
Torbay Council	874.33	1,020.05	1,165.77	1,311.49	1,602.93	1,894.37	2,185.82	2,622.98
Police and Crime Commissioner	115.23	134.43	153.64	172.84	211.25	249.66	288.07	345.68
Devon and Somerset Fire and Rescue Authority	53.32	62.21	71.09	79.98	97.75	115.53	133.30	159.96
Aggregate of Council Tax Requirements ex. Town Council	1,042.88	1,216.69	1,390.50	1,564.31	1,911.93	2,259.56	2,607.19	3,128.62
Brixham Town Council	26.83	31.30	35.77	40.24	49.18	58.12	67.07	80.48

Aggregate of Council Tax Requirements including Brixham Town Council	1,069.71	1,247.99	1,426.27	1,604.55	1,961.11	2,317.68	2,674.26	3,209.10
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4. that the Council's basic amount of Council Tax for 2016/17 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992 (see paragraph 5.9 of the submitted report).

A recorded vote was taken on the motion. The vote was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, Kingscote, Lang, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Stringer, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (35): and Absent: Councillors King and Winfield (2). Therefore, the motion was declared carried (unanimous).

(Note: Councillor King had left the meeting for a short period and during the recorded vote on the motion above.)

#### **146 Proposed Change to 2015/2016 Minimum Revenue Policy**

The Chairman advised that this item had been withdrawn.

#### **147 Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust**

The Council considered the submitted report on the Annual Strategic Agreement which set out the arrangements for Torbay Council and South Devon and Torbay Clinical Commissioning Group to commission Adult Care services from Torbay and South Devon NHS Foundation Trust. It was noted the Agreement set out the strategic direction to maximise choice and independence for those who required adult social care and support, together with objectives for the Trust to meet and to enable performance monitoring.

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

that the Annual Strategic Agreement 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.

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

**148 Collaton St Mary Masterplan Supplementary Planning Document**

Members considered the submitted report on the Collaton St Mary Masterplan which defined the nature of future development within the Collaton area, west of Paignton. It was noted this area was allocated as a Future Growth Area within the Adopted Torbay Local Plan 2012-30 to deliver approximately 460 new homes, a local centre and infrastructure.

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

that the Collaton St Mary Masterplan, with the schedule of amendments set out in Appendix 2 to the submitted report be approved and adopted as a Supplementary Planning Document.

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

**149 Relocation of Torbay School and a New Primary School in Paignton**

Further to the decision of the Council at its meeting on 26 February 2015 to relocate Torbay School, the Council received revised proposals for a new site which would better meet the needs of young people attending this special school. The submitted report updated Members on the results of site investigations into the original approved site at Hillside, Torquay and the alternative proposed site at MyPlace, Paignton. It was noted that a revised officer recommendation had been circulated in the morning of 25 February 2016.

The Chairman drew Members' attention to the recommendations of the Overview and Scrutiny Board which were circulated on 23 February 2016 and invited the Overview and Scrutiny Co-Ordinator to outline the Board's recommendations.

It was then proposed by Councillor Parrott and seconded by Councillor Mills:

- (i) that, subject to the outcome of the formal consultation in (iii) below and in the event of a decision being made to relocate Torbay School to the MyPlace facility in Paignton, the decision in Minute 172(ii) 'that the Executive Head of Commercial Services be given delegated authority to agree the terms of the lease and/or procurement arrangements for the transfer of the Parkfield site (the new build), BMX and Skateboard Park to the Torbay Youth Trust' be rescinded;
- (ii) that the Director of Children's Services be requested to work in partnership with the Youth Trust to develop an alternative viable business plan, to be in place by July 2016, (within existing budget) for the continuity and development of services for young people across the Bay. That the development work should include a review of Parkfield and other potential sites to ensure that the Youth Trust will have an appropriate administrative base and good access to deliver services in areas that meets the needs of children and young people across the Bay. The new business plan needs to be approved by the Council;

- (iii) that, following the outcome of the formal consultation, the decision to relocate Torbay School to the MyPlace facility in Paignton and the subsequent transfer of the area of land edged red on the plan attached as Appendix 2 of the submitted report on a 125 year lease be delegated to the Executive Director for Operations and Finance and Director of Children's Services in consultation with the Executive Lead for Adults and Children, with an instruction being issued as part of the commercial transfer of the site to the academy sponsor, to include access in the evenings, weekends and holiday periods for the benefit of the young people of Torbay for whom the facility was built, and enabling its original purpose (subject to confirmation by the Secretary of State); and
- (iv) that in the event that a decision is made to transfer Torbay School to the MyPlace facility, the Executive Director for Operations and Finance and Director of Children's Services in consultation with the Executive Lead for Adults and Children be given delegated authority to develop the current Torbay School site at Torquay Road as a new primary school.

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

that the decision on the relocation of Torbay School and a new primary school in Paignton be deferred to enable:

- (a) an outline financial business plan for the Youth Trust to be prepared and presented to the Council at its extraordinary meeting on 7 April 2016. The business plan to provide assurance that the proposals are financially viable and that the Youth Trust accept that the plan is sound;
- (b) the report to the Extraordinary Council meeting on 7 April 2016 to also include further details of accessibility to the facilities in the evenings, weekends and holiday periods, without incurring any financial burden and including:
- how this will be accomplished and which body will be responsible for the access;
  - greater detail of the time periods it will be available; and
  - the area of the building that will be available for access.
- (c) an explanation who will be responsible for activities at the BMX and skateboard park after the building has been leased to the Torbay School Academy.

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

(Note: In accordance with Standing Order A19.6, Councillor Tyerman requested his abstention from voting on the amendment to be recorded.)

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

that the original motion (i) to (iii) is adopted; and

- (iv) that in the event that a decision is made to transfer Torbay School to the MyPlace facility, the Executive Director for Operations and Finance and the Director of Children's Services, in consultation with the Executive Lead for Children and Adults, be requested to bring forward a further report detailing the expansion of primary school places in Paignton to the Council meeting on 7 April 2016.

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

The substantive motion (the original motion (i) to (iii) with the revised (iv)) was then before members for consideration.

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

(Note: In accordance with Standing Order A19.6, Councillor Tyerman requested his abstention from voting on the substantive motion to be recorded.)

(Note: During consideration of Minute 149, Councillor Tyerman declared his non-pecuniary interest.)

## **150 Options for the Sustainable Support of Tourism in Torbay**

At this juncture, the Chairman advised that the meeting had exceeded four hours in duration and in accordance with Standing Order A11.2, the Executive Director of Operations and Finance and the Monitoring Officer had indicated that this item must be transacted at the meeting.

Further to the decision of the Council at its meeting on 10 December 2015, the Council received the submitted report which set out options for the sustainable support of tourism in Torbay following the recent 'No' vote for the proposed Torbay Retail and Tourism Business Improvement District (TRTBID). The report also detailed proposals for the future of the English Riviera Tourist Company (ERTC).

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

- (i) that the Council supports, in principle, the private sector led 'English Riviera Tourism Business Improvement District' (ERTBID);
- (ii) that, subject to a favourable business plan, the Executive Director of Operations and Finance be nominated to cast the Council's votes in

favour of the 'English Riviera Tourism Business Improvement District' (ERTBID) at the time of the ballot;

- (iii) that, in the event of a 'Yes' vote for the proposed 'English Riviera Tourism Business Improvement District' (ERTBID), the Executive Director of Operations and Finance, in consultation with the Executive Lead for Tourism, Culture and Harbours, be instructed to :-
- a) decommission the provision of Destination Tourism Marketing and Visitor Information Services from 1 January 2017, wind up the English Riviera Tourism Company (ERTC) and arrange for the transfer of Destination Tourism Marketing and Visitor Information Services to the new ERTBID Company;
  - b) immediately establish an ERTC/ERTBID Project Transition Board, comprising of two Senior Officers, the Executive Lead for Tourism, Culture and Harbours and two Members from the Conservative Group and one Member from Liberal Democrat and one Member from the Independent Group, so that the Council's income and assets are properly considered in respect of the ERTC; and that the intellectual property rights of the English Riviera brand are safeguarded;
  - c) allow the ERTC/ERTBID Project Transition Board to establish and facilitate the terms upon which the official ERTC brands and logos will transfer, under license, to the new ERTBID Company;
  - d) provide Council support to facilitate the transfer of appropriate ERTC staff (including those in the Local Government Pension Scheme) to the new ERTBID Company;
  - e) negotiate and sign the ERTBID Operating Agreement on behalf of the Council; and
  - f) make an appropriate charge to the ERTBID Company each year for the duration of the ERTBID (5 years) to cover the Council's costs associated with collection of the ERTBID levy.
- (iv) that, in the event of a 'Yes' vote for the proposed 'English Riviera Tourism Business Improvement District' (ERTBID) the Council agrees to:-
- a) allocate sufficient funds to meet the ERTBID levy liability, for any applicable Council owned properties, for the term of the ERTBID (5 years);
  - b) provide a cash advance facility to the ERTBID Company, which will be returned once the ERTBID levy payments are received;

- c) delegate the approval of pension liability arrangements, including a possible guarantee, to the Chief Financial Officer in consultation with the Executive Lead for Tourism, Culture and Harbours and the Assistant Director of Corporate and Business Services;
  - d) request that the Overview and Scrutiny Board keep an oversight of how well the new ERTBID Company is meeting its aims and objectives, especially in relation to the functions, which had previously been undertaken by the ERTC and any performance issues arising from the formal Operating Agreement; and
  - e) recognise that the new ERTBID Company will take over responsibility for operating as the official Destination Marketing Organisation (DMO) for Torbay.
- (v) that, in the event of a 'No' vote for the proposed 'English Riviera Tourism Business Improvement District' (ERTBID), the Executive Director of Operations and Finance, in consultation with the Executive Lead for Tourism, Culture and Harbours, be instructed to decommission the provision of Destination Tourism Marketing and Visitor Information Services from 1 January 2017 and wind up the English Riviera Tourism Company (ERTC).

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

(Note: Prior to consideration of Minute 150, Mayor Oliver declared his pecuniary interest and withdrew from the meeting.)

## 151 Duration of Meeting

In accordance with Standing Order A11.1, the Chairman invited members to vote for the meeting to continue as the meeting has exceeded four hours duration. On being put to the vote, it was resolved to adjourn the meeting.

The Chairman advised:

- (a) a written response to the Members' Questions (with the exception of Question 17 which had been dealt with earlier in the meeting) would be provided to all members; and
- (b) the remaining business on the agenda would be considered at the Extraordinary Meeting of the Council on 7 April 2016.

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Chairman