



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

**22 February 2018**

**-: Present :-**

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

The Elected Mayor of Torbay (Mayor Oliver)

Councillors Amil, Bent, Carter, Darling (M), Darling (S), Ellery, Excell, Haddock, Hill, Kingscote, Lewis (B), Lewis (C), Long, Manning, Mills, Morey, O'Dwyer, Parrott, Pentney, Robson, Sanders, Stockman, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield

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**173 Opening of meeting**

The meeting was opened with a prayer.

**174 Apologies for absence**

Apologies for absence were received from Councillors Barnby, Bye, King, Morris and Stocks. Councillor Sanders left before the end of the meeting.

**175 Minutes**

The Minutes of the meeting of the Council held on 1 February 2018 and the adjourned meeting of the Council held on 8 February 2018 were confirmed as a correct record and signed by the Chairwoman.

**176 Declarations of interests**

There were no interests declared.

**177 Communications**

There were no communications reported at the meeting.

**178 Public question time - Neighbourhood Plans**

In accordance with Standing Order A24, the Council heard from Mr Watts, on behalf of the Neighbourhood Forums, who had submitted a statement and question in relation to the Council's involvement in the three neighbourhood plans for Torbay.

The Deputy Mayor and Executive Lead for Planning responded to the statement and question that had been put forward, and advised that a written response would be provided in respect of the supplementary question asked by Mr Watts.

### **179 Members' questions**

Members received a paper detailing questions, as set out at Appendix 1 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 Excell and Parrott.

Supplementary questions were put and answered by Elected Mayor Oliver and Councillor Parrott arising from their responses to the questions in respect of questions 2 and 5.

### **180 Notice of Motion - Plastic Free Torbay**

Members considered a motion in relation to the Council's leadership for a plastic free Torbay, notice of which was given in accordance with Standing Order A14. The Chairwoman advised that a revised motion had been circulated on 21 February 2018 amending the original Notice of Motion to ensure factual accuracy.

Councillor Long proposed and Councillor Carter seconded the motion as set out below:

Torbay is an important UNESCO accredited Global Geopark. The sea has shaped our communities and history and is a vital contributor to our economy and premier tourism offer.

This Council notes that in 2016 the Ellen MacArthur Foundation estimated that by weight, there could be more plastic in our oceans than fish as soon as 2050. Columbia University has estimated that plastic can last for up to 600 years in our environment, often finding its way into marine life thus affecting the food chain, and the water we eventually drink.

Torbay Council also congratulates the Herald Express newspaper and 'Devon Live' for launching a campaign with 'Surfers Against Sewage' (SAS) to encourage 125 communities to become plastic free by 2020.

Following the public outcry on this issue after the BBC 'Blue Planet II' programme, this Council resolves to provide leadership on this issue by:

- 1) Instigating a council-led Plastic Free Torbay Task Force that involves all sections of the local community to be in place by July 2018. This task force will create an action plan that works towards moving away from the unnecessary single use plastics in Torbay and campaign to reduce and discourage single use plastics from retail premises;

- 2) Start phasing out the use of unnecessary 'single use plastic' products such as bottles, cups, cutlery and drinking straws in all Council buildings and at all Council events by July 2020;
- 3) Installing a free drinking water fountain in Paignton Library;
- 4) Increasing the amount of plastic that can be recycled through doorstep recycling and instigating a strategy to reduce the amount of litter on Torbay's streets;
- 5) Working with local businesses and the Tourism Sector to participate in this initiative; and
- 6) Sign up to the Herald Express and SAS campaign for Torbay to become a Plastic Free community by 2020.

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

The Elected Mayor outlined the action already being taken by the Council to address the issue and his record of decision is attached to these Minutes.

#### **181 Notice of Motion - Paignton Townscape**

Members considered a motion in relation to investment in Paignton Town Centre and proposals for townscape improvement 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 Lewis (B) and Councillor Tyerman seconded the motion, which was agreed (unanimously) by the Council as set out below:

**that Council note the overwhelming need for investment in Paignton Town Centre, and that the Town Centre Regeneration Board have been developing townscape improvement proposals in relation to the Station Square area of Paignton, which would cost £1.172 million to implement. Prudential borrowing would be required to fund the scheme which is to be considered as part of the £25 million approved by Council for Town Centre Regeneration which had anticipated that repayments for this scheme would come from surplus income from other Town Centre Regeneration Schemes.**

**That Council instructs Officers to implement those proposals and borrow £1.172m from PWLB, noting that repayments would not need to be made until the financial year 2019/20, and therefore need to be included within the budget for 2019/20 and beyond unless and until surplus income from other Town Centre Regeneration schemes is able to cover repayments.**

**182 Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust and Better Care Fund**

The Council received the submitted report on the Annual Strategic Agreement (ASA) 2018 to 2020 setting out the way in which Torbay Council and South Devon and Torbay Clinical Commissioning Group (CCG) commission services from the Torbay and South Devon NHS Foundation Trust (the Trust). It was noted the ASA was designed to maximise choice and independence for those requiring adult and social care support. The submitted report also included performance commitments along with the approach to the (Improved) Better Care Fund. The Adult Services and Public Health Monitoring Group had considered the ASA and were supportive of its approach.

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

**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 to the submitted report be approved.**

**183 Torbay Council Annual Pay Policy Statement including Gender Pay Gap Report and Review of Pensions Discretions**

The Council considered the submitted report setting out the Council's Annual Pay Policy Statement, as required under Section 38(1) of the Localism Act 2011. It was noted that the Pay Policy Statement drew together the Council's overarching policies on pay and conditions which would be published on the Council's website. The report also set out the annual review of pensions discretions as required by the Local Government Pension Scheme Regulations. In addition, the report set out details of the Council's gender pay gap data as required by the Equality Act 2010 (Specific Duties and Public Authorities) Regulations.

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

- (i) that the Torbay Council Annual Pay Policy Statement 2018/19 as set out in Appendix 2 to the submitted report be approved for publication;
- (ii) that the Torbay Council Gender Pay Gap Report, contained as Appendix 2 within the above Annual Pay Policy Statement 2018/19 be approved for publication; and
- (iii) that the Employers Pensions Discretion set out in Appendix 3 to the submitted report be approved.

**184 Adopt South West Regional Adoption Agency: Torbay Participation**

The Council considered the submitted report on proposals for the Council to participate within a Regional Adoption Agency (RAA). The proposals resulted from the publication of the Department for Education's guidance on Regionalising Adoption which asked all adoption agencies in England to consider how they might work more closely together on a regional basis. It was noted the existing collaborative arrangements of Adopt South West were proposed to be developed into a Regional Adoption Agency. This would combine current adoption resources for Devon County Council, Somerset County Council, Plymouth City Council and Torbay Council.

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

**that the South West Regional Adoption Agency Business Case attached at Exempt Appendix 1 to the submitted report be approved and that the Director of Children's Services, in consultation with the Executive Lead for Adults and Children's Services, be given delegated authority to progress towards implementation by October 2018, including the development of a robust inter-agency agreement for adoption services in Torbay.**

**185 Recommendations of Investment Committee - Review of Investment Fund Strategy**

The Council received the recommendations of the Elected Mayor and Investment Committee on a revision of the Investment Fund Strategy to ensure it was a high level strategy, included regeneration proposals and introduced an operational policy (as set out in the submitted report). It was noted the revised Strategy enabled income generating investment and local regeneration investments in Torbay to be made within the Investment and Regeneration Fund.

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

- (i) that the Council be recommended to approve the high level Investment and Regeneration Fund Strategy set out at Appendix 1 to the submitted report;**
- (ii) that the Director of Corporate Services and Operations, in consultation with the Elected Mayor, Head of Finance and Chairman of the Investment Committee, be given delegated authority to approve the Investment and Regeneration Fund Strategy Operational Policy (this document will not form part of the Council's Policy Framework as it is an operational policy); and**
- (iii) that Council be recommended that the Investment Committee be renamed to Investment and Regeneration Committee.**

**186 Order of Business**

At this juncture and in accordance with Standing Order A7.2 in relation to Council meetings, the Chairwoman varied the order of business to enable agenda Item 13 (Council Tax 2018/2019) to be considered at end of the meeting.

**187 Exclusion of the Press and Public**

Councillor Mills proposed and Councillor Ellery 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 items 15 and 16 on the agenda on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.**

Prior to consideration of the items in Minutes 188 and 189 the press and public were formally excluded from the meeting.

**188 Financial contribution to the acquisition of site for new Primary School in Paignton**

Members considered the submitted exempt report in respect of the Council's statutory requirement to provide sufficient school places and the financial contributions required to the Education and Skills Funding Agency for the acquisition of a site for a new primary school in Paignton.

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

**189 Investment Committee Recommendation - Investment Opportunity**

The Council considered the recommendations of the Investment Committee on two investment opportunities. Members received details of the proposals as set out in the exempt reports circulated prior to the meeting.

The decisions of the Council are restricted due to exempt information contained within the decisions.

**190 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 item 13 (Council Tax 2018/2019) must be transacted at the meeting. Therefore, the meeting continued.

**191 Council Tax 2018/2019**

The Council received the submitted report in relation to the setting of Council Tax for 2018/19.

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

Elected Mayor Oliver proposed and Councillor Mills seconded a motion, which was agreed (unanimously and by recorded vote) as set out below:

- (i) that it be noted in December 2017 the Council calculated the Council Tax Base for 2018/19:**
  - a) for the whole Council area as 44,865.89, [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 6,004.42 to which a Parish precept relates;**
- (ii) that it be noted 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 (v) below;**

That the Council is recommended to approve:

- (iii) the Council Tax requirement for the Council's own purposes for 2018/19 (excluding Brixham Town Council) of £65,477,400;**
- (iv) that the following amounts be calculated for the year 2018/19 in accordance with Chapter Three of the Act:**
  - a) £289,723,252 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) (£223,965,000) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act;**
  - c) £65,758,252 being the amount by which the aggregate at (iv) a) above exceeds the aggregate at (iv) 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) £1,465.66 being the amount at (iv) c) above (Item R), all divided by Item T ((i) 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) £280,852 being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act; and
- f) £1,459.40 being the amount at (iv) d) above less the result given by dividing the amount at (iv) e) above by Item T (i) 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;
- (v) 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 2018/19 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
	£	£	£	£	£	£	£	£
<b>Torbay Council – excluding Adult Social Care</b>	<b>902.36</b>	<b>1,052.75</b>	<b>1,203.14</b>	<b>1,353.54</b>	<b>1,654.33</b>	<b>1,955.11</b>	<b>2,255.90</b>	<b>2,707.08</b>
<b>Torbay Council – Adult Social Care “precept” since 2016/17</b>	<b>70.57</b>	<b>82.34</b>	<b>94.10</b>	<b>105.86</b>	<b>129.38</b>	<b>152.91</b>	<b>176.43</b>	<b>211.72</b>
<b>Torbay Council</b>	<b>972.93</b>	<b>1,135.09</b>	<b>1,297.24</b>	<b>1,459.40</b>	<b>1,783.71</b>	<b>2,108.02</b>	<b>2,432.33</b>	<b>2,918.80</b>
<b>Police and Crime Commissioner</b>	<b>125.52</b>	<b>146.44</b>	<b>167.36</b>	<b>188.28</b>	<b>230.12</b>	<b>271.96</b>	<b>313.80</b>	<b>376.56</b>
<b>Devon and Somerset Fire and Rescue Authority</b>	<b>56.01</b>	<b>65.34</b>	<b>74.68</b>	<b>84.01</b>	<b>102.68</b>	<b>121.35</b>	<b>140.02</b>	<b>168.02</b>



Aggregate of Council Tax Requirements ex. Town Council	1,154.46	1,346.87	1,539.28	1,731.69	2,116.51	2,501.33	2,886.15	3,463.38
Brixham Town Council	31.18	36.38	41.57	46.77	57.16	67.56	77.95	93.54
Aggregate of Council Tax Requirements including Brixham Town Council	1,185.64	1,383.25	1,580.85	1,778.46	2,173.67	2,568.89	2,964.10	3,556.92

- (vi) that the Council's basic amount of Council Tax for 2018/19 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. (as set out in paragraph 5.9 of the submitted report).

A recorded vote was taken on the motion. The voting was taken by roll call as follows: For: Elected Mayor Oliver, Councillors Amil, Bent, Brooks, Carter, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, Kingscote, Lewis (B), Lewis (C), Long, Manning, Mills, Morey, O'Dwyer, Parrott, Pentney, Robson, Stockman, Stuble, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (31); and Absent: Councillors Barnby, Bye, King, Morris, Sanders and Stocks (6).

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Chairwoman