



Minutes of the Extraordinary Council

31 October 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, Baldrey, Barnby, Bent, Brooksbank, Butt, Cowell, Davies, Darling, Ellery, Excell, Hernandez, Hill, Hytche, James, Kingscote, Lewis, McPhail, Morey, Parrott, Pentney, Pountney, Pritchard, Richards, Scouler, Stockman, Stocks, Thomas (D), Thomas (J) and Tyerman

349 Opening of meeting

The meeting was opened with a prayer. Members then observed a minute's silence as a mark of respect in memory of Lance Corporal Jonathan McKinlay of the Rifles who lost his life in Afghanistan on 14 September 2011.

350 Apologies for absence

Apologies for absence were received from Councillors Amil, Doggett, Faulkner (A) and Faulkner (J).

351 Minutes

The Minutes of the meeting of the Council held on 29 September 2011 and the adjourned meeting held on 30 September 2011 were confirmed as a correct record and signed by the Chairman.

352 Declarations of interests

The following personal interests were declared:

Councillor	Minute Number	Nature of interest
Baldrey	357	Chairman of Brixham Arts and Theatre Society
Barnby	357	Member of Brixham Operatic and Amateur Dramatic Society

Ellery	357	Member of Brixham Town Council
James	357	Member of Brixham Town Council
Morey	357	Member of Brixham Town Council
Stockman	357	Member of Brixham Town Council

353 Communications

The Chairman:

- (a) advised members of the Remembrance Sunday services that were taking place on Sunday 13 November 2011. Services were due to be held at Brixham and Torquay at 11.00 am at the war memorials and a service at Paignton Parish Church at 3.00 pm; and
- (b) stated that although this meeting started at 5.30 pm it was still the Chairman's intention to start all future Council meetings at 2.00 pm to avoid the need for adjournments to another day. Items of significant public interest would be considered after 5.30 pm and meetings would start at 5.30 pm when the agenda was short.

The Mayor thanked all members and voluntary organisations for joining him in celebrating the opening of Parkfield House, Paignton. He added that the new facilities would provide a great service for young people.

354 Members' questions

Members received a paper detailing the questions, as set out at Appendix 1 to these Minutes, notice of which had been given in accordance with Standing Order A13.

Councillor Darling presented the question submitted by Councillor Faulkner (J) in her absence.

Verbal responses were provided at the meeting. Supplementary questions were then asked and answered by Mayor Oliver (question 3 and 4), Councillor Scouler (question 5) and Councillor Tyerman (question 6).

355 Notice of motion

Members received a motion in relation to the timing of Council meetings, notice of which was given in accordance with Standing Order A14 and as set out on the agenda.

Prior to consideration of the motion, the Chairman advised members that he and the Chief Executive could determine the time and arrangements of meetings.

In accordance with Standing Order A16.9, Councillor Cowell, with consent of Councillor Parrott as seconder, withdrew his motion.

356 Mayoral Decision - Disposal of Assets - Subject to Call-in

The Council made the following recommendation to the Mayor:

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

- (i) that the three assets listed in Appendix 1 of the submitted report be declared no longer required for service delivery and that the Chief Executive of the Torbay Development Agency be requested to advertise their intended disposal in accordance with the Council's Community Asset Transfer Policy; and
- (ii) that, subject to any expressions of interest received in respect of (i) above, the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency, be authorised to dispose of the assets listed in Appendix 1 of the submitted report.

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

At the meeting, the Mayor considered the recommendation of the Council (as set out above) and the record of his decision, together with further information, is attached to these minutes.

357 Mayoral Decision - Transfer of Brixham Town Hall to Brixham Town Council - Subject to Call-in

A revised officer recommendation was circulated at the meeting. The Council made the following recommendations to the Mayor:

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

- (i) that, subject to receiving the South West Regional Development Agency's consent, the Executive Head Commercial Services be authorised, in consultation with the Chief Executive of the Torbay Development Agency, to transfer the freehold of the Brixham Town Hall to Brixham Town Council (as identified on plan EM2151 of the submitted report) for no capital receipt. The transfer to include provision, satisfactory to the Executive Head Commercial Services, that 50% of any receipt from a disposal of the property, within 15 years of its transfer to Brixham Town Council, be paid to Torbay Council; and
- (ii) that, subject to receiving the South West Regional Development Agency's consent, the Executive Head Commercial Services be authorised, in consultation with the Chief Executive of Torbay Development Agency and the Executive Head Children, Schools and Communities, to simultaneously enter into a 125-year lease at a peppercorn rent from Brixham Town Council

for use by Torbay Council for an area within the Town Hall for the Torbay Youth Service.

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

AT the meeting, the Mayor considered the recommendation of the Council (as set out above) and the record of his decision, together with further information, is attached to these minutes.

(Note: Prior to consideration of Minute 357, Councillors Baldrey, Barnby, Ellery, James, Morey and Stockman declared their personal interests.)

358 Proposed Business Case for Review of Parking Services

The Council established the Productivity Improvement Programme (PIP) in October 2010 to identify significant savings and meet the financial challenges over the next four years. The submitted report set out the PIP's review of parking services. The Council was requested to make recommendations to the Mayor and consider the funding for the investment of new equipment and services.

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

- (i) that the Mayor approve the recommendations of the Transport Working Party in respect of the outcome of the Parking Review identified below:
- Clamp persistent PCN evaders who do not pay their fines – clamping to be implemented when there are over 5 outstanding fines unpaid on a vehicle.
 - Rent space to car washing and valeting services in car parks.
 - Increase the cost of parking permits for off street car parks by 10%.
 - Review of seasonal tariffs in relation to non seasonal tariff rates (being developed separately, and will be advertised in accordance with good practice for implementation from 1 January 2012).
 - Use mobile enforcement vehicles to enforce illegal parking at schools/bus stops and where necessary to improve safety.
 - Offer parking management solutions to private car park operators.
 - Differentiate off street parking charges related to location (being developed separately, and will be advertised in accordance with good practice for implementation from 1 January 2012).
 - Review options on provision of parking charges for disabled permit holders and charge a nominal administration fee of £20 for permits at renewal.
 - Charge skip providers the on street parking charges as well as the skip licence where located on chargeable spaces.
 - Introduce more on street parking areas (as proposed in Appendices 6 and 7 to the submitted report), subject to evidence of return on investment and details of payback period being to the satisfaction of the Executive Head of Finance, in consultation with the Executive Lead for Finance and Audit.

- Review management options of on street and off street motorbike parking areas.
 - Provide additional commercial advertising hoarding space in car parks.
 - Pay on exit options in car parks if the business case shows a return on investment within four years. Business case to be signed off by the Executive Head of Finance in consultation with the Executive Lead for Finance and Audit.
- (ii) that the Mayor be recommended to authorise the advertisement of Orders introducing paying parking places (parking meters) on highways as identified in Appendices 6 and 7 to the submitted report subject to evidence of return on investment and details of payback period being to the satisfaction of the Executive Head of Finance, in consultation with the Executive Lead for Finance and Audit;
- (iii) that the Mayor be recommended to authorise the Commissioner for Place and Environment, in consultation with the Executive Lead for Safer Communities and Transport, to consider any objections received and approve or reject the making of any such Orders; and
- (iv) that, the Council approves the Council's Capital Plan be amended to include up to £369,000 for the investment in new equipment and services, and that this is funded from prudential borrowing, as an invest to save project. This will be financed over a 10 year period from additional revenue provision of up to £47,000 per annum.

An amendment was proposed by Councillor Stocks and seconded by Councillor Pentney (additional wording to (i) second bullet):

- Rent space to car washing and valeting services in car parks, with priority being given to charities and social enterprises to deliver these services with no rental being levied on them.

On being put to the vote the amendment was declared lost.

The original motion was then put to the vote and declared carried.

At the meeting, the Mayor considered the recommendations of the Council in (i), (ii) and (iii) above, and the record of his decisions, together with further information, is attached to these minutes.

359 Princess Promenade Refurbishment

At the adjourned meeting of the Council on 30 September 2011 it was decided to defer consideration of the above to this meeting. A new report was submitted setting out proposals to repair the defective structure of the 'banjo' and the eastern section of Princess Parade, Torquay, to enable the closed sections to be reopened as soon as possible.

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

- (i) 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;
- (ii) that the capital programme for 2012/13 be amended to provide £2.15 million to fund the second phase of the repairs to the structure to secure its long term future;
- (iii) that tenders be invited and a contract let to carry out repairs to the Eastern Promenade and minimal repairs to the banjo. The contract is to commence in early 2012 to allow the promenade and banjo to be open for the summer 2012;
- (iv) that the second phase of the works to provide long term repairs to the banjo and eastern promenade be progressed and a contract let in July 2012 unless alternative proposals to redevelop the area have been approved by the Council; and
- (v) 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 Pentney:

- (i) that the capital programme for 2012/13 be amended to provide £2.95 million to fund the regeneration of the Princess Promenade area, including the Eastern Promenade and Banjo area (the Area), subject to the following:
 - (a) The outcome of the public consultation currently being undertaken and ongoing dialogue with the relevant community stakeholders; and
 - (b) A contract being entered into with a developer on terms acceptable to the Executive Head Commercial Services, in consultation with the Chief Executive of Torbay Development Agency, such contract to include a commitment for the works to the Area commencing no later than January 2013; and
 - (c) The regeneration to include:
 - an events space in the area where the Banjo is now sited; and
 - a long term design solution, with a life span of a minimum of 50 years, which will require only routine maintenance;
- (ii) that officers seek tenders for the repair of the Banjo and Eastern Promenade to twin track the project should private investment not be forthcoming; and
- (iii) 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.

On being put to the vote the amendment was declared lost.

The original motion was then put to the vote and declared carried.

Chairman

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Minute Item 354

Meeting of the Council

Monday, 31 October 2011

Questions Under Standing Order A13

<p>Question (1) by Councillor McPhail to the Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor Thomas</p>	<p>Can you tell me what we are doing to meet the housing needs of older people in Torbay?</p>
<p>Question (2) by Councillor Barnby to the Executive Lead for Adult Social Care and Older People – Councillor Scouler</p>	<p>What is the Bay Wide CCG (Clinical Commissioning Group) and what are the full implications it will have for the residents of Torbay?</p>
<p>Question (3) by Councillor Parrott to the Mayor – Mayor Oliver</p>	<p>Is the Mayor aware that the Localism Bill includes a clause allowing ministers to levy unlimited EU fines on local authorities - as described in official Explanatory Note 18 as follows;</p> <p>‘Explanatory Notes to the bill: PART 2: EU FINES 18. This part creates a power to recover funds from local authorities and other public authorities in England in order to pay all, or part of, a European Court of Justice financial sanction imposed for a failure of the United Kingdom to comply with an obligation under the EU treaties.’</p> <p>and, that this clearly defines his party’s approach to greater local democracy (ie) that Brussels is in ultimate control of Torbay’s finances?</p>
<p>Question (4) by Councillor Cowell to the Mayor and Executive Lead for Employment Regeneration – Mayor Oliver</p>	<p>With the latest unemployment figures revealing Torbay has the highest level of jobless in the South West (4.3%, 6.0% of men), can the Mayor confirm his plans for economic regeneration.</p> <p>In particular,</p> <ul style="list-style-type: none">• When will the Torbay Development’s Agency register of employment land and buildings be published and how is it intended to be used?• What measures are being taken to recognise and deal with the alarmingly high levels of jobless 18-24 year olds?

	<p>While welcoming the investment in areas such as Torwood Street, Palm Court and the MDL/Banjo area, the business park at Whiterock has so far only seen the development of yet another hotel. When will jobs from other sectors be provided there and elsewhere?</p> <p>Does the Mayor agree with me that more has to be done now, especially with the increasing number of job losses in the public sector because of the Government imposed cuts, to help create urgently needed jobs ahead of any successful bid for the Link Road?</p>
<p>Question (5) by Councillor Faulkner (J) to the Executive Lead for Adult Social Care and Older People - Councillor Scouler</p>	<p>What is the latest update on the closure of the John Parkes Unit?</p>
<p>Question (6) by Councillor Pentney to the Executive Lead for Finance and Audit – Councillor Tyerman</p>	<p>Is the contract already signed, regarding the lease on Oldway Mansion to be adjusted to reduce the capital receipt Torbay Council will eventually receive?</p>

Record of Decisions

Disposal of Assets

Decision Taker

Mayor on 31 October 2011

Decision

- (i) that the three assets listed in Appendix 1 of the submitted report be declared no longer required for service delivery and that the Chief Executive of the Torbay Development Agency be requested to advertise their intended disposal in accordance with the Council's Community Asset Transfer Policy; and
- (ii) that, subject to any expressions of interest received in respect of (i) above, the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency, be authorised to dispose of the assets listed in Appendix 1 of the submitted report.

Reason for the Decision

Expenditure and repair liability across the Council's assets significantly exceeds available resources. Disposal of surplus assets will reduce running costs and generate capital receipts which could be used to support the Council's approved Capital Programme.

Implementation (resource implications tab to be renamed Implementation)

This decision will come into force and may be implemented on 11 November 2011 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The submitted report set out a proposal to dispose of the following three surplus properties to provide asset management efficiency and cost savings:

- Asset T3025/1 87 Abbey Road, Torquay, TQ2 5NN;
- Asset P0478ZZ Ex Cemetery Lodge, 88 Colley End Road, Paignton, TQ3 3QX; and
- Asset P1070 (a) 289 Totnes Road, Paignton, TQ4 7HE.

Prior to the properties being sold, the community would be given the opportunity to bid for them in accordance with the Community Asset Transfer Policy.

The Mayor supported the recommendations of the Council made on 31 October 2011, as set out in his decision above.

Alternative Options considered and rejected at the time of the decision

The Council is required to ensure that its assets are fit for purpose and that it only holds assets for its strategic requirements. Whilst the extent of disposals and timing continues to be subject to review, to take no action would not be appropriate.

Is this a Key Decision?

Yes – Reference Number: I006248

Does the call-in procedure apply?

Yes

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

None

Published

3 November 2011

Signed: _____
Deputy Mayor on behalf of the Mayor of Torbay

Date: 3 November 2011

Record of Decisions

Transfer of Brixham Town Hall to Brixham Town Council

Decision Taker

Mayor on 31 October 2011

Decision

- (i) that, subject to receiving the South West Regional Development Agency's consent, the Executive Head Commercial Services be authorised, in consultation with the Chief Executive of the Torbay Development Agency, to transfer the freehold of the Brixham Town Hall to Brixham Town Council (as identified on plan EM2151 of the submitted report) for no capital receipt. The transfer to include provision, satisfactory to the Executive Head Commercial Services, that 50% of any receipt from a disposal of the property, within 15 years of its transfer to Brixham Town Council, be paid to Torbay Council; and
- (ii) that, subject to receiving the South West Regional Development Agency's consent, the Executive Head Commercial Services be authorised, in consultation with the Chief Executive of the Torbay Development Agency and the Executive Head Children, Schools and Communities, to simultaneously enter into a 125-year lease at a peppercorn rent from Brixham Town Council for use by Torbay Council for an area within the Town Hall for the Torbay Youth Service.

Reason for the Decision

To respond to the request from Brixham Town Council to transfer the freehold of the Town Hall (excluding the library and museum) to provide it with a permanent base.

Implementation (resource implications tab to be renamed Implementation)

This decision will come into force and may be implemented on 11 November 2011 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Council has received a request from Brixham Town Council to transfer the freehold interest of Brixham Town Hall (excluding the museum and the library) to Brixham Town Council for nil consideration. Under the Local Government Act 1972, Councils may dispose of land for less than the best consideration that can reasonably be obtained. It is considered that the transfer to the Town Hall will have economic and social benefits since it is the local council with direct accountability to the population of Brixham which will have an asset and take control of. It will also provide the Town Council with a permanent base.

The Council's Connections office will be moved into Brixham Library and the Youth Service will continue occupation through a 125 year lease back to the Torbay Council.

The Mayor supported the recommendations of the Council made on 31 October 2011, 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 report and not discussed at the meeting.

Is this a Key Decision?

Yes – Reference Number: I005097

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 the Chairman of Brixham Arts and Theatre Society; Councillor Barnby declared a personal interest as a member of Brixham Operatic and Amateur Dramatic Society; and Councillors Ellery, James, Morey and Stockman declared personal interests as members of Brixham Town Council.

Published

3 November 2011

Signed: _____ Date: _____
Deputy Mayor on behalf of the Mayor of Torbay

Record of Decisions

Proposed Business Case for Review of Parking Services

Decision Taker

Mayor on 31 October 2011

Decision

- (i) that the recommendations of the Transport Working Party be approved in respect of the outcome of the Parking Review identified below:
 - clamp persistent PCN evaders who do not pay their fines – clamping to be implemented when there are over 5 outstanding fines unpaid on a vehicle;
 - rent space to car washing and valeting services in car parks;
 - increase the cost of parking permits for off street car parks by 10%;
 - review seasonal tariffs in relation to non seasonal tariff rates (being developed separately, and will be advertised in accordance with good practice for implementation from 1st January 2012);
 - use mobile enforcement vehicles to enforce illegal parking at schools/bus stops and where necessary to improve safety;
 - offer parking management solutions to private car park operators;
 - differentiate off street parking charges related to location (being developed separately, and will be advertised in accordance with good practice for implementation from 1st January 2012);
 - review options on provision of parking charges for disabled permit holders and charge a nominal administration fee of £20 for permits at renewal;
 - charge skip providers the on street parking charges as well as the skip licence where located on chargeable spaces;
 - introduce more on-street parking areas (as proposed in Appendices 6 and 7), subject to evidence of return on investment and details of payback period being to the satisfaction of the Executive Head Finance, in consultation with the Executive Lead for Finance and Audit;
 - review management options of on-street and off-street motorbike parking areas;
 - provide additional commercial advertising hoarding space in car parks; and
 - pay on exit options in car parks if the business case shows a return on investment within four years. Business case to be signed off by the Executive Head of Finance in consultation with the Executive Lead for Finance and Audit;
- (ii) that the advertisement of Orders be authorised, introducing paying parking places (parking meters) on highways as identified in Appendices 6 and 7 to the submitted report, subject to evidence of return on investment and details of payback period being to the satisfaction of the Executive Head of Finance, in consultation with the Executive Lead for Finance and Audit; and
- (iii) that the Commissioner for Place and Environment be authorised, in consultation with the Executive Lead for Safer Communities and Transport, to consider any objections received and approve or reject the making of any such Orders.

Reason for the Decision

To respond to the recommendations of the Transport Working Party and as part of the overall review of service areas to identify savings and to improve the management of parking on the highway leading to the efficient turn over of limited on street parking spaces.

Implementation (resource implications tab to be renamed Implementation)

This decision will come into force and may be implemented on 11 November 2011 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

In response to the financial challenges faced by the Council, a review of all service areas has been undertaken to improve productivity and maximise income generation. Part of this review included reviewing current parking arrangements, including proposing additional measures for on and off street car parking services, exploiting the commercial opportunities within the parking service and the improved management of parking on the highway leading to the efficient turn-over of limited on street parking services. The additional income generated may be used for providing and maintaining off-street car parks, plus any surplus income for supporting public passenger transport, highway improvements and environmental improvements.

The Mayor supported the recommendations of the Council made on 31 October 2011, as set out in his decision above. At the same meeting, the Council approved the funding for the investment of new equipment and services (please see minutes of Council meeting on 31 October 2011 for further details).

Alternative Options considered and rejected at the time of the decision

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

Is this a Key Decision?

Yes – Reference Number: I003937

Does the call-in procedure apply?

Yes

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

None

Published

3 November 2011

Signed: _____
Deputy Mayor on behalf of the Mayor of Torbay

Date: 3 November 2011