



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

24 October 2019

-: Present :-

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

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

67 Opening of meeting

The meeting was opened with a prayer.

68 Apologies for absence

Apologies for absence were received from Councillors Howgate, Law, Manning and John Thomas.

Councillor Dart arrived later during the meeting.

69 Minutes

The Minutes of the meeting of the Council held on 26 September 2019 were confirmed as a correct record and signed by the Worshipful the Mayor of Torbay.

70 Declarations of interests

No interests were declared.

71 Communications

The Worshipful the Mayor of Torbay:

- a) advised that on 30 September 2019, she had the pleasure in meeting a number of Torbay's Foster Carers at a thank you event organised by the Cabinet Member for Children's Services. On behalf of the Council, the Worshipful the Mayor of Torbay expressed thanks and appreciation to all Foster Carers for all that they do for Torbay's looked after children;

- b) referred to her attendance at the Torbay and District Lifesaving Club twinning event with Hameln on 9 October 2019 where she was impressed by the young people's lifesaving abilities; and
- c) reminded members of the Remembrance Sunday Service due to be held on 10 November 2019.

The Leader of the Council:

- a) updated the Council on his attendance, as the Council's representative, at the Heart of the South West Joint Committee held on 27 September 2019 including:
 - the Local Industrial Strategy being formally submitted;
 - development of the Heart of South West Housing Task Force; and
 - letter on behalf of the Joint Committee to Michael Gove MP on the impacts of a No Deal Brexit for the South West;
- b) reported on his attendance at the Great Western Railway Stakeholder Conference held on 11 October 2019. The event enabled the Leader of the Council to lobby for improved rail timings and connections for Torbay both locally and nationally. The Conference also included a debate on climate change and how to de-carbonise the rail infrastructure. In addition, the Leader of the Council advised he had the opportunity to discuss with Network Rail their involvement in the Future High Streets bid; and
- c) advised members that Torbay's CCTV had been upgraded in partnership with the Police and Crime Commissioner to create safer places for the community. The system provided high resolution footage to provide better quality evidence for convictions.

72 Public question time

In accordance with Standing Order A24, the Council heard from Julie Harrison who had submitted a statement in relation to 5G frequency emissions and its potential adverse health effects on the community. The Cabinet Portfolio Holder for Adults and Public Health responded to the statement that had been put forward, plus a supplementary question asked by Ms Harrison.

(Note 1: Councillor Dart arrived during consideration of this item.)

(Note 2: A letter and information on 5G from Ms Harrison was circulated to members prior the start of the meeting and is available on the Council's website.)

73 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 Steve Darling, Long and Morey and was circulated prior to the meeting.

The Worshipful the Mayor of Torbay advised that she had accepted an urgent question from Councillor Barrand and in accordance with Standing Order A12.2(ii).

Supplementary questions were put and answered by Councillors Steve Darling, Long and Morey, arising from their responses to the questions in respect of questions 1 to 5 and the urgent question.

74 Torbay Adult Social Care April 2020 - March 2023

The Council considered the recommendations of the Cabinet and the submitted report setting out proposals for the renewal of the integration of Torbay's Adult Social Care with Torbay and South Devon NHS Foundation Trust and Devon Clinical Commissioning Group through joint financial arrangements and a 'risk share' for three years.

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

- (i) that the continued integration of Torbay's Adult Social Care with Torbay and South Devon NHS Foundation Trust and Devon Clinical Commissioning Group be approved for the period 1 April 2020 to 31 March 2023 and that the Chief Executive be given delegated authority to finalise the arrangements for the same in consultation with the Leader of the Council and Cabinet Member for Adult Social Care on the following basis:**
 - (a) the Torbay Adult Social Care Risk Share 2020 to 2023 agreement will be under the powers outlined in S.75 NHS Act 2006. Under these arrangements, the Council retains legal responsibilities for the provision of Adult Social Care in accordance with the Care Act 2014, the Mental Capacity Act 2005 and the Mental Health Act 1983, but these be delegated to Torbay and South Devon NHS Foundation Trust; and**
 - (b) the agreement to be based upon the following conditions:**
 - A capped financial commitment from Torbay Council per year of £45 million for core spend, plus £2 million additional funding to acknowledge the spend is currently unacceptably over this level for the period of the agreement;**
 - A non-recurrent additional payment of £1 million in 2020/2021;**
 - An acknowledgement that all parties need to work together to deliver savings of £2 million per year in respect of the costs of Adult Social Care; and**
 - That partners prioritise working together on an Adult Social Care Improvement Plan, and that the same is overseen by senior officers from all partners, which includes a review of**

governance so as to ensure the Council's appropriate involvement, and includes a joint approach to maximising estates and economic development opportunities in Torbay.

75 Development or disposal of land at Garfield Road (part Victoria Centre), Paignton

Members received the recommendations of the Cabinet and the submitted report on proposals to release land on Garfield Road, Paignton, for redevelopment by a development partner. It was noted the land was currently occupied by one of the two multi-storey car parks at the Victoria Centre and the redevelopment was supported by the Local Plan, Neighbourhood Plan, Paignton Town Centre Masterplan and the Council's Transformation Strategy for Town Centres. Land Release Funding of £900,000 had been secured to enable the site be used for housing related development.

Members noted an officer addendum to the report on land supply circulated on 21 October 2019 and further updated as appended to these minutes.

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

that the Cabinet recommend to Council:

- (i) that the disposal of the freehold interest of land at Garfield Road, Paignton (identified in Appendix 1 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 Member for Economic Regeneration, Tourism and Housing and the Section 151 Officer;
- (ii) that delegated authority be given to the Chief Executive to select and then enter into a development agreement with a development partner for the effective delivery of the Scheme; and
- (iii) alternatively if (i) above is not achieved within timescales required for the Land Release Fund, the Chief Executive be given delegated authority to dispose of the site at Garfield Road on the open market, as a straightforward freehold sale.

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

- (iv) that any surplus monies from this development be reinvested into the town of Paignton to help support the infrastructure projects that could include, but is not limited to, Paignton Geo Play Park and Station Square street enhancement. (Surplus is intended to reference the value of any capital receipt, less any relevant costs.)

The amendment was put to the vote and declared carried (unanimously).

The amended (substantive) motion was then considered by members, which was agreed (unanimously) by the Council as follows:

- (i) **that the disposal of the freehold interest of land at Garfield Road, Paignton (identified in Appendix 1 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 Member for Economic Regeneration, Tourism and Housing and the Section 151 Officer;**
- (ii) **that delegated authority be given to the Chief Executive to select and then enter into a development agreement with a development partner for the effective delivery of the Scheme;**
- (iii) **alternatively if (i) above is not achieved within timescales required for the Land Release Fund, the Chief Executive be given delegated authority to dispose of the site at Garfield Road on the open market, as a straightforward freehold sale; and**
- (iv) **that any surplus monies from this development be reinvested into the town of Paignton to help support the infrastructure projects that could include, but is not limited to Paignton Geo Play Park and Station Square street enhancement. (Surplus is intended to reference the value of any capital receipt, less any relevant costs.)**

76 Port Masterplan (Addendum)

The Council considered the recommendations of the Cabinet and the Harbour Committee on an addendum to the Port Masterplan to provide a strategy for Tor Bay Harbour for 2019 to 2024.

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

that the Port Masterplan (Addendum) set out at Appendix 1 to the submitted report be approved.

77 Treasury Management Mid-Year Review 2019/20

The Council noted the review of Treasury Management activities during the first part of 2019/20, as set out in the submitted report.

78 Appointment of Overview and Scrutiny Lead Member

The Council considered the appointment of the Overview and Scrutiny Lead for Place following the resignation from the Council of Councillor Heyse.

Councillor Mandy Darling proposed and Councillor Loxton seconded a motion as set out below:

that Councillor Doggett be appointed the Overview and Scrutiny Lead Member for Place for the remainder of the Municipal Year 2019/20.

During the debate Councillor Chris Lewis proposed and Councillor Bye seconded an amendment to the motion as follows:

that Councillor Brown be appointed the Overview and Scrutiny Lead Member for Place for the remainder of the Municipal Year 2019/20.

During the debate on the amendment, a procedural motion (in accordance with Standing Order A15.11(ii)) to move to the vote was proposed by Councillor Cowell and seconded by Councillor Steve Darling and was declared carried. Accordingly, the amendment was put to the vote and declared lost.

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

that Councillor Doggett be appointed the Overview and Scrutiny Lead Member for Place for the remainder of the Municipal Year 2019/20.

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

Members noted the submitted report setting out the executive decision taken (Investment Opportunity 7/10/19) to which the call-in procedure did not apply.

The Worshipful The Mayor of Torbay

Council Meeting

24 October 2019

Addendum to Section 2 paragraph 2 (shown in bold text):

The National Planning Policy Framework (paragraph 73) requires the Council to maintain a supply of specific, deliverable sites sufficient to provide 5 years' worth of housing to meet housing requirements set out in Local Plans. ~~*The Council currently has less than 3 years' worth of supply. The Council is now required, by law, to take urgent action to deliver new homes.~~

**Updated text following publication of report:*

Torbay Council consulted on its five year supply between 4 July 2019 and 5 August 2019. This consultation was based on a supply 3.28 years, which is significantly less than the 5 year supply. At the time of drafting this addendum there has been no formal sign off of the 5 years' figure following the receipt of the consultation responses.

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