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Wednesday, 21 September 2011

## Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **Ballroom, Oldway Mansion, Torquay Road, Paignton, TQ3 2TE** on **Thursday, 29 September 2011** commencing at **5.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

Elizabeth Raikes  
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.)

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**Our vision is for a cleaner, safer, prosperous Bay**

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For information relating to this meeting or to request a copy in another format or language please contact:

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# Meeting of the Council Agenda

1. **Opening of meeting**

2. **Apologies for absence**

3. **Minutes**

To confirm as a correct record the minutes of the meeting of the Council held on 13 July 2011 and the adjourned meeting held on 14 July 2011.

(Pages 1 - 34)

4. **Declarations of interests**

(a) To receive declarations of personal interests in respect of items on this agenda

**For reference:** Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda

**For reference:** A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial 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 Democratic Services or Legal Services prior to the meeting.)

5. **Communications**

To receive any communications or announcements from the Chairman, the Mayor, the Overview and Scrutiny Co-ordinator or the Chief Executive.

(Note: As part of this item the Council will receive the South West Charter Plus for Member Development award from Bryony Holden, Chief Executive of South West Councils.)

**6. Members' questions**

To answer any questions asked under Standing Order A13.

**7. Notice of motions**

To consider the following motions, notice of which has been given in accordance with Standing Order A14 by the members indicated:

**(a) Motion - Safeguarding Young People in Torbay**

That Torbay Council supports Barnado's campaign to cut children free from sexual exploitation and will work to ensure that the local authority takes the necessary steps to tackle the risk of this abuse. The Council will work with all parties to achieve this, particularly the Children's Society who have recently received funding to tackle this issue in Torbay.

Submitted by Councillors Lewis and Faulkner (J)

**(b) Motion - Torbay Council Against the Government Inspired Badger Cull**

That Torbay Council rejects totally the government's plans to implement a badger cull from 2012. In view of its stance, Torbay Council requires that the killing of badgers is prohibited on all land that is under the protection of the Torbay Coast and Countryside Trust. Furthermore, Torbay Council is completely opposed to any pilot cull taking place in the South West.

Torbay Council's position is supported by the overwhelming consensus that there is no scientific basis for the culling of badgers as planned, and, therefore, as required by the coalition's own undertaking to "introduce a carefully managed and science-led policy of badger control in areas with high and persistent levels of bovine tuberculosis". For example:

the government's own advisor, Natural England has stated that the cull will have a drastic effect on badger populations (up to 95% of badgers may be wiped out). Furthermore, Natural England has said that it has a 'low level of confidence' that the cull will be effective in reducing TB in cattle;

Lord Krebs, scientific advisor, has said that the latest round of randomised badger culling trials has provided evidence that 'if you cull intensively for at least four years, you will have a net benefit of reducing TB in cattle of between 12 to 16 per cent. So you leave 85 per cent of the problem still there...It does not seem an effective way of controlling the disease', and

the RSPB has said that 'Allowing the shooting of free-ranging badgers is an untested and dangerous move. It has no place in a science-led policy. Rather than solving the problem, it risks making matters worse by disrupting (badgers') social structures leading them to spread to new areas. We will not be culling badgers on our nature reserves. Licensing the shooting of one of our best loved native species is likely to generate considerable public opposition'.

In taking this step, Torbay Council is supporting the anti-cull stance of our MP, Adrian Sanders.

Submitted by Councillors Parrott and Doggett

**(c) Motion - Cutting Tourism VAT**

That the Council notes that the Irish government has moved to reduce VAT on hotel accommodation and food to 9% for at least 18 months from 1 July 2011; recognises that EU rules allow such a sectorally-targeted VAT reduction to support tourism; observes that Germany reduced VAT in hotels from 19% to 7% in January 2010 with successful results; recalls that France reduced VAT on restaurant meals from 19.6% to 5.5% from July 2009 saving businesses and creating jobs; further recognises that such targeted VAT reductions to help employment and private sector growth are also compatible with the deficit reduction programmes being pursued by the governments who have introduced them; calls on the Government to introduce such a measure to help the tourism sector and consumers in the UK; and points out that the International Monetary Fund has said that the Government should consider some tax cuts to stimulate economic activity.

Such tax break could significantly boost Torbay's tourism industry and help 2012 be a 'year of tourism'.

Submitted by Councillors Richards and Stringer

**(d) Motion - Elected Police Commissioner**

This Council wishes to express deep concerns about the possibility of an Elected Police Commissioner having control over policing in Torbay.

These include the change in responsibility for policing from the current 'board' to a single person, and the loss of accountability that would accompany that change, and the financial costs involved with making such a change at a time of great economic hardship where the money would be far better spent keeping some existing services such as front-line policing. Indeed current figures indicate an unnecessary expenditure of at least £100 Million which could be better used to employ over 2,000 police officers. And in light of the above concerns this Council resolves to instruct the Chief Executive to write to the Home Secretary highlighting this Authority's concerns.

Submitted by Councillors Baldrey and Faulkner (A)

**8. Mayoral Decisions**

**(a) Torbay Economic Development Company Business Plan 2011/12 - (Pages 35 - 76)  
Subject to Call-In**

To consider the attached report setting out the Business Plan for the Torbay Economic Development Agency for 2011/12.

- (b) **Creation of an Artificial Reef off Torbay - Subject to Call-in** (Pages 77 - 100)  
To consider the attached report and any recommendations from the Harbour Committee on a proposal to lease part of the sea bed off Tor Bay to enable the sinking of a ship to become a local tourist attraction.
- (c) **Annual Parking Report** (Pages 101 - 148)  
To note the attached 2010/2011 Annual Parking Report in line with governance arrangements.
- (d) **Revenue Budget Monitoring 2011/12 Quarter 1** (Pages 149 - 168)  
To note the attached report\* on the revenue budget monitoring for 2011/12.
9. **Options for future delivery of tourism, marketing and events support - Call-In** (Pages 169 - 176)  
To consider the recommendations of the Overview and Scrutiny Board on the call-in of the above decision taken by the Mayor on 13 July 2011 and to consider making recommendations to the Mayor.
10. **Tourism, Inward Investment and Maritime Marketing Support** (Pages 177 - 184)  
To consider the submitted report on the above.
11. **Princess Promenade Refurbishment** (Pages 185 - 190)  
To consider the submitted report on options regarding the refurbishment of Princess Promenade.
12. **Brixham Town Centre and Babbacombe with St Marychurch Business Improvement District (BID)** (Pages 191 - 198)  
To consider the attached report on the creation of the above Business Improvement District.
13. **Revenue Income Optimisation (RIO) - Generating Income From Charging For Planning Pre-application Advice** (Pages 199 - 220)  
To consider the submitted report on the above.
14. **Household Waste Recycling Centre (HWRC) Charging for Waste Rubble or Similar Material that was Previously Free of Charge** (Pages 221 - 226)  
To consider the submitted report on the above.
15. **Stop Textile Recycling Credit Payments to Charities and Community Groups** (Pages 227 - 232)  
To consider the submitted report on the above.
16. **Annual Statement of Accounts 2010/2011** (Pages 233 - 390)  
To consider the submitted report and any recommendations from the Audit Committee on the Annual Statement of Accounts for 2010/2011.

17. **Capital Budget Monitoring 2011/12 (1st Quarter)** (Pages 391 - 410)  
To consider the submitted report on the capital plan monitoring and variations for Quarter 1.
18. **Annual Report 2010/2011 and Council Wide Priorities 2011+ - Policy Framework** (Pages 411 - 450)  
To consider the attached report on the Council's Annual Report for 2010/2011 and Council wide priorities for 2011 onwards.
19. **Office Rationalisation Project**  
To consider any recommendations from the Overview and Scrutiny Board regarding the Office Rationalisation Project.
20. **Top Team Restructuring** (Pages 451 - 462)  
To consider the submitted report on the restructuring of Council's Commissioner and Chief Executive structure to ensure Torbay Council has highly skilled political and managerial leaders to lead Torbay Council through the public sector recession and respond to the Government's localism agenda with innovative, lower cost solutions.
21. **Composition and Constitution of the Executive and Record of Delegations of Executive Functions** (Pages 463 - 466)  
To receive details on the composition and constitution of the Mayor's Executive, together with the record of delegations of Executive functions.