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Wednesday, 29 January 2020

Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **Rosetor Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 6 February 2020** commencing at **5.30 pm**.

The items to be discussed at this meeting are attached.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steve Parrock'.

Steve Parrock
Chief Executive

(All members are summoned to attend the meeting of the Council in accordance with the requirements of the Local Government Act 1972 and Standing Orders A5.)

A prosperous and healthy Torbay

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June Gurry, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

Meeting of the Council Agenda

1. **Opening of meeting**
2. **Apologies for absence**
3. **Minutes** (Pages 5 - 10)
To confirm as a correct record the minutes of the meeting of the Council held on 9 January 2020.
4. **Declarations of interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Communications**
To receive any communications or announcements from the Civic Mayor, the Overview and Scrutiny Co-ordinator, the Council's representative on the Heart of the South West Joint Committee or the Chief Executive.
6. **Petition for Debate - Pause the Roll-Out of 5G Street Furniture in Torquay** (Page 11)
Approximately 1006 valid written signatures from residents and people who work or study in Torbay. In accordance with Standing Orders the petition will be considered at this meeting.
7. **Members' questions** (Page 12)
To respond to the submitted questions asked under Standing Order A13.

8. **Notice of motion - Torbay Coast and Countryside Trust** (Pages 13 - 14)
To note that the attached motion, notice of which has been given in accordance with Standing Order A13 by the members indicated, has been deferred in accordance with Standing Order A13.2(d).
9. **Civic Mayor and Deputy Civic Mayor**
In accordance with the Council's Standing Orders (A9.1) to select, by elimination ballot, the Civic Mayor-Elect and Deputy Civic Mayor-Elect for the 2020/2021 Municipal Year.
10. **Exclusion of the Press and Public**
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.
11. **Funding for Torbay Leisure Centre and Riviera International Conference Centre** (Pages 15 - 16)
To consider the submitted exempt report and recommendation of the Cabinet on the above.
12. **Cabinet Recommendation - Investment Opportunity**
To consider any recommendations from the Cabinet on investment opportunities.
13. **Adjournment**
The following items form part of the Council's Annual Budget setting process or are awaiting their reports and will be deferred for consideration at an adjourned meeting of the Council to be held on 13 February 2020.
14. **Revenue Budget 2020/2021** (To Follow)
To consider the recommendations of the Cabinet on the Revenue Budget proposals for 2020/2021 and the Chief Finance Officer's Report. Circulated separately to this report are the following documents:
- Cabinet response to consultation
 - Revenue Budget Digest 2020/2021
 - Proposals for service change, income generation and savings 2020/2021 (including Equality Impact Assessments)
 - Fees and Charges 2020/2021
 - Review of Reserves 2020/2021
- See www.torbay.gov.uk/council/finance/budget/budget-202021/
15. **Capital Plan Budget 2020/2021** (To Follow)
To consider the recommendations of the Cabinet on the Capital Plan Budget proposals for 2020/2021. This report includes:

- Capital Plan Update – Quarter 3 2019/2020
- Capital Strategy

16. Treasury Management Strategy 2020/2021 (incorporating the Annual Investment Strategy 2020/2021 and the Minimum Revenue Provision Policy 2020/2021

(To Follow)

To consider the submitted report on the above.

Note

An audio recording of this meeting will normally be available at www.torbay.gov.uk within 48 hours.



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

9 January 2020

-: 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, Barnby, Brooks, Brown, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Doggett, Dudley, Foster, Hill, Howgate, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, O'Dwyer, Pentney, David Thomas, Jacqueline Thomas and John Thomas

80 Opening of meeting

The meeting was opened with a prayer.

81 Apologies for absence

Apologies for absence were received from Councillors Ellery, Stockman and Sykes.

Councillor Hill arrived late to the meeting and during Minute 85.

82 Minutes

The Minutes of the meeting of the Council held on 24 October 2019 were confirmed as a correct record and signed by the Worshipful the Mayor of Torbay.

83 Declarations of interests

The following non-pecuniary interests were declared:

Councillor	Minute Number	Nature of interest
Councillor Hill (declared by the Leader of the Conservative Group on behalf of Councillor Hill)	95	Non-pecuniary – Director of Riviera International Conference Centre (non-council appointment)
Councillor Loxton	95	Non-pecuniary – Council appointed Director of Riviera International Conference Centre

84 Communications

The Worshipful the Mayor of Torbay:

- a) thanked all those that attended the Civic Christmas Carol Service held on 22 December 2019; and
- b) advised that a Holocaust Memorial Service had been arranged for 26 January 2020 at 6.30 pm to be held at St Pauls Church, Paignton and all were invited to attend.

With the agreement of the Worshipful the Mayor of Torbay, the Cabinet Member for Economic Regeneration, Tourism and Housing provided the Council with an update on Crossways, on behalf of the Leader of the Council. The Cabinet Member for Economic Regeneration, Tourism and Housing advised, that following the Council's decision in September 2019 to progress the acquisition of the Crossways Shopping Centre Paignton, either by negotiated purchase or a compulsory purchase order, work has been progressing as expected. It was noted a meeting had taken place with the current owners, solicitors had been appointed and formal elements of compulsory purchase order had commenced. The next steps included obtaining planning permission and defining the Council's aspirations for the site once purchased.

The Overview and Scrutiny Co-ordinator updated members on the progress of the Priorities and Resources Review Panel in reviewing the Cabinet's budget proposals and outlined the details of the next meetings of the Panel.

85 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 Councillors Carter, Steve Darling, Howgate and Morey, and was circulated prior to the meeting.

Supplementary questions were put and answered by Councillors Carter and Morey, arising from their responses to the questions in respect of questions 4, 5 and 6.

86 Proposed Council Tax Support Scheme 2020/21

The Council considered the submitted report on a review of the current local Council Tax Support Scheme for 2020/21 and the recommendations of the Cabinet. Members noted that the Local Government Finance Act 2012 required local authorities to review their local schemes annually. The Council had a statutory duty to provide a local Council Tax Support Scheme for working-age households. In addition, pension age households were subject to statutory provisions determined nationally, which had to be incorporated within the Council's scheme.

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

- (i) that Personal Allowances and Premiums, used to calculate Council Tax Support, are updated from 1 April 2020 in line with the prescribed Pensioner scheme and national working-age benefits, which are both set by the Government; and
- (ii) that the Chief Finance Officer be given delegated authority, in consultation with the Cabinet and the Executive Lead for Customer Services, to make any further adjustments required to the Exceptional Hardship Policy and fund.

87 Council Tax Base 2020/2021

Members considered the submitted report which set out the Council's tax base for council tax purposes for 2020/21.

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

- (i) to increase the Council Tax (Long Term) Empty Homes Premium for those properties that have been empty for more than 5 years from 100% to 200% from 1st April 2020;
- (ii) that the calculation of the Torbay Council Tax Base for the year 2020/21 be approved as shown in Appendix 1 of the submitted report;
- (iii) that the calculation of the Brixham Town Council Tax Base for the year 2020/21 be approved as shown in Appendix 2 of the submitted report;
- (iv) that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as its Council Tax base for the year 2020/21 should be 46,274.88; and
- (v) that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as the Council Tax base for Brixham Town Council for the year 2020/21 should be 6,261.12.

88 Community Governance Review of Torbay - outcome of second stage consultation and final recommendations

Further to minute 44/7/19, the Council received the outcome of the second phase of consultation on the Community Governance Review of Torbay (as set out in the submitted report) and considered the resulting recommendations of the Cabinet.

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

- (i) that the responses received to the second phase consultation on the Community Governance Review of Torbay be noted as set out in Appendix 1 to the submitted report;**
- (ii) that the Cabinet recommendations of the community governance review be accepted, namely that there shall be no change to existing community governance arrangements in Torbay and specifically:**
 - (a) that no new parishes be constituted in the area under review;**
 - (b) that no existing parishes in the area under review be abolished and that the name and area of Brixham parish and the electoral arrangements of Brixham Town Council remain unaltered; and**
 - (c) that unless the community strongly calls for the establishment of further town councils, there shall be no further community governance reviews during this term of office;**
- (iii) that the Director of Corporate Services publish the final recommendations and take steps to secure that persons who may be interested in the review are informed of them; and**
- (iv) that the Council give effect to the final recommendations of the Cabinet as set out at (ii) above.**

89 Heart of the South West Joint Committee - Governance Review

The Council received an update on the Heart of the South West Joint Committee's governance arrangements and budgetary position for 2019/20 and considered amendments to the Committee's arrangements following a governance review (as set out in the submitted report).

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

- (i) that, as a constituent member, the amendments (outlined in red text) to the Heart of the South West Joint Committee's list of functions in the Arrangements document (as set out in Appendix A to the submitted report) be approved and the updated budget position for 2019/20 be noted; and**
- (ii) that, as a constituent member, the recommendation from the Joint Committee on 27 September 2019 to re-appoint Somerset County Council as the Administering Authority for the Joint Committee be approved.**

90 Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee Revised Terms of Reference

The Council considered proposed amendments to the Heart of the South West Joint Scrutiny Committee terms of reference following a review of its operation after one year (as set out in the submitted report).

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

that the revised Terms of Reference for the Heart of the South West Joint Scrutiny Committee, as set out in Appendix 1 to the submitted report be approved.

91 Review of Political Balance

Following the Goodrington with Roselands By Election, the Council considered a review of the political balance to ensure places on Committees and Working Parties were allocated in accordance with the relevant statutory and Constitutional requirements (as set out in the submitted report).

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

- (i) that the overall political balance of the committees as set out at Appendix 1 be approved; and**
- (ii) that, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 be approved, subject to:**
 - a) Harbour Asset Working Party consisting of 3 Conservatives, 1 Liberal Democrat and 1 Independent; and**
 - b) Airshow Working Party consisting of 2 Conservatives, 2 Liberal Democrats and 1 Independent**

92 Statutory Officer Appointment

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

that Nancy Meehan be appointed as the Interim Director of Children's Services from 13 January 2020.

93 Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency

Members noted the submitted report setting out the exempt executive decision taken (Investment Opportunity 6/1/18 – move to Economic Growth Fund) to which the call-in procedure did not apply.

94 Exclusion of the Press and Public

Councillor Steve Darling proposed and Councillor Long seconded the motion, which was agreed (unanimously) 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 items in Minute 95 the press and public were formally excluded from the meeting.

95 Funding for Torbay Leisure Centre and Riviera International Conference Centre

The Council considered the recommendations of the Cabinet on funding for Torbay Leisure Centre and the Riviera International Conference Centre, as set out in the submitted exempt report.

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

96 Cabinet Recommendation - Investment Opportunity

The Worshipful the Mayor of Torbay advised that there were no recommendations from the Cabinet and therefore this item was withdrawn from the agenda.

The Worshipful The Mayor of Torbay

**Petition for Debate – Petition to pause the roll-out of 5G street furniture in Torbay, until the technology is independently tested and proven safe – Council
6 January 2020**

1006 electronic and paper signatures

The undersigned residents of Torbay do not consent to 5G street furniture on Council property such as lamp posts and buildings. This technology is being imposed on us and we want a moratorium on any roll-out of 5G infrastructure on Council managed the property until it can be proven to be safe and the technology insurable. We ask that it is submitted to Council for full debate and consideration.

‘Public Health is the art and science of promoting and protecting health and well-being, preventing ill-health and prolonging life through organised efforts of society.’
5G must not be ignored and action must be taken now to avoid harm to the residents of Torbay.

Agenda Item 7

Meeting of the Council, Thursday, 6 February 2020

Questions Under Standing Order A13

A member may only submit three questions for consideration at each Council Meeting. Each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn. The time for member's questions will be limited to a total of 30 minutes.

Question (1) by Councillor O'Dwyer to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)	Could I please have an update on the interactions, outcome and improvements to the Grade 2 listed property located at the bottom of Meadfoot Road. Previously known as the Rainbow Fun House. This has been empty and derelict for a considerable period of time leading to multiple antisocial incidents and a fire.
Question (2) by Councillor Brown to the Chairman of the Harbour Committee (Councillor Amil)	I understand that post Brexit there is the potential to significantly increase fishing opportunities for the UK's fishermen. As the Chairman of the Harbour Committee can you please advise me how Torbay Council and the Tor Bay Harbour Authority are influencing the fishing industry in order to ensure full maximisation of the opportunities that arise?

Conservative Notice of Motion : Torbay Coast and Countryside Trust

Council Meeting

6 February 2020

The Council is aware that Torbay Coast and Countryside Trust have proposed the creation of an Ocombe Farm attraction that will enhance the recreational and visitor offer in Torbay and provide Torbay Coast and Countryside Trust (the Trust) with a source of significantly increased revenue. The increased revenue will enable the Trust to realise the ambition enshrined within its charitable objectives, which has hitherto been seriously constrained by a lack of funding.

It is believed that the proposed development will have significant positive benefits for Torbay as follows;

- Creation of 60 new jobs,
- Deployment of significantly greater resources to restore, maintain and enhance natural and built heritage on Trust managed land,
- Improve access for Torbay's communities and visitors to natural and built heritage on Trust managed land,
- Resource paid apprenticeships and trainee roles to improve career progression within the organisation,
- Improve the condition of the South West Coast Path and associated infrastructure (on land managed by the Trust),
- Provide new educational opportunities for local schools, with particular emphasis on the English Riviera UNESCO Global Geopark, natural heritage and sustainability,
- Make significantly greater investment in restoring, maintaining and enhancing infrastructure across all Trust sites to improve the visitor experience,
- Establish a fully resourced volunteering programme to facilitate the ongoing contribution of volunteers towards the Trust' charitable activity,
- facilitate the improvement of land and facilities across Torbay for the benefit of the local community and visitors.

The Trust have resources to part fund the new offer, but is seeking grants, voluntary donations and access to external finance to ensure its deliverability.

Proposed motion:

PART 1

That the Council provide a loan facility to Torbay Coast and Countryside Trust, to be funded by new prudential borrowing, in order to facilitate an expanded retail offer, expanded catering offer, new indoor play facilities and a farm based visitor attraction on the following basis;

The remainder of this Notice of Motion is exempt by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 and has been circulated separately.

Proposer Councillor David Thomas
Seconder Councillor Chris Lewis

Record of Decisions

Funding for the Torbay Leisure Centre and Riviera International Conference Centre

Decision Taker

Cabinet on 07 January 2020

Decision

That the decision in respect of 'Funding for the Torbay Leisure Centre and Riviera International Conference Centre', as set out in the exempt Cabinet minute 72, be approved.

Reason for the Decision

Members were asked to approve a technical change to Council restricted Minute 49 (ii) and Minute 38 (iv) in order to comply with accounting practice, this change would not result in any financial implications to the Council.

The additional funding is for landlord's improvement works, as set out in the exempt Appendices to the submitted report.

Implementation

The exempt Cabinet recommendation will be considered at the Council meeting on 9 January 2020.

Information

Members considered an exempt report that provided background to the arrangements for management of the Riviera International Conference Centre and Torbay Leisure Centre, requested approval for a technical amendment to previous decisions, requested additional funding for these assets to enable the upgrade of the facilities at both sites and provided an enhanced offer to the community, payable through rental assets.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out the submitted exempt report.

Is this a Key Decision?

No

Does the call-in procedure apply?

No

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

Prior to consideration of the report Councillor Loxton, who was also in attendance, declared a non-pecuniary interest as the Council's representative on the Riviera International Conference

Board of Directors.

Published

9 January 2020

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet