



Minutes of the Council

29 September 2011 and adjourned meeting 30 September 2011

-: Present :-

**Chairman of the Council (Councillor Mills) (In the Chair)
Vice-Chairman of the Council (Councillor Stringer)**

The Mayor of Torbay (Mayor Oliver)

Councillors Addis, Amil, Baldrey, Barnby, Bent, Brooksbank, Butt, Cowell, Davies, Darling, Doggett, Ellery, Excell, Faulkner (A), Faulkner (J), Hernandez, Hill, James, Kingscote, Lewis, McPhail, Morey, Parrott, Pentney, Pountney, Pritchard, Scouler, Stocks, Thomas (D), Thomas (J) and Tyerman

295 Opening of meeting

Members observed a minute's silence as a mark of respect in memory of the following members of the Rifles who had lost their lives in Afghanistan: Lieutenant Daniel Clack (12 August 2011), Corporal Mark Palin (18 July 2011), Rifleman Martin Lamb (5 June 2011) and Colour Sergeant Kevin Fortuna (23 May 2011). The Chairman's Chaplain then opened the meeting with a prayer.

296 Apologies for absence

Apologies for absence were received from Councillors Hytche, Richards and Stockman.

Apologies for absence were received from Councillors Bent, Ellery, Hytche, Richards, Stocks and Stockman for the adjourned meeting.

297 Minutes

The Minutes of the meeting of the Council held on 13 July 2011 and the adjourned meeting held on 14 July 2011 were confirmed as a correct record and signed by the Chairman.

298 Declarations of interests

The following personal interests were declared:

Councillor	Minute Number	Nature of interest
Baldrey	305b	Friend of Michael Byfield/Wreck the World
Doggett	302	Member of the R.S.P.B.
Faulkner A	305a	Member of the Board of the Torbay Economic Development Agency
McPhail	316	She occasionally volunteers in a charity shop
Mayor Oliver	311	Owns a property in Plainmoor (St Marychurch BID)
Pentney	307	She has a granddaughter who receives care from Children's Services
Thomas D	305a	Director of Torbay Economic Development Company
Tyerman	305a	Director of Torbay Economic Development Company

Caroline Taylor and Clare Tanner declared a personal interest in respect of Minute 321.

299 Communications

The Chairman:

- (a) encouraged people to attend the Civic Church Service on Sunday, 9 October 2011 at 11.00 a.m. at the Parish Church of St Mary the Virgin, Churston Ferrers; and
- (b) welcomed Bryony Holden, Chief Executive of South West Councils, who presented the Council with its award for achieving the South West Charter Plus for Member Development;

The Mayor:

thanked all Members for their cross party support for the South Devon Link Road and support for additional resources being invested in Children's Services.

300 Members' questions

Members received a paper detailing the questions, as attached to these Minutes, notice of which had been given in accordance with Standing Order A13.

Supplementary questions were asked and answered by Councillor Thomas D (questions 2, 8 and 11), Councillor Excell (questions 3, 4 and 9), Councillor Tyerman (question 5), Councillor Pritchard (question 7) and Mayor Oliver (questions 6 and 10).

301 Motion - Safeguarding Young People in Torbay

Members considered a motion in relation to safeguarding young people in Torbay, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Lewis and seconded by Councillor Faulkner (J):

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.

In accordance with Standing Order A14.3(b), the Chairman advised that the motion stood referred to the Mayor. The Mayor considered the recommendation of the Council set out above at the meeting and the record of his decision is attached to these Minutes.

302 Motion - Torbay Council Against the Government Inspired Badger Cull

The Council considered a motion in relation to the Government inspired badger cull, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Parrott and seconded by Councillor Doggett:

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.

In accordance with Standing Order A14.3(b), the Chairman advised that the motion stood referred to the Mayor. The Mayor informed the Council that he would defer his decision on the motion to allow the matter to be examined further.

(Note: prior to consideration of the item in Minute 302, Councillor Doggett declared his interest.)

303 Motion - Cutting Tourism VAT

Members considered a motion in relation to cutting tourism VAT, notice of which was received in accordance with Standing Order A14.

It was proposed by Councillor McPhail (in the absence of Councillor Richards) and seconded by Councillor Stringer:

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'.

In accordance with Standing Order A14.3(b), the Chairman advised that the motion stood referred to the Mayor. The Mayor considered the recommendation of the Council as set out above at the meeting and the record of his decision is attached to these Minutes.

304 Motion - Elected Police Commissioner

In accordance with Standing Order A14.2(c) Councillors Baldrey and Faulkner (Mr A) have given notice, in writing, that they wish the notice of motion regarding the Elected Police Commissioner to be withdrawn.

305 Mayoral Decisions

The Council made the following recommendations to the Mayor, which were considered at the meeting. The Mayor's Record of Decisions, which also includes further information on each decision, are attached to these Minutes.

305a Torbay Economic Development Company Business Plan 2011/12

It was proposed by Councillor Tyerman and seconded by Councillor Thomas (D):

that the Mayor be recommended that, subject to the Commissioner of Place and Environment having delegated authority to approve any minor amendments in consultation with the Mayor, the Torbay Economic Development Company Ltd (TDA) Business Plan 2011-2012, set out at Appendix 1 to the submitted report be approved.

On being put to the vote, the motion was declared carried (unanimous).

The Mayor considered the recommendation of the Council as set out above at the meeting and the record of his decision is attached to these Minutes.

(Note: prior to consideration of Minute 305a, Councillors Faulkner (A), Thomas (D) and Tyerman declared their personal interests.)

305b Creation of an Artificial Reef off Tor Bay

It was proposed by Councillor Ellery and seconded by Councillor Baldrey:

- (i) that, subject to (ii) below, the Mayor be recommended to authorise the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority, to accept a 125-year lease for part of the seabed from the Crown Estate on acceptable terms, and that, in determining the acceptable terms, the Mayor is recommended to seek further legal advice as to the level of the Council's risk exposure;

- (ii) that the Mayor be recommended to authorise the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority, to grant a sub-lease (and if considered appropriate an agreement for that lease) for part of the seabed to a local charitable organisation on acceptable terms;
- (iii) that the Mayor be recommended to authorise the Head of Commercial Services, in consultation with the Executive Head of Tor Bay Harbour Authority and the Chief Executive of Torbay Development Agency, to enter into such other legal documentation on acceptable terms as deemed necessary; and
- (iv) that the exact position of the sinking of any vessel within Tor Bay Harbour limits will be determined by the Executive Head of Tor Bay Harbour Authority in his capacity as Harbour Master, following consultation with harbour users and the Harbour Committee.

On being put to the vote, the motion was declared carried.

The Mayor considered the recommendation of the Council in (i) to (iv) above at the meeting and the record of his decision is attached to these Minutes.

(Note: prior to consideration of Minute 305b, Councillor Baldrey declared his interest.)

306 Annual Parking Report

The Council noted the annual parking report for 2010/2011 as set out in the submitted report.

307 Revenue Budget Monitoring 2011/12 Quarter 1

The Council noted the current projected outturn for the Revenue Budget 2011/2012 based on quarter 1 information, as set out in the submitted report.

308 Options for future delivery of tourism, marketing and events support - Call-In

The Council considered the recommendations of the Overview and Scrutiny Board following the call-in of the Mayor's decision regarding the options for future delivery of tourism, marketing and events support as set out in the submitted report.

It was proposed by Councillor Thomas (J) and seconded by Councillor Darling:

That the Mayor be recommended:

- (i) that any options review is not conducted until 2014 as this will coincide with the need to refresh our Tourism Strategy, Turing the Tide for Tourism in Torbay 2010 – 2015;

- (ii) working with key events organisations in the Bay the Mayor immediately creates an Events & Marketing Forum with the objective of generating far greater integration and coordination of tourism marketing (including business tourism activities) and events activity. In recognition of the financial support the Council provides to the English Riviera Tourism Company and Riviera International Conference Centre they would be expected to play a leading role in the forum and delivering its objectives; and
- (iii) the English Riviera Tourism Company and Riviera International Conference Centre are challenged to increase their collaborative working to reduce duplication, increase economies of scale and improve the product that both organisations are able to offer. Without creating a target or ceiling to the efficiencies that can be created they should be challenged to create identifiable efficiency savings within one year in a manner that at least maintains the outcomes they create and ideally improves them. Then they should create a business plan to demonstrate how they can continue to create efficiencies to reduce public subsidy and improve outcomes for the Bay in years to come.

On being put to the vote, the motion was declared carried (unanimous).

The Mayor considered the recommendation of the Council set out in (i) to (iii) above at the meeting and the record of his decision is attached to these Minutes.

(Note: prior to consideration of Minute 308, the Vice-Chairman, Councillor Stringer declared a personal interest as a Board Member.)

309 Tourism, Inward Investment and Maritime Marketing Support

The Council received a report on a proposal to invest £250,000 from reserves over two years to increase tourism inward investment and marketing activity to help improve visitor numbers and spending in line with the Council's objectives.

It was proposed by Councillor Excell and seconded by the Vice-Chairman, Councillor Stringer:

- (i) that £250,000 be released from reserves over two years to support the key areas of tourism, maritime event and inward investment marketing; and
- (ii) that the Chief Executive of the Torbay Development Agency be instructed to identify appropriate delivery options for the marketing spend.

On being put to the vote, the motion was declared carried.

310 Princess Promenade Refurbishment

The Council considered a report on a proposal to provide an immediate solution to repair the 'banjo' and the eastern section of Princess Parade, Torquay, which would enable the closed sections to be re-opened as soon as possible.

With the agreement of the meeting in accordance Standing Order A16.8(a) it was proposed by the Mayor and seconded by Councillor Ellery:

- (i) that tenders be invited and a contract be let to carry out repairs to the eastern promenade and the banjo. The first contract to commence in early 2012 with a break in the summer of 2012 with no works carried out in June, July and August and will be completed by the end of 2012;
- (ii) that the capital programme for 2011/12 be amended to provide £800,000 to carry out the first phase of repairs to the promenade and upper level of the Banjo to be opened for the Summer of 2012;
- (iii) that the capital programme for 2012/13 be amended to provide £2.15 million to fund the second phase under a second contract which will not be entered into until April 2012; and
- (iv) that, subject to alternative capital resources being identified, the project is funded from prudential borrowing to be financed from the Council's revenue budget. The financial implications to be reflected in future year revenue budgets.

An amendment was proposed by Councillor Darling and seconded by Councillor Baldrey:

- (i) that tenders be invited and a contract be let to carry out repairs to the eastern promenade and the banjo. The contract to commence in early 2012 with a break in the summer of 2012 with no works carried out in June, July and August and will be completed by the end of 2012;
- (ii) that the capital programme for 2011/12 be amended to provide £800,000 to carry out the first phase of repairs to the promenade and upper level of the banjo to be opened for the Summer of 2012;
- (iii) that the capital programme for 2012/13 be amended to provide £2.15 million to fund the second phase of the repairs to the eastern promenade and banjo to secure its long term future;
- (iv) that the Chief Executive of the Torbay Development Agency be requested to secure firm proposals from the private sector, without prejudice, to repair and improve the banjo and for such works to dovetail with the Council funded repairs to the eastern promenade, and to provide a briefing to Members prior to formal consideration at the

Council meeting on 1 February 2012;

- (v) that no tenders for the second phase be sought until after the Council meeting referred to in (iv) above;
- (vi) that, subject to alternative capital resources being identified, the project is funded from prudential borrowing to be financed from the Council's revenue budget. The financial implications to be reflected in future year revenue budgets; and
- (vii) that the Commissioner of Place and Environment, in consultation with the Mayor, Group Leaders and the Chief Executive of Torbay Development Agency, be authorised to negotiate the delay of the works to the banjo, subject to the receipt of firm proposals for the same as referred to in 2.4 above.

It was proposed by the Chairman and seconded by the Vice-Chairman that the item be adjourned until Friday, 30 September to enable the Group Leaders to meet to agree a way forward:

On being put to the vote, the motion was declared carried.

(Note: prior to consideration of Minute 310, Councillor Tyerman declared a personal interest as a Director of Torbay Economic Development Company.)

At the adjourned meeting Councillor Darling and Councillor Baldrey withdrew the amendment as set out in (i) to (vii) above.

An amendment was proposed by Councillor Pentney and seconded by Councillor Darling:

- (a) that tenders to be invited for two contracts to carry out repairs to the Eastern Promenade and the repair or replacement of the banjo. The first contract to commence in early 2012 and to be completed by end of May 2012. There shall be a clause in this first contract which will allow the Council to not proceed with the banjo element of the works in the event that these prove to be unnecessary because of alternative plans from developers;
- (b) the second contract to commence in September 2012 and is not to be signed before end of April 2012 in order to allow time for amendments to be made in the event of a developer coming forward;
- (c) that the capital programme for 2011/2012 be amended to provide £800,000 to carry out the first phase of repairs to be the promenade unless private funding is not available and the upper level of the banjo to be opened for the Summer of 2012;

- (d) that the capital programme for 2012/2013 be amended to provide £2.15 million to fund the second phase of the repairs to the eastern promenade and banjo area to secure its long term future;
- (e) that the Chief Executive of the Torbay Development Agency be required to investigate proposals from the private sector, without prejudice, for such works to dovetail with the Council funded repairs to the Eastern Promenade, and to provide a briefing to members prior to formal consideration; and
- (f) that subject to alternative capital resources being identified the project is funded from prudential borrowing to be financed from the Council's revenues budget the financial implications to be reflected in future year revenue budgets.

On being put to the vote, the motion was declared lost.

An amendment was moved by the Mayor and seconded by Councillor Pentney:

That the original motion be withdrawn and consideration of the Report be deferred to the next meeting of Council.

On being put to the vote, the motion was declared carried (unanimous).

311 Brixham Town Centre and Babbacombe with St Marychurch Business Improvement District (BID)

The Council received a report on a proposal to create a Business Improvement District within Brixham town centre and the Babbacombe and St Marychurch district of Torquay, to facilitate high profile events, better co-ordinated marketing, environmental improvements (such as street cleaning) and increased security.

It was proposed by Councillor Pritchard and seconded by Councillor Faulkner (A):

- (i) that a ballot of businesses within the prescribed areas in Brixham town centre and the Babbacombe and St Marychurch district of Torquay to assess the wish to establish a Business Improvement District; and
- (ii) that the Deputy Chief Executive, in consultation with the Mayor and Group Leaders, be nominated to cast the Council vote.

On being put to the vote, the motion was declared carried.

(Note: prior to consideration of Minute 311, the Mayor declared his personal interest.)

312 Revenue Income Optimisation (RIO) - Generating Income From Charging For Planning Pre-application Advice

The Council received a report on a proposal in response to the need to generate income to help offset the impact of budget savings within the Spatial Planning Team and to better recover the costs of providing a high quality Spatial Planning Service. There would be an interim charging policy for six months with a view to developing a comprehensive charging schedule which would be effective from April 2012.

It was proposed by Councillor Thomas (D) and seconded by Councillor McPhail:

- (i) that Torbay Council implements the interim charging schedule set out in paragraph A1.7 of the submitted report, with effect from 1 November 2011 to 31 March 2012 at the latest; and
- (ii) that Torbay Council develops, over the next 6 months, a comprehensive charging schedule for pre-application advice, based on the charging schedule set out in paragraph A1.9 of the submitted report and the further risks / opportunities to be explored.

On being put to the vote, the motion was declared carried.

313 Household Waste Recycling Centre (HWRC) Charging for Waste Rubble or Similar Material that was Previously Free of Charge

The Council received a report on a proposal to charge for waste rubble and vehicle tyres which were previously accepted free of charge in line with a similar scheme introduced by Devon County Council on 1 April 2011.

It was proposed by Councillor Thomas (D) and seconded by Councillor Morey:

- (i) that Torbay Council implements a charging system for waste material associated with rubble and for vehicle tyres at the Paignton Household Waste Recycling Centre, six weeks after approval by the Council, as follows (Charges are inclusive of VAT):

1. Soil, rubble, ceramics, paving slabs, bricks, building blocks etc	£2 per bag *
2. Asbestos (a 6' x 3' sheet) or a bag *	£20
3. Plasterboard (a 8' x 3' sheet) or a bag *	£7
4. Car Tyres (no commercial) each	£2
* A bag should be no bigger than 20" x 30"	

On being put to the vote, the motion was declared carried.

(Note: during consideration of Minute 313, Councillor Pentney declared a personal interest as her son works for TOR2 and Councillor Hernandez declared a personal interest as her husband works for May Gurney.)

314 Adjournment

At this juncture the meeting was adjourned until 9.30 a.m. on Friday, 30 September 2011.

315 Communications

The Deputy Chief Executive advised members a governance survey would be circulated in due course in preparation for the Governance meeting on 19 October 2011.

Councillor Faulkner (J) advised members an award ceremony for Looked After Children was due to be held later that evening at the Imperial Hotel, Torquay which all members were welcome to attend.

316 Stop Textile Recycling Credit Payments to Charities and Community Groups

The Council considered a report on a proposal to cease payment of the recycling credit to charity and community groups that claim credits for items other than furniture, paper and garden waste.

It was proposed by Councillor Thomas (D) and seconded by Councillor Brooksbank:

- (i) that the Council ceases payment of the recycling credit to charity and community groups that claim credits for items other than furniture, paper and garden waste; and
- (ii) that this decision be implemented six weeks after charity and community groups affected have received a letter from Torbay Council advising them of this decision.

On being put to the vote, the motion was declared carried.

(Note: prior to consideration of Minute 316, Councillor Darling declared a personal interest due to his involvement with the 11th Torbay Sea Scouts, Councillor McPhail declared a personal interest as she occasionally volunteers in a charity shop and Councillor Thomas (J) declared a personal interest as a member of the Shekinah Mission).

317 Annual Statement of Accounts 2010/2011

The Council received the Statement of Accounts for 2010/11 as recommended by the Audit Committee and set out in the submitted report.

It was proposed by Councillor Tyerman and seconded by Councillor Hill:

- (i) that the Council's Statement of Accounts for 2010/11, as set out in pages 3 to 139 in Appendix 1 to the submitted report, be approved; and

- (ii) that following approval in (i) above the person presiding at this meeting sign and date the accounts on behalf of the Council, to represent the completion of the Council's approval process of the accounts, in the "Statement of Responsibilities for the Statement of Accounts" shown on page 16 of the Statement of Accounts.

On being put to the vote, the motion was declared carried (unanimous).

Following the above, the Chairman of the Council signed the Statement of Accounts.

318 Capital Budget Monitoring 2011/12 (1st Quarter)

The Council considered a report on Capital Plan monitoring and variations from quarter 1. The report provided details of expenditure and funding of service and community assets within the Council's approved Capital Plan.

It was proposed by Councillor Tyerman and seconded by Councillor Hill:

that two un-ring-fenced capital grants of £778,000 be allocated to Disabled Facilities Grants and £77,000 be allocated to Short Breaks for Disabled Children in line with central government intentions.

On being put to the vote, the motion was declared carried (unanimous).

319 Annual Report 2010/2011 and Council Wide Priorities 2011+ - Policy Framework

The Council received a paper which set out the Council's Annual Report for 2010/2011 and the Council-wide priorities for 2011+.

It was proposed by the Mayor and seconded by Councillor Excell:

- (i) that the Mayoral pledges and priorities as outlined in paragraph A1.4 to the submitted report be agreed as Council-wide pledges and priorities for the term of this Administration, and as an amendment to the relevant plans within the Council's Policy Framework; and
- (ii) that, subject to any additional recommendations from the Mayor and Group Leaders, the Council be recommended to approve the Annual Report 2010/2011 set out in Appendix 1 to the submitted.

On being put to the vote, the motion was declared carried (unanimous).

320 Office Rationalisation Project

This item was withdrawn as there were no recommendations from the Overview and Scrutiny Board.

321 Top Team Restructuring

The Council received a report on the outcome of the restructuring of the Councils Chief Executive and Commissioners.

It was proposed by Councillor Pritchard and seconded by Councillor Hernandez:

- (i) that the Council maintains the role of full time Chief Executive;
- (ii) that the Council maintains the role of Director of Children's Services;
- (iii) that the three current Commissioner posts be deleted from the structure;
- (iv) that a Director of Adult Services (DAS), Part time (0.6 FTE) post be created; and
- (v) that a Director of Place and Resources, full time post be created (see Appendix 1 of the submitted report for structure charts).

On being put to the vote, the motion was declared carried (unanimous).

(Note: prior to consideration of Minute 321, Caroline Taylor and Clare Tanner declared personal interests as post-holders of positions which could potentially be affected if the proposals were approved.)

322 Composition and Constitution of the Executive and Record of Delegations of Executive Functions

Members noted the submitted report which provided details of a change made by the Mayor to his Executive.

Chairman

Minute Item 300

Meeting of the Council

Thursday, 29 September 2011

Questions Under Standing Order A13

Question (1) by Councillor Parrott to the Executive Lead for Safer Communities and Transport – Councillor Excell	Why it is that, despite being placed on the priority list for a ‘build out’ or pedestrian crossing, Ellacombe School, Ellacombe Church Road entrance, has been overlooked in favour of a less deserving scheme in Paignton?
Question (2) by Councillor Darling to the Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor Thomas (D)	Please supply me with a year by year break down of what works have been conducted on community centres, at what cost, and what costs have been met by the Local Authority or its proxy over the past four years?
Question (3) by Councillor Parrott to the Executive Lead for Safer Communities and Transport – Councillor Excell	What consideration has been given to providing effective traffic calming measures or a pedestrian crossing for Quinta Road in Ellacombe? And, if he is aware of the great danger, particularly to children and young people attending Babbacombe and Westlands schools (and after school clubs) caused by the ‘boy racers’ who persist in turning Quinta Road into a race track each evening?
Question (4) by Councillor Darling to the Executive Lead for Safer Communities and Transport – Councillor Excell	During the Easter Bank Holiday weekend many Barton residents suffered disturbance at their home due to gas works on the highway through out this holiday weekend. It has recently been drawn to my attention that the local authority could regulate such works if they operated a “Permit Scheme” to control public utilities. What plans does the local authority have to develop such a scheme?
Question (5) by Councillor Parrott to the Executive Lead for Finance and Audit – Councillor Tyerman	For each of the past five municipal years (to 2010/11), how much was paid by Torbay Council to Common Purpose, and what numbers of staff were in receipt of ‘training’ from Common Purpose?

<p>Question (6) by Councillor Darling to the Mayor</p>	<p>With the cancellation of cabinet meetings and the introduction of Policy Development Groups, Torbay Council have never had so many secret meetings as a proportion of meetings held in the local authority. Do you agree that the new way of doing business on Torbay Council is disenfranchising the public?</p>
<p>Question (7) by Councillor Parrott to the Executive Lead for Business Planning and Governance – Councillor Pritchard</p>	<p>Would he agree with me, that the public should reasonably expect all of their serving councillors to have been successfully CRB checked?</p>
<p>Question (8) by Councillor Darling to the Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor Thomas (D)</p>	<p>The new doorstep recycling system in Torbay has led to much needed improvement of our recycling rates in Torbay. The public have a hunger for more materials to be collected. Over recent months I have received assurances that the items collected would be shortly increased to include; yogurt pots, margarine and ice cream tubs, fruit juice containers. Are you able to give me a date for such items to start to be collected from residents doorsteps?</p>
<p>Question (9) by Councillor Davies to the Executive Lead for Safer Communities and Transport – Councillor Excell</p>	<p>Between June 2009 and November 2010 reports to Highways Maintenance and Adrian Sanders MP were made of several accidents on Norman Road, Paignton, caused by the very poor quality of the road surface. Among these have been a mobility scooter and a child’s pushchair overturning, a 70 year old resident requiring stitches in her knee and a resident suffering a broken wrist (legal action ongoing).</p> <p>In the last week 2 more accidents have occurred; an 84 year old holiday maker fell over the top of his wheeled walker and an 81 year old resident also on a wheeled walker. Both are badly bruised and shaken. It could have been much worse.</p> <p>In view of both elderly residents and the holiday trade on this sea front area, when will Torbay Council respond to the urgency of this situation?</p>
<p>Question (10) by Councillor Faulkner (A) to the Mayor</p>	<p>Could the Mayor advise us of why he is sitting on the Police Authority. When in the past a Councillor has been nominated to that Authority as it is a full time post and needs 100% attention. Surely the Mayor could designate that post?</p>

**Question (11) by
Councillor Darling
to the Deputy
Mayor and
Executive Lead for
Strategic Planning,
Housing and
Energy –
Councillor Thomas
(D)**

For some months I have been given mixed messages about improving the management of the large grass bank on Truro Avenue Torquay. For the record please advise me how the Council plan to improve the management of this site?

This page is intentionally left blank



Town Hall, Castle Circus,
Torquay, Devon TQ1 3DR
Main Switchboard (01803) 201201
Fax (01803) 207006 DX 59006

RECORD OF DECISIONS

**Digest of Mayoral Decisions taken at the Council meeting on
29 September 2011**

**For information relating to the Record of Decisions or to request a copy in
another format or language please contact:
Teresa Buckley (01803) 207013
Email: democratic.services@torbay.gov.uk**

CONTENTS

Decisions taken by the Mayor

	Page
Creation of an Artificial Reef off Tor Bay	1
Motion - Cutting Tourism VAT	3
Motion - Safeguarding Young People in Torbay	5
Options for Future of Delivery of Tourism, Marketing and Event Support - Call In	6
Torbay Economic Development Company Business Plan 2011/12	8

Record of Decisions

Creation of an Artificial Reef off Tor Bay

Decision Taker

Mayor on 29 September 2011

Decision

- (i) that, subject to (ii) below, the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority, be authorised to accept a 125-year lease for part of the seabed from the Crown Estate on acceptable terms, and that, in determining the acceptable terms, the Mayor is recommended to seek further legal advice as to the level of the Council's risk exposure;
- (ii) that the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority, be authorized to grant a sub-lease (and if considered appropriate an agreement for that lease) for part of the seabed to a local charitable organisation on acceptable terms;
- (iii) that the Head of Commercial Services, in consultation with the Executive Head of Tor Bay Harbour Authority and the Chief Executive of Torbay Development Agency, be authorised to enter into such other legal documentation on acceptable terms as deemed necessary; and
- (iv) that the exact position of the sinking of any vessel within Tor Bay Harbour limits will be determined by the Executive Head of Tor Bay Harbour Authority in his capacity as Harbour Master, following consultation with harbour users and the Harbour Committee.

Reason for the Decision

To help a local charitable organisation create an artificial reef off Tor Bay by the sinking of a vessel.

Implementation (resource implications tab to be renamed Implementation)

This decision will come into force and may be implemented on Wednesday, 12 October 2011 unless the call-in process is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Council had received a request from a local charitable organisation to help facilitate the creation of an artificial reef, by the sinking of a vessel either within the jurisdiction of, or off, Tor Bay Harbour limits, which involved agreeing to take a lease of the seabed from the Crown Estate and then granting a sub-lease to a charitable organisation. The proposal was expected to lead to economic benefits for Torbay particularly in the tourism sector.

Members noted that the organisation had submitted its own bid to purchase the 'Ark Royal' a decommissioned aircraft carrier from the Ministry of Defence.

The Mayor supported the recommendation of the Council as set out in his decision above.

Alternative Options considered and rejected at the time of the decision

The alternative options were set out in the submitted paper and not discussed at the meeting.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

Councillor Baldrey declared a personal interest as a friend of Michael Byfield/Wreck the World.

Published

4 October 2011

Record of Decisions

Motion - Cutting Tourism VAT

Decision Taker

Mayor on 29 September 2011

Decision

That the motion be supported.

Reason for the Decision

To respond to the motion.

Implementation (resource implications tab to be renamed Implementation)

This decision will come into force and may be implemented on Wednesday, 12 October 2011 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny.)

Information

At the Council meeting held on 29 September 2011, Members received a Motion, as set out below, notice of which had been given in accordance with Standing Order A14 by Councillors Richards and Stringer:

‘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’.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

4 October 2011

Record of Decisions

Motion - Safeguarding Young People in Torbay

Decision Taker

Mayor on 29 September 2011

Decision

That the Motion be supported.

Reason for the Decision

To respond to the Motion.

Implementation (resource implications tab to be renamed Implementation)

This decision will come into force and may be implemented on Wednesday, 12 October 2011 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

At the Council meeting held on 29 September 2011, Members received a Motion, as set out below, notice of which had been given in accordance with Standing Order A14 by Councillors Lewis and Faulkner (J):

‘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.’

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

4 October 2011

Record of Decisions

Options for Future of Delivery of Tourism, Marketing and Event Support - Call In

Decision Taker

Mayor on 29 September 2011

Decision

- (i) that any options review is not conducted until 2014 as this will coincide with the need to refresh our Tourism Strategy, Turing the Tide for Tourism in Torbay 2010 – 2015;
- (ii) working with key events organisations in the Bay the Mayor immediately creates an Events & Marketing Forum with the objective of generating far greater integration and coordination of tourism marketing (including business tourism activities) and events activity. In recognition of the financial support the Council provides to the English Riviera Tourism Company and Riviera International Conference Centre they would be expected to play a leading role in the forum and delivering its objectives; and
- (iii) the English Riviera Tourism Company and Riviera International Conference Centre are challenged to increase their collaborative working to reduce duplication, increase economies of scale and improve the product that both organisations are able to offer. Without creating a target or ceiling to the efficiencies that can be created they should be challenged to create identifiable efficiency savings within one year in a manner that at least maintains the outcomes they create and ideally improves them. Then they should create a business plan to demonstrate how they can continue to create efficiencies to reduce public subsidy and improve outcomes for the Bay in years to come.

Reason for the Decision

To respond to the call-in.

Implementation (resource implications tab to be renamed Implementation)

This decision will come into force and be implemented on 30 September 2011.

Information

At the Council meeting held on 29 September 2011 Members considered the recommendations of the Overview and Scrutiny Board following the call-in of the Mayor's decision regarding the options for future delivery of tourism, marketing and events support as set out in the submitted report.

The Mayor had submitted an amendment to his original decision which was circulated at the meeting and agreed by the Council. The Mayor considered the recommendations of the Council and approved their recommendations as set out in (i) to (iii) above.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

Yes – Reference Number: I005566

Does the call-in procedure apply?

No

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

Councillor Stringer declared a personal interest as a Board Member.

Published

4 October 2011

Record of Decisions

Torbay Economic Development Company Business Plan 2011/12

Decision Taker

Mayor on 29 September 2011

Decision

That, subject to the Commissioner of Place and Environment having delegated authority to approve any minor amendments in consultation with the Mayor, the Torbay Economic Development Company Ltd (TDA) Business Plan 2011-2012, set out at Appendix 1 to the submitted report be approved.

Reason for the Decision

To approve the Torbay Economic Development Company Business Plan for 2011/2012 in line with the company's memorandum and articles of association.

Implementation (resource implications tab to be renamed Implementation)

This decision will come into force and may be implemented on Wednesday, 12 October 2011 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Torbay Economic Development Company Business Plan outlines the function and plans of the Torbay Economic Development Company over the next twelve months. The Mayor supported the recommendation of Council as set out in his decision above.

Alternative Options considered and rejected at the time of the decision

There were no alternative options considered.

Is this a Key Decision?

Yes – Reference Number: I003938

Does the call-in procedure apply?

Yes

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

Councillors Faulkner (A), Thomas (D) and Tyerman declared a personal interest as Board Members of the Torbay Economic Development Company.

Published

4 October 2011