



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

18 July 2019

-: Present :-

The Worshipful The Mayor of Torbay (Councillor Douglas-Dunbar) (In the Chair)
Deputy Civic Mayor of Torbay (Councillor Manning)

Councillors Amil, Atiya-Alla, Barrand, Brooks, Brown, Bye, Carter, Cowell, Steve Darling, Dart, Doggett, Dudley, Ellery, Foster, Heyse, Hill, Howgate, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, O'Dwyer, Pentney, Stockman, Sykes, David Thomas, Jacqueline Thomas and John Thomas

33 Opening of meeting

The meeting was opened with a prayer.

34 Apologies for absence

An apology for absence was received from Councillor Mandy Darling.

35 Minutes

The Minutes of the meeting of the Council held on 19 June 2019 were confirmed as a correct record and signed by the Worshipful the Mayor of Torbay.

36 Declarations of interests

The following non-pecuniary interests were declared:

Councillor	Minute Number	Nature of interest
Councillor Doggett	38	Chairman of Pembroke Surgery Patients' Participation Panel
Councillors Law, Long and O'Dwyer	43	Council representatives on the TDA Board
Councillors Hill and Loxton	49	Council representatives on the Riviera International Conference Board of Directors

Councillors David Thomas and Jacqueline Thomas declared pecuniary interests in respect of Minute 45.

37 Communications

The Worshipful the Mayor of Torbay welcomed Samuel West, actor and Chairman of the National Campaign for the Arts, to the Council Meeting. Mr West presented the Council with the National Campaign for the Arts 'Hearts for the Arts' Programme award for Torre Abbey's 'Torbay Tattoo Tales' project. The Tattoo Tales project was run in parallel with the 'British Tattoo Art Revealed at Torre Abbey' exhibition and encouraged visitors and the community to write their tattoo stories. The award was received by Councillor Morey, Cabinet Member for Infrastructure, Environment and Culture and officers Phil Black and Anna Gilroy.

The Worshipful the Mayor of Torbay further announced:

- a) she had the pleasure in attending the Armed Forces Day on Babbacombe Downs on 22 June 2019. The event was organised by serving personnel and Veterans of Torbay. On behalf of the Council, the Worshipful the Mayor of Torbay thanked all those who volunteered and the community for making it a successful event;
- b) she had presented the prizes at the P1 Aquax UK Championship Jet Ski Racing event on 14 July 2019. This was a key event which promoted water sports in Torbay; and
- c) referred to her Civic Lunch planned for 9 August 2019 at the Riviera International Conference Centre and encouraged attendance as the event would assist in raising funds for the Worshipful the Mayor of Torbay's charities, Torquay Museum and the RNLI.

The Leader of the Council:

- a) paid tribute to officers at Paignton Library who responded to a medical emergency at Paignton Library until the emergency services arrived;
- b) advised members that he had attended the LGA Conference with other councillor colleagues and senior officers. He referred to the positive connections with councillors from other authorities and influential bodies that were made at the conference;
- c) highlighted the presentation he had given with Councillor Long at the Torbay Business Forum on the new administration's priorities for Turning the Tide on Poverty in Torbay;
- d) updated members on his attendance at the Heart of the South West (HoSW) Joint Committee on 12 July 2019 as the Council's representative. Members heard that the Committee had progressed a draft HoSW Local Industrial Strategy which would be submitted to the Government in autumn and ahead of other areas;

- e) highlighted the work that had been undertaken with TDA and a partnership with other coastal authorities who had similar deprivation issues to Torbay. The partnership provided a stronger lobbying position with central Government which hoped to gain better results for funding coastal communities.

The Overview and Scrutiny Co-ordinator:

- a) referred to the first Overview and Scrutiny Board meeting held on 1 July 2019 following the local elections and advised that the Board had agreed its first work programme at the meeting;
- b) advised that a call for evidence had been launched for the climate change emergency which would be reviewed by Overview and Scrutiny in the autumn; and
- c) highlighted the Turning the Tide on Poverty review had also commenced.

38 Petition for Debate - Pedestrian crossing on Torquay Road

In accordance with Standing Order A23, the Council received a petition requesting the Council to install a pedestrian crossing on Torquay Road (at TQ3 2EY) to enable access to Pembroke Road, Tesco's Supermarket etc. from Preston Car Park (approximately 1045 valid written signatures, plus 5 letters of support from local businesses).

At the invitation of the Worshipful the Mayor of Torbay, Carl Nugent addressed the Council.

The Worshipful the Mayor of Torbay advised that, under the Council's Petition Scheme, as the petition had reached the 1,000 signature threshold it was subject to debate by the Council. The Head of Governance Support outlined the options open to the Council.

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

that the Interim Director of Place, in consultation with the Cabinet Member for Infrastructure, Environment and Culture, be requested to consider a relevant business case for a pedestrian crossing on Torquay Road, Preston, along with other proposed schemes and in line with the previous Council decision (Minute 85/9/17) delegating any specific capital spend to the Interim Director of Place. The Interim Director of Place to consider the business case within 3 months.

39 Petition - Residents parking scheme in Rowley Road, Torquay

In accordance with Standing Order A23, the Council received a petition requesting the Council to introduce a residents' parking scheme in Rowley Road, Torquay (approximately 41 paper signatures).

At the invitation of the Worshipful the Mayor of Torbay, Alison Bryant addressed the Council.

The Worshipful the Mayor of Torbay advised that the petition would be referred to the Assistant Director of Planning & Transport, for consideration in consultation with the Cabinet Member for Infrastructure, Environment and Culture.

40 Members' questions

Members received a paper detailing questions, 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 Councillor Morey and was circulated prior to the meeting.

A supplementary question was put arising from Councillor Morey's response to question 1 and Councillor Morey advised he would provide a response in writing.

41 Torbay Economic Growth Fund

The Council considered the recommendations of the Cabinet (as set out in the Cabinet Record of Decision and submitted report) on a proposal to introduce the Torbay Economic Growth Fund. It was noted the Fund would be used for making investments to accelerate the development of the local economy in line with the Council's and its partners' objectives. A revised Cabinet proposed motion was circulated prior to the meeting.

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

- (i) that a Torbay Economic Growth Fund be established and up to £100 million of prudential borrowing be approved for the progress of a range of capital projects for economic growth and regeneration within Torbay and, to be funded from the future income from those projects;
- (ii) that Council delegates to Cabinet the approval of each project, or a number of linked projects, subject to a business case that demonstrates the regeneration outcomes and that the borrowing required to initially fund the project is prudent and affordable;
- (iii) that TDA be asked to provide a report back to Cabinet for final approval to confirm the criteria against which the Torbay Economic Growth Fund would be allocated; and

- (iv) that TDA prepare acquisition and development reports for projects within the Borough of Torbay, which will accelerate the Council's ambition of a thriving economy and in particular to instruct officers to:
- a) Bring a report back to Cabinet setting out projects for inclusion in a refreshed and prioritised Town Centre Regeneration Delivery Strategy, including the projects identified in this report, and associated budget requirements.
 - b) Bring forward proposals for appropriate regeneration schemes for Union Street.
 - c) Present to Cabinet the emerging Supplementary Planning Document for delivery of housing on Phase 1, Victoria Centre.
 - d) Present to Cabinet a full business case for the redevelopment of Brixham Town Centre Car Park, in line with community aspirations.
 - e) Explore, and present to Cabinet, options for any Joint Venture Partnership arrangements linked to the Torbay Economic Growth Fund.
 - f) Present to Cabinet proposals for refreshed governance arrangements, for integrated and speedier delivery of town centre regeneration.
 - g) Present to Cabinet proposals to develop with the private sector Torbay Business Park, Paignton.
 - h) Present to Cabinet proposals for additional workspace at Lymington Road, Torquay.
 - i) Present to Cabinet proposals for strategic acquisitions in support of the Council's employment growth objectives.

During the debate Councillor David Thomas proposed and Councillor Kennedy seconded an amendment to the motion (which was circulated prior to the meeting) as follows:

- (iii) that the Cabinet be requested to prepare a Torbay Economic Growth Fund Policy for recommendation to Council for inclusion in the Policy Framework. ~~TDA be asked to confirm the criteria against which the Torbay Economic Growth Fund would be allocated; and~~
- ~~(iv) that TDA prepare acquisition and development reports for projects within the Borough of Torbay, which will accelerate the Council's ambition of a thriving economy and in particular to instruct officers to:~~

- a) ~~Bring a report back to Cabinet setting out projects for inclusion in a refreshed and prioritised Town Centre Regeneration Delivery Strategy, including the projects identified in this report, and associated budget requirements.~~
- b) ~~Bring forward proposals for appropriate regeneration schemes for Union Street.~~
- c) ~~Present to Cabinet the emerging Supplementary Planning Document for delivery of housing on Phase 1, Victoria Centre.~~
- d) ~~Present to Cabinet a full business case for the redevelopment of Brixham Town Centre Car Park, in line with community aspirations.~~
- e) ~~Explore, and present to Cabinet, options for any Joint Venture Partnership arrangements linked to the Torbay Economic Growth Fund.~~
- f) ~~Present to Cabinet proposals for refreshed governance arrangements, for integrated and speedier delivery of town centre regeneration.~~
- g) ~~Present to Cabinet proposals to develop with the private sector Torbay Business Park, Paignton.~~
- h) ~~Present to Cabinet proposals for additional workspace at Lymington Road, Torquay.~~
- i) ~~Present to Cabinet proposals for strategic acquisitions in support of the Council's employment growth objectives.~~

The amendment was put to the vote and declared lost.

Councillor Long's and Councillor Cowell's original motion was then considered by the Council which was agreed (unanimously), as set out below:

- (i) that a Torbay Economic Growth Fund be established and up to £100 million of prudential borrowing be approved for the progress of a range of capital projects for economic growth and regeneration within Torbay and, to be funded from the future income from those projects;**
- (ii) that Council delegates to Cabinet the approval of each project, or a number of linked projects, subject to a business case that demonstrates the regeneration outcomes and that the borrowing required to initially fund the project is prudent and affordable;**

- (iii) that TDA be asked to provide a report back to Cabinet for final approval to confirm the criteria against which the Torbay Economic Growth Fund would be allocated; and**
- (iv) that TDA prepare acquisition and development reports for projects within the Borough of Torbay, which will accelerate the Council's ambition of a thriving economy and in particular to instruct officers to:**
 - a) Bring a report back to Cabinet setting out projects for inclusion in a refreshed and prioritised Town Centre Regeneration Delivery Strategy, including the projects identified in this report, and associated budget requirements.**
 - b) Bring forward proposals for appropriate regeneration schemes for Union Street.**
 - c) Present to Cabinet the emerging Supplementary Planning Document for delivery of housing on Phase 1, Victoria Centre.**
 - d) Present to Cabinet a full business case for the redevelopment of Brixham Town Centre Car Park, in line with community aspirations.**
 - e) Explore, and present to Cabinet, options for any Joint Venture Partnership arrangements linked to the Torbay Economic Growth Fund.**
 - f) Present to Cabinet proposals for refreshed governance arrangements, for integrated and speedier delivery of town centre regeneration.**
 - g) Present to Cabinet proposals to develop with the private sector Torbay Business Park, Paignton.**
 - h) Present to Cabinet proposals for additional workspace at Lymington Road, Torquay.**
 - i) Present to Cabinet proposals for strategic acquisitions in support of the Council's employment growth objectives.**

42 Proposal to increase the size of the Torbay Council Investment Fund

The Council considered the recommendations of the Cabinet (as set out in the Cabinet Record of Decision and submitted report) to increase the Council's investment fund to generate further income to help meet the funding gap to provide local services.

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

- (i) that Council authorise £100 million of additional prudential borrowing to enable the Investment and Regeneration Fund to increase to £300 million; and**
- (ii) that Council set the investment boundary to the Greater South West peninsula and the Functional Economic Market Area (FEMA), and instruct the Monitoring Officer to make the necessary amendments to the Investment and Regeneration Strategy Policy Framework document.**

43 Torbay Council's Housing Rental Company

Further to previous Council decisions to establish a Housing Company, the Council considered the recommendations of the Cabinet (as set out in the Cabinet Record of Decision and submitted report) on changes to the funding arrangements for TDA to assist in establishing the Housing Company and the transfer of land at Torre Marine to the TDA for the delivery of affordable housing.

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

- (i) that a loan of up to £1 million be approved to TDA, if required, to allow access to the necessary working capital required to set up the Housing Company with the terms of the loan delegated to the Chief Finance Officer to agree, in consultation with the Cabinet Member for Finance;**
- (ii) that the land at Torre Marine, edged red on the attached plan set out at Appendix 1 to the submitted report, be transferred to TDA for the delivery of affordable housing, subject to an appropriate nomination and grant agreement, at nil cost in return for 100% nomination rights in perpetuity;**
- (iii) that the decision made by the Council on the 19 October 2017 (Minute 103/10/17 refers) be rescinded and that the following be approved:**

That the Chief Executive, in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing, be given delegated authority to allocate the Affordable Housing capital budget to the TDA or subsidiary thereof to facilitate the delivery of affordable housing in line with the commissioning agreement.

(Note: During consideration of Minute 43, Councillors Law, Long and O'Dwyer declared their non-pecuniary interests as the Council's representatives on the TDA Board.)

44 Enabling Communities and Delivering Services at a Local Level

Following the Council's launch of a community governance review, the Council considered the recommendations of the Cabinet (as set out in the Cabinet Record of Decision and submitted report) in response to the first phase of consultation and draft recommendations to establish parish/town councils for the second phase of consultation.

It was noted the proposal to introduce new parish/town councils across Torbay would allow for continued provision of local services that the Council would be unable to resource in the future and would promote community engagement and effective local government at the most local level.

Councillor Carter proposed and Councillor Cowell seconded a motion as set out below:

- (i) that the following be recommended to Council to be agreed as the draft recommendations of the Community Governance Review of Torbay, to be the subject of a second phase of consultation with local electors, residents, organisations and interested parties to run for a period of 8 weeks, from Monday 2 September to Friday 25 October 2019:
 - that two new parishes be created within Torbay – one entitled Torquay Parish covering the wards of Barton with Watcombe, Cockington with Chelston, Ellacombe, Shiphay, St Marychurch, Tormohun and Wellswood and the other entitled Paignton Parish covering the wards of Clifton with Maidenway, Collaton St Mary, Goodrington with Roselands, Kings Ash, Preston and Roundham with Hyde. For the ward of Churston with Galmpton, that further consultation be undertaken to determine whether it should be within the Paignton Parish, or whether it should be included within the boundaries for Brixham Town Council;
 - that councils be established to serve the new parishes of Torquay and Paignton with effect from 1 April 2020 (note that once established a parish council may decide to call itself a town council);
 - that the new parish/town councils for Torquay and Paignton each be divided into wards for the purposes of electing parish councillors – the ward boundaries and number of councillors to be elected for each ward to be the same as the existing arrangements for those wards on Torbay Council;
 - that Torbay Council set a maximum Band D precept of no more than £90.00 per annum for each of the new parish/town councils in their first year of operation; and

- That no changes be made to the status or electoral arrangements for Brixham Town Council, with further consultation to be undertaken to determine whether the ward of Churston with Galmpton should be within the Paignton Parish, or whether it should be included within the boundaries for Brixham Town Council; and
- (ii) that the Council be recommended to amend the terms of reference for the community governance review by the adoption of the revised timetable attached at Appendix 1 to the submitted report and republished.

During the debate Councillor Chris Lewis proposed and Councillor Hill seconded an amendment to the motion (which was circulated prior to the meeting) as follows:

- (i) Further to the results of the recent consultation when less than 15% of those responding requested Town or Parish Councils to be introduced across the un-Parished area of Torbay, this council agrees to support its community and commit no further work or resources in to this project; and
- (ii) that the Director of Corporate Services be authorised to take any necessary action to lawfully conclude the Community Governance Review as soon as possible and with an outcome of no change to the existing arrangements.

The amendment was put to the vote and declared lost.

During the debate Councillor David Thomas proposed and Councillor John Thomas seconded a further amendment to the motion as follows:

- (iii) That this Council commits to accepting the wishes of the residents of each of the areas being considered for new Town Councils in determining whether to proceed with the introduction of such Councils in each of the proposed areas.

The amendment was put to the vote and declared lost.

Councillor Carter's and Councillor Cowell's original motion was then considered by the Council which was agreed, as set out below:

- (i) **that the following be agreed as the draft recommendations of the Community Governance Review of Torbay, to be the subject of a second phase of consultation with local electors, residents, organisations and interested parties to run for a period of 8 weeks, from Monday 2 September to Friday 25 October 2019:**
- **that two new parishes be created within Torbay – one entitled Torquay Parish covering the wards of Barton with Watcombe, Cockington with Chelston, Ellacombe, Shiphay, St**

Marychurch, Tormohun and Wellswood and the other entitled Paignton Parish covering the wards of Clifton with Maidenway, Collaton St Mary, Goodrington with Roselands, Kings Ash, Preston and Roundham with Hyde. For the ward of Churston with Galmpton, that further consultation be undertaken to determine whether it should be within the Paignton Parish, or whether it should be included within the boundaries for Brixham Town Council;

- **that councils be established to serve the new parishes of Torquay and Paignton with effect from 1 April 2020 (note that once established a parish council may decide to call itself a town council);**
 - **that the new parish/town councils for Torquay and Paignton each be divided into wards for the purposes of electing parish councillors – the ward boundaries and number of councillors to be elected for each ward to be the same as the existing arrangements for those wards on Torbay Council;**
 - **that Torbay Council set a maximum Band D precept of no more than £90.00 per annum for each of the new parish/town councils in their first year of operation; and**
 - **That no changes be made to the status or electoral arrangements for Brixham Town Council, with further consultation to be undertaken to determine whether the ward of Churston with Galmpton should be within the Paignton Parish, or whether it should be included within the boundaries for Brixham Town Council; and**
- (ii) that the terms of reference for the community governance review be amended by the adoption of the revised timetable attached at Appendix 1 to the submitted report and republished.**

45 Torbay Airshow

The Council considered the recommendations of the Cabinet (as set out in the Cabinet Record of Decision and submitted report) on proposals to support the Torbay Airshow in 2020.

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

that the Council be recommended that the Torbay Airshow 2020 (6 and 7 June) be supported and a revenue contribution of £25,000 towards the Airshow be approved.

(Note: Prior to consideration of Minute 45, Councillors David Thomas and Jacqueline Thomas declared their pecuniary interests and withdrew from the meeting.)

46 Disposal of Little Blagdon Farm, Collaton St Mary & Preston Down Road Paignton

Further to the decision of the Council on 18 October 2018, members received a report on the disposal of the Council's freehold interest in land at Little Blagdon Farm, Collaton St Mary and at Preston Down Road, Paignton through a development agreement with a private sector housing delivery partner. It was noted the Council was awarded £3,076,000 of Land Release Fund grant aid by the Government for securing early release of the land at Blagdon Farm and Preston Down Road for residential development. A Cabinet proposed motion was circulated prior to the meeting.

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

- (i) that the disposal of the freehold interest at Collaton St Mary and Preston Down Road (identified in Appendices 1 and 2 to the submitted report), be approved and the Chief Executive be given delegated authority to agree and finalise any Heads of Terms in consultation with the Cabinet, Group Leaders and the Section 151 Officer. Any future capital receipts from the disposals will in the first instance be used to offset the £2.4 million cost for acquiring the sites, with any surplus being used to support capital projects linked to priorities around employment, town centre regeneration and heritage assets;
- (ii) that delegated authority be given to the Chief Executive, in consultation with the Cabinet and Group Leaders, to select and then enter into a development agreement with a development partner for the effective delivery of the Scheme;
- (iii) that in furtherance of (i) above, the Chief Executive be given delegated authority, in consultation with the Cabinet and Group Leaders, to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for delivery of the Scheme; and
- (iv) that the Chief Executive invite the Torbay Community Partnership Company to appoint a community representative to assist in identifying the selection criteria of the procurement of a development partner and to sit on the selection panel for the development partner.

During the debate Councillor David Thomas proposed and Councillor John Thomas seconded an amendment to the motion as follows:

This report be deferred until such time as the community engagement that was due to be undertaken in the Autumn of 2018 (as confirmed in the Council's bid letter to government) is undertaken. This administration promised a real meaningful dialogue to take place with the community, not a rushed report that members have only had sight of for 2 clear working days.

The amendment was put to the vote and declared lost.

Councillor Long's and Councillor Cowell's original motion was then considered by the Council which was agreed, as set out below:

- (i) that the disposal of the freehold interest at Collaton St Mary and Preston Down Road (identified in Appendices 1 and 2 to the submitted report), be approved and the Chief Executive be given delegated authority to agree and finalise any Heads of Terms in consultation with the Cabinet, Group Leaders and the Section 151 Officer. Any future capital receipts from the disposals will in the first instance be used to offset the £2.4 million cost for acquiring the sites, with any surplus being used to support capital projects linked to priorities around employment, town centre regeneration and heritage assets;**
- (ii) that delegated authority be given to the Chief Executive, in consultation with the Cabinet and Group Leaders, to select and then enter into a development agreement with a development partner for the effective delivery of the Scheme;**
- (iii) that in furtherance of (i) above, the Chief Executive be given delegated authority, in consultation with the Cabinet and Group Leaders, to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for delivery of the Scheme; and**
- (iv) that the Chief Executive invite the Torbay Community Partnership Company to appoint a community representative to assist in identifying the selection criteria of the procurement of a development partner and to sit on the selection panel for the development partner.**

47 Treasury Management Outturn 2018/19

Members noted the submitted report in respect of the Treasury Management Outturn for 2018/2019.

48 Exclusion of the Press and Public

Councillor Steve Darling proposed and Councillor Long seconded the motion, which was agreed by the Council, as set out below:

that the press and public be excluded from the meeting prior to consideration of the following item 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 item in Minute 49 the press and public were formally excluded from the meeting.

49 The future of the Riviera International Conference Centre

Further to the decision of the Council on 20 September 2018, the Council considered the recommendations of the Cabinet on the preferred bidder for Council's Strategic Delivery Partner for the future development options and solutions for the Riviera International Conference Centre (as set out in the exempt report circulated prior to the meeting).

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

(Note: During consideration of Minute 49, Councillors Hill and Loxton declared their non-pecuniary interests as Council representatives on the Riviera International Conference Board of Directors.)

The Worshipful The Mayor of Torbay
