

Minutes of the Council of Torbay

23rd June 2005

-: Present :-

The Mayor (Councillor Killick) (In the Chair)
The Deputy Mayor (Councillor Dunn)

Councillors Browne, Bye, Carroll, Carter, Charlwood, Darling, Davis, Doggett, Faulkner (Mr A), Faulkner (Mrs J), Hanley, Harris, Hayman, Hodge, Hytche, James, Jennings, Lomas, McHugh, McPhail, Monaghan, Oxley, Pentney, Porter, Richards, Stringer, Turnbull and Westwood

257. Opening. The meeting was opened with a prayer by the Mayor's Chaplain.

258. Apologies. Apologies for absence were received from Councillors Brennan, Cope, Craig, Hurst, Nicholls and Stocks.

259. Minutes. The minutes of the Annual meeting of the Council held on 10th May and the Adjourned Annual Meeting of the Council held on 11th May 2005 were confirmed as a correct record and signed by the Mayor.

260. Communications. The Mayor:-

(i) advised that he would be inviting other Members of the Council to join him on a visit to the Islamic Centre; and

(ii) referred to the impending departure of Tony Smith, Director of Children's Services, and to the contribution he had made to the local education service, particularly in relation to the integration of Children's Services. On behalf of the Council, he wished Tony well in his future employment.

The Leader of the Council:-

(i) drew Members' attention to a forthcoming visit to the Council by representatives of the Japanese Local Government Centre; and

(ii) was pleased to inform Members that the Annual Report published by the Government Office for the South West highlighted that Torbay Council was the fastest improving local authority in the south west region. He added that Torbay was also one of the five fastest improving authorities in the country.

261. Petitions. In accordance with Standing Order 11, the Council received the following petitions:-

(i) Petition received from residents regarding highway safety in Cadewell Lane, Torquay;

(ii) Petition received from residents requesting the Council to provide a bus stop at Rocombe Close and Barradon Close, Torquay; and

(iii) Petition received from residents requesting the Council to provide parking for residents only in Wellington Road, Torquay.

At the invitation of the Mayor, Councillor Darling addressed the meeting and outlined his reasons in support of the petition referred to in (ii) above. Mr Moore spoke in support of the petition in (iii) above.

It was noted that the petitions in (i), (ii) and (iii) above would be referred to the Strategic Director (Environment) for consideration in consultation with the Executive Member for Environment.

262. Questions. Members noted a paper detailing the following questions, notice of which had been given by Councillors Carroll and Hurst in accordance with Standing Order 12(1) in relation to Council meetings. The paper also contained the answers to the questions, reproduced below, which had been prepared by the Leader of the Council and the Chairman of Development Control Committee.



Question (1) by Councillor Hurst Is the Palm Tree Logo and the advertising Logo "The English Riviera" being dropped by the Tourism Section of the TDA?

Answer by Leader of the Council In building the English Riviera brand, the Torbay Development Agency uses many tools including imagery, strap-lines and the palm tree logo. However, the use of the existing palm tree logo has not been effectively controlled nor properly copyrighted. Over many years it has in consequence ceased to represent the strong marque of quality as promoted by the tourist board. For example, this logo can now be seen on cheap cigarette lighters, cab companies, pubs etc; a whole range of scenarios which may or may not reflect the quality image we are working hard to promote. The guidelines for its use have not been consistent and therefore, 'rogue' palms or copied logos can be seen and used everywhere.

Therefore, Torbay Development Agency developed a new palm tree logo that the tourist board will be using in its promotional activity, and its use will be controlled effectively.

The new palm will be used to identify the English Riviera Tourist Board and its work - with the original palm being used by and for a range of organisations, souvenirs and situations across the resort. Both the existing and the new palm tree logos will of course continue to reflect the strong branding created for the English Riviera based on the resort's name and distinctive palm trees.

Question (2) by Councillor Hurst As both sections of this Logo are being currently used by the Tourism Industry, if either of the above propositions contained in 1 above is correct who authorised the dropping of them from current advertising and why?

Answer by Leader of the Council Specific authorisation for the continued improvement of the "English Riviera" Brand is not required, as it is part of the delegated remit of the Torbay Development Agency.

Question (3) by Councillor Hurst Again if either proposition in 1 above is correct were the members of the Torbay tourist industry, such as the Torbay Hospitality Association, consulted before the decision was made. If so who was actually consulted within the industry?

Answer by Leader of the Council The Torbay Development Agency regularly consults with a huge number of membership groups, partners and individual private sector members. The concept of new promotions, themes and market development was initially raised at the Tourism Forum in October 2004. This received wide ranging support from members of the industry who attended the event. This represents more than 110 tourism businesses.

In particular, as your question has named a specific organisation, it is important to note that all of the above points were recently discussed and clarified at meetings with the leaders of the Torbay Hospitality Association.

Question (4) by Councillor Hurst Why are the Beaches not cleaned nor the Toilets opened until the 1st May? Is this date deemed to be the start of the tourist season, if so who set the date and in consultation with whom?

Answer by Leader of the Council If Councillor Hurst had either attended the Full Council Meeting on 24th March 2005, or had just read the minutes from the meeting, he would have known that I gave a Communication announcing that the vast majority of the public toilets in the Bay (including seasonal toilets) would be open from 25th March 2005 and not 1st May 2005, as stated in the question. You will note that this was in time for the start of the Easter holidays.

With regard to our beaches, from Easter we clean the promenade and empty the beach litter bins. From the 1st April we have "a skeleton staff" on our major beaches, then from 1st May we provide beach attendants, a deckchair service and litter picking/clearing from the beach itself.

Question (5) by Councillor Hurst From the Budget Digest, this year's allocation of funds for the Promenade Illuminations appears to be £138,000. How much of this is spent as fixed costs including maintenance and how much is for the eventual replacement of the ageing system?

Answer by Leader of the Council The funding for all illuminations is currently divided into the following budget item categories. It is, however, quite normal for there to be considerable exchanges between these categories responding to, for example, more or less

vandalism costs in a given year:

Energy	£ 15,300
Maintenance	£ 86,000
Remedial Works	£ 13,200
Vandalism	£ 20,200
Water	£ 700
Flags	£ 2,300

TOTAL BUDGET: £137,700

Question (6) by Councillor Hurst If these lights are to be replaced past the area of the Harbour, with what will they be replaced and when? What will be the cost?

Answer by Leader of the Council You will note that the budget as described in the response to Question 5 for illuminations already incorporates funding for needed 'remedial' work. The Torbay Development Agency is currently assessing the seafront lights to develop a long-term plan for their ongoing improvement. A number of product tests have already been undertaken around Paignton Harbour and the next stage will be to test new lights and styles around Torquay Harbour. Any long term plan must address the substantial problems we currently have with vandalism and weather damage.

Due to popular demand the Torbay Development Agency will maintain coloured lights along the seafront.

Question (7) by Councillor Hurst Within Torbay generally there is a build up of rubbish beside the Railway Lines on property that is presumably owned by Network Rail. As a Council what are we doing to prevail upon Network Rail to remove this Rubbish, which in some cases, besides being an eyesore could also be described as a potential health hazard. The line leading into Paignton Station

is a prime example of this obvious neglect as is the line that runs parallel with Avenue Road.

**Answer
by Leader
of the
Council**

Network Rail are responsible for the lines and Wessex Trains are responsible for the stations. Currently there are no legal remedies available to require these companies to clean the railway track and land. Nevertheless, we are continuing to make representations on these issues. However, there is currently little co-operation from these bodies, which do undertake cleaning of the lines and stations but only to their own timescale.

**Question (8)
by Councillor
Carroll**

In light of the recent Electoral Commission report 'Securing the vote', which recommended that "*all-postal voting should not be pursued for use at future statutory elections or referendums in the UK*", what steps will the Leader of the Council take to ensure that voter fraud does not occur? The Conservative Group on Torbay Council have full confidence in the Council's staff, but in light of the recent court cases elsewhere we do have serious concerns about the integrity of the postal vote system.

**Answer
by Leader of
the Council**

In May 2004, the Electoral Commission issued circular EC24/2004 providing guidance in respect of post-election fraud checks. The guidance recommended that local authorities should undertake checks after the European Parliamentary elections held on 10th June 2004 to ascertain if there had been any evidence of fraud in connection with the postal voting process. A total of 450 persons on the Council's

electoral register were chosen at random to test the integrity of the postal voting process. This involved either comparing signatures on postal vote applications against those on the respective annual canvass forms or writing to applicants who had applied for postal votes to confirm that it was their signature on the application form that they had submitted. The results of the exercise revealed that there was no evidence of election fraud. Torbay Council was the only authority in the south-west region that took the decision to undertake any checks as suggested by the Electoral Commission.

A full risk assessment was undertaken before the General Election on 5th May 2005 in accordance with the advice given at a regional election seminar attended by the Returning Officer and the Elections Manager on 21st March 2005. An assessment of the risks associated with the postal voting process was undertaken and the overall risk was considered to be low.

There were no significant concerns arising from the postal voting process locally in relation to the European Parliamentary Elections in 2004 and the recent General Election. Moreover, there is no reason to believe that any difficulties will be encountered in relation to the elected mayor referendum.

**Question (9)
by Councillor
Carroll**

Was the Leader of the Council aware of the Electoral Commission's advice in August 2004 "that all-postal voting should not be pursued for use at future statutory elections or referendums in

the UK”, and if so why did he not put this information before the Council?

**Answer
by Leader of
the Council**

The ‘advice’ quoted in the question was in fact only a recommendation to government and not directed towards local authorities. The Council can only act within the current legislative framework governing elections / referendums. Nevertheless, the Government published its response to all of the recommendations contained in the Electoral Commission’s publication entitled “Delivering Democracy? – The future of postal voting”. It did not accept the Electoral Commission’s principal recommendation that all postal voting should not be pursued at all statutory elections in the UK.

You will recall that Report 28/2005 submitted to the meeting of Council on 3rd March 2005 set out the advantages of using the all-postal voting method in respect of the elected mayor referendum. The report highlighted the 31 referendums held to date, 20 of which had been conducted by way of an all-postal ballot. Attention was also drawn to the statutory guidance advising local authorities of the need to take steps to maximise voter turnout at referendums. Evidence from the research carried out by the Electoral Commission in relation to recent local and national elections pointed to the relative success of postal ballots in increasing voter turnout. Finally as an aside, I am sure I don’t have to remind Councillor Carroll that the cost of an all-postal ballot (£55,000) was less than the

cost of a traditional stand alone poll (£70,000).

**Question (10)
by Councillor
Carroll**

Why did the Leader of the Council not see fit to inform the Council of the decision to provide members of the Executive with credit cards with a £10k limit?

**Answer
by Leader of
the Council**

The decision was taken in accordance within the scheme of delegation, and there is no requirement for these to be reported to Full Council. Nevertheless, the Government has actively encouraged the use of purchasing cards to reduce the cost of purchasing of all Government bodies. There are considerable savings that can be derived by local authorities from the usage of purchasing cards. It facilitates on-line purchases and simplifies the billing process, all of which lead to savings for the Council. The cards also result in a reduction of time required to fulfil the Council’s orders and payment requirements due to changes in methods and practices.

For these reasons, a management decision was taken in December 2004 to issue the cards to officers on a pilot basis. The Chief Executive decided that the scheme should be extended to Executive Members from March 2005. I would add that officers under the scheme of delegation take a vast number of management and administrative decisions and it would be impractical for all of these to be reported to Full Council.

**Question (11)
by Councillor
Carroll**

Is the Leader of the Council happy to have in his Executive a member who would rather be an

Independent than a Liberal Democrat?

Answer by Leader of the Council

Since the Liberal Democrats took over the running of the council a place on the Executive has always been offered to the opposition (This was not the case when the Conservatives were in administration). So yes, as it is Torbay Liberal Democrat Policy, I would be happy to have a member of the Executive who was an Independent, or even a Conservative or a Conservative Torbay for that matter!

Question (12) by Councillor Hurst

To ask the Chairman of the Development Control Committee how many pre-applications are currently waiting to be processed by the Planning Department?

Answer by Chairman of Development Control Committee

According to our computer records we currently have 287 pre-application enquiries without a resolution date. However, some of these have already been dealt with and are waiting to be identified as such in the system.

Since 1st January 2004 we have received over 2000 pre-application enquiries.

Statistics show that only 22% of pre-applications result in a formal planning application being submitted.

Question (13) by Councillor Hurst

What is the average time taken to process a pre-application?

Answer by Chairman of Development Control Committee

On average a pre-application is taking 33 days to turn around, which is 12 days over the target set out in the guidance issued by the section.

Pre-application enquiries are

not given highest priority because:

Our performance in dealing with planning applications is the key indicator for planning delivery grant. Over the last three years, not only has the Planning Section raised over £1.2m in Planning Delivery Grant, but is also the best and fastest Unitary Authority in the country.

The low percentage of pre-applications (which are currently free) which ultimately become applications. There is therefore a huge amount of abortive work.

Three key professional staff recently left the team and it has taken time to replace them.

I have however discussed this matter with the Assistant Director, Mr. Crump, and it is planned to improve the situation:

i. by limiting our involvement in pre-applications to more important or controversial proposals. We do not need to give advice on every small proposal in advance of submission. Professional agents are paid to give advice to their clients and in many cases it seems we are being asked to do their job for them. This needs to be clarified;

ii. by closer scrutiny of our performance against the 21 day targets by utilising the CAPS computer system. New staff are now in place and it should be possible to give more time to pre-applications in the future whilst maintaining our performance on applications;

iii. consider increasing the staff resource to facilitate dealing with pre-applications possibly to be self-financing based on charging for the service.

263. Notice of Motion. The Council had before it the following motion, notice of which had been given by Councillors Carroll and Hurst in accordance with Standing Order 14:-

“This Council aims to provide the people of Torbay with a fuller understanding of the conduct of Council meetings, the issues discussed and the views of their elected representatives.

To that end the Council resolves:-

1. To produce better quality Council minutes along the lines of those produced by Birmingham City Council;
2. To retain taped copies of Council meetings for a period of at least 12 months;
3. To encourage members of the public to attend and speak at Council meetings.”

It was proposed by Councillor Carroll and seconded by Councillor Hanley:-

THAT the motion be adopted.

An amendment was proposed by Councillor Harris and seconded by Councillor Jennings:-

THAT this Council aims to provide the people of Torbay with a fuller understanding of the conduct of Council meetings, the issues discussed and the views of their elected representatives.

To that end the Council resolves:-

- (i) that the Chief Executive be requested to establish a Working Party in the proportion four Liberal Democrat Members, two Conservative Members and one Conservatives Torbay Member with the general remit of the Working Party being to review:

(a) the level of public participation in meetings in accordance with the commitment in the Council's Corporate Plan; and

(b) the manner in which the proceedings of Council, its Committees and the Executive are currently recorded; and

(ii) that the precise Terms of Reference for the Working Party be determined by the Chief Executive, in consultation with the Leader of the Council, the Chairman of the Overview and Scrutiny Board and the Leader of the Conservative Group.

On being put to the vote, the amendment was declared **CARRIED**.

264. Best Value Performance Plan 2005/2006. The Council considered Report 158/2005 seeking Members' approval in respect of the Best Value Performance Plan for 2005/2006.

It was proposed by Councillor Harris and seconded by Councillor Jennings:-

(i) **THAT** the Best Value Performance Plan, as set out at Appendix 1 to Report 158/2005, be approved; and

(ii) that officers finalise additional factual information as required to comply with Government guidance prior to the publication of the Plan and that power be delegated to the Chief Executive, in consultation with the Leader of the Council, to authorise these and any other necessary amendments.

On being put to the vote, the motion was declared **CARRIED**.

265. Overview and Scrutiny Board – Annual Report 2004/2005. The Council received the Overview and Scrutiny Annual Report 2004/2005.

It was proposed by Councillor Stringer and seconded by Councillor James:-

THAT the Overview and Scrutiny Annual Report 2004/2005, be noted.

On being put to the vote, the motion was declared **CARRIED**.

266. Code of Corporate Governance. The Council received Report 160/2005 proposing the adoption of a Code of Corporate Governance for inclusion in the Council's Constitution.

It was proposed by Councillor Harris and seconded by Councillor Jennings:-

(i) **THAT** the Code of Corporate Governance, as set out at Appendix 1 to Report 160/2005 be adopted and included within the Constitution; and

(ii) that a self assessment of the achievements against each theme of the Code be undertaken on an annual basis to inform the Council's business planning cycle.

On being put to the vote, the motion was declared **CARRIED**.

267. Youth Justice Plan 2005/2006. The Council considered report 161/2005 advising

that the Crime and Disorder Act 1998 required local authorities with social services and education responsibilities to formulate and implement an Annual Youth Justice Plan. The Plan that had been produced gave information on the performance of the Youth Offending Service for the last financial year. It also included information on how the services were funded and the priorities for the year in terms of addressing offending by children and young people in Torbay.

It was proposed by Councillor McHugh and seconded by Councillor Faulkner (Mr A):-

THAT the Annual Youth Justice Plan 2005/2006 and the strategy for dealing with youth crime locally in the coming year, as set out in Appendix 1 to Report 161/2005, be approved.

On being put to the vote, the motion was declared **CARRIED**.

268. Adjournment. At this juncture, the meeting was adjourned to 5.30 p.m. on Monday 11th July 2005.

Mayor
