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Friday, 4 May 2012

Annual Meeting of the Council

Dear Member

I am pleased to invite you to attend the annual meeting of Torbay Council which will be held in **Ballroom, Oldway Mansion, Torquay Road, Paignton, TQ3 2TE on Tuesday, 15 May 2012** commencing at **11.00 am**

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.)

Working for a healthy, prosperous and happy Bay

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

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(i)
THE MJ
2010
Achievement Awards
COMMENDED

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 1 March 2012.

(Pages 1 - 12)

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

To elect the Chairman of the Council for the Municipal Year 2012/2013.

5. **Election of Chairman/woman of the Council**

To elect the Chairman of the Council for the Municipal Year 2012/2013.

6. **Appointment of Vice-Chairman of the Council**

To appoint the Vice-Chairman of the Council for the Municipal Year 2012/2013.

7. **Adjournment**

To consider adjourning the meeting until 5:30 p.m. on Wednesday 16 May 2012 to deal with the remainder of the business set out in the separate agenda.



Minutes of the Council

1 March 2012

-: 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, Cowell, Davies, Darling, Doggett, Ellery, Excell, Faulkner (A), Faulkner (J), Hernandez, Hill, Hytche, James, Kingscote, Lewis, McPhail, Morey, Parrott, Pentney, Pountney, Pritchard, Scouler, Stockman, Stocks, Thomas (J) and Tyerman

570 Opening of meeting

The meeting was opened with a prayer.

571 Apologies for absence

Apologies for absence were received from Councillors Butt, Richards and Thomas (D).

572 Minutes

The Minutes of the meeting of the Council held on 1 February 2012 and the adjourned meeting held on 8 February 2012 were confirmed as a correct record and signed by the Chairman.

573 Communications

The Chairman

- (i) welcomed Stuart Elliman, Lifeboat Operations Manager from the Torbay RNLI lifeboat station and presented him with a framed copy of an article which is displayed on the Cruise Liner Aurora in recognition of the rescue of a sick passenger on Monday, 19 September 2011;
- (ii) congratulated Councillor Hernandez on winning 'Online Councillor of the Year' at the 2012 Local Government Information Unit and CCLA Councillor Achievement Awards for her use of social media to promote local democracy and participation in local government;

- (iii) thanked all the people who had brought tickets to the Civic Ball which was being held on 2 March 2012;
- (iv) thanked Members for their good behaviour over the past year whilst he has been Chairman of the Council; and
- (v) advised that prayers would continue at Council meetings for the next two years in Torbay.

574 Petition Against the Pool Closure at Cockington Primary School, Torquay

In accordance with Standing Order A12, the Council received a petition against the pool closure at Cockington Primary School, Torquay (approximately 137 signatures).

At the invitation of the Chairman, Mr Tostevin addressed the Council in relation to the petition. It was noted that the petition would be referred to the Governors of Cockington Primary School who will be making the decision on this issue.

575 Petition Requesting the Removal of Grass Verges to Make More Parking Spaces, to Reduce Accidents, Making it Safer for Children to Play and More Accessible for Using Woodend Project

In accordance with Standing Order A12, the Council noted the receipt of a petition requesting the removal of grass verges to make more parking spaces, to reduce accidents, making it safer for children to play and be more accessible for using the Woodend Project (approximately 65 signatures).

It was noted that the petitioner had requested their petition to be submitted direct to the decision-maker and it would be referred to the Highways Service Manager for consideration in consultation with the Executive Lead for Safer Communities and Transport.

576 Objection to St Michaels Traffic Action Zone Scheme

In accordance with Standing Order A12, the Council noted receipt of a petition objecting to the St Michaels Traffic Action Zone Scheme (approximately 179 signatures).

It was noted that the petitioner had requested their petition to be submitted direct to the decision-maker and it would be referred to the Highways Service Manager for consideration in consultation with the Executive Lead for Safer Communities and Transport.

577 Public Question Time

In accordance with Standing Order A24, the Council heard from Mrs Hewitt who had submitted a statement and question regarding the Dartmouth Road Crossing. The Executive Lead for Safer Communities and Transport responded to the

statement and question that had been put forward, plus a supplementary question asked by Mrs Hewitt.

578 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.

Supplementary questions were asked and answered by Councillor Pritchard (question 1), Councillor Excell (questions 2 and 5) and the Mayor (questions 3 and 4).

579 Motion - Regionalised Pay for the Public Sector

Members considered a motion in relation to regionalised pay for the public sector notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Darling and seconded by Councillor Pentney:

This Council is aware that the Coalition Government is considering the introduction of regionalised pay for the public sector. Such a policy could have the following negative impacts on Torbay:

- 1) It could reduce incomes in the public sector resulting in an even further reduction of wages.
- 2) Increase the brain drain that Torbay already suffers from.
- 3) Regional pay is unlikely to have any measurable impact in making house prices more affordable.

In light of the above this council requests the Torbay Development Agency to conduct research into the impact of this Government policy on Torbay and share with the Government its findings.

In accordance with Standing Order A14.4(a), the motion stood referred to the Mayor. The Mayor considered the recommendation of the Council as set out above at the meeting and noted the motion. As the Council was tied in to national negotiations regarding pay he did not feel that it was appropriate to carry out any research at this time and decided to take no action on this motion,

580 Mayoral Decision - A Tree and Woodland Framework for Torbay 2012-2017 - Subject to Call-In

The Council made the following recommendation to the Mayor:

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

That the Mayor be recommended:

- (i) that the Torbay Tree and Woodland Framework 2012 – 2017 as set out in Appendix 1 to the submitted report be approved; and
- (ii) that the Executive Head (Residents & Visitor Services) and the Executive Lead for Tourism and Environment be authorised to make minor amendments to the Framework as required as a result of feedback from the community and stakeholders. If any major alterations are made the Framework will be brought back to Council.

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, together with further information, is attached to these Minutes.

581 Revenue Budget Monitoring 2011/12 (Quarter 3)

The Council noted the current projected outturn for the Revenue Budget 2011/2012 based on quarter 2 information, as set out in the submitted report.

582 Capital Investment Plan - Budget Monitoring 2011/12 (3rd Quarter)

The Council considered a report on Capital Investment Plan monitoring and variations from quarter 3. The report provided details of expenditure and funding of service and community assets within the Council's approved Capital Investment Plan. The Overview and Scrutiny Board considered the submitted report at its meeting on 15 February 2012 put forward a number of recommendations.

The Council made the following recommendation to the Mayor:

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

- (i) the Board recommends improved management of the Capital Programme;
- (ii) the Board recommends the Capital Slippage be brought to the Mayor's attention for improvement; and
- (iii) the Board recommends that information is provided on how the overspend on the Parkfield project is being financed from funds originally allocated to Ellacombe and further request that this information is provided to the Board.

An amendment was proposed by Councillor Tyerman and seconded by Councillor Pritchard:

The Mayor is recommended that no further action is currently needed as the Capital Investment Strategy which was reviewed by Overview and Scrutiny and approved by Council on 8 February already contains changes to improve the management of the Capital Programme and the Mayor is already aware of the slippage being present at the meeting of the Overview and Scrutiny Committee when it was discussed and it is not the role of the Mayor to determine what information is

provided to the Overview and Scrutiny Committee – any such request is already within the purview of that Committee.

The substantive motion (i.e. the amendment) was then before Members for consideration.

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

The Mayor considered the recommendation of the Council as set out above at the meeting and supported the proposal to take no further action.

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

- (i) that the latest position on the Capital Investment Plan be noted; and
- (ii) that £0.213 million of Prudential Borrowing for the replacement of some of the Council's vehicle fleet be approved (see para A2.1 of the submitted report).

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

583 Council Tax 2012/13

The Council received the submitted report on the setting of the Council Tax for 2012/13.

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

That the Council is recommended to:

- (i) note that on 8th December 2011 the Council calculated the Council Tax Base for 2012/13:-
 - a) for the whole Council area as 49,021.42 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
 - b) for dwellings in the Brixham Town Council area as 6,664.97 to which a Parish precept relates;
- (ii) approve the Council Tax requirement for the Council's own purposes for 2012/13 (excluding Brixham Town Council) of £61,824,200;
- (iii) approve that the following amounts be calculated for the year 2012/13 in accordance with Sections 31 to 36 of the Act:
 - a) £317,770,300 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account the precept issued to it by Brixham Town Council;

- b) (£255,753,000) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act;
 - c) £62,017,300 being the amount by which the aggregate at 2.3(a) above exceeds the aggregate at 2.3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax Requirement for the year (item R in the formula in Section 31B of the Act);
 - d) £1,265.11 being the amount at 2.3(c) above (Item R), all divided by Item T (2.1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);
 - e) £193,100 being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act;
 - f) £1,261.17 being the amount at 2.3(d) above less the result given by dividing the amount at 2(e) above by Item T (2.1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates;
- (iv) note that Devon & Cornwall Police Authority and the Devon and Somerset Fire and Rescue Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table below;
- (v) approve that the Council, in accordance with Sections 30 to 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2012/13 for each part of its area and for each of the categories of dwellings; and

	Valuation Band							
	A	B	C	D	E	F	G	H
Ratio of each band to Band D	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9
	£	£	£	£	£	£	£	£
Torbay Council	840.78	980.91	1,121.04	1,261.17	1,541.43	1,821.69	2,101.95	2,522.34
Devon and Cornwall Police Authority	106.49	124.23	141.98	159.73	195.23	230.72	266.22	319.46
Devon and Somerset Fire and Rescue Authority	49.28	57.49	65.71	73.92	90.35	106.77	123.20	147.84

Aggregate of Council Tax Requirements excluding Brixham Town Council	996.55	1,162.63	1,328.73	1,494.82	1,827.01	2,159.18	2,491.37	2,989.64
Brixham Town Council	19.31	22.54	25.75	28.97	35.40	41.85	48.28	57.94
Aggregate of Council Tax Requirements including Brixham Town Council	1,015.86	1,185.17	1,354.48	1,523.79	1,862.41	2,201.03	2,539.65	3,047.58

- (vi) approve that the Council's basic amount of Council Tax for 2012/13 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.

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

584 Torbay Council Annual Pay Policy Statement

The Council considered the submitted report on the Torbay Council Annual Pay Policy Statement.

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

That the Torbay Council Annual Pay Policy Statement be approved in order for the Council to be compliant with Section 38 (1) of the Localism Act 2011.

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

585 Provisional Calendar of Meetings for 2012/2013

The Council received the submitted report which set out the provisional calendar of meetings for 2012/2013.

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

- (i) that the provisional calendar of meetings for 2012/2013, set out in Appendix 1 to the submitted report, be approved for final ratification at the Annual Council Meeting; and
- (ii) that meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman.

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

- (i) that the provisional calendar of meetings for 2012/2013, set out in Appendix 1 to the submitted report be amended so that Council meetings take place on Tuesday's unless otherwise required in order for the Council to comply with its legal obligations and subject to this the provisional calendar of meeting 2012/2013 be approved for final ratification at the Annual Council Meeting.

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

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

Chairman

Minute Item 578

Meeting of the Council

Thursday, 1 March 2012

Questions Under Standing Order A13

Question (1) by Councillor Pountney to the Executive Lead for Business Planning and Governance – Councillor Pritchard	Can you advise me by how many FTE positions the Councils staffing levels have been reduced over the last 3 years, and how many of these reductions resulted in some form of redundancy.
Question (2) by Councillor Pentney to the Executive Lead for Safer Communities and Transport – Councillor Excell	As the council only director on the Riviera International Conference Centre please can you inform the council what new initiatives you will be suggesting in order to cut costs?
Question (3) by Councillor Darling to the Executive Lead for Strategic Planning, Housing and Energy - Councillor Thomas (D)	Months ago I was led to believe that the Local Authority planned to start consultation on the Core Strategy, a key component of the Local Development Framework. in January 2012. Can you please explain why this delay has occurred? As it results in the evidence reducing in validity due to the passage of time and the Council exposing its self to inappropriate development.
Question (4) by Councillor Cowell to the Mayor and Executive Lead for Employment and Regeneration – Mayor Oliver	<p>During recent debates in a variety of places you and some of your colleagues have referred to the number of jobs involved at the RICC. Numbers of anything between 90 and 200 have been quoted.</p> <p>Can you confirm how many full-time and part-time staff there are currently at the Centre and how many casual staff (in terms of equivalent full-time) have been engaged in the past 12 months?</p>
Question (5) by Councillor Cowell to the Executive Lead for Safer Communities and Transport – Councillor Excell	In light of the Portas Report in to our nation's town centres and the recent controversy over parking meters and higher fees, will the Mayor accept that a thorough review of Parking fees and strategy should be an integral part of the work being undertaken by the Neighbourhood Planning Forums? And does he agree with me that this important piece of work, that should include an assessment on both the possible financial impact upon car parking income and the economic benefit to trade, could form part of immediate plans for town centre regeneration?

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Record of Decision

A Tree and Woodland Framework - Subject to Call-In

Decision Taker

Mayor on 1 March 2012

Decision

- (i) that the Torbay Tree and Woodland Framework 2012 – 2017 as set out in Appendix 1 to the submitted report be approved;
- (ii) that the Executive Head (Residents & Visitor Services) and the Executive Lead for Tourism and Environment be authorised to make minor amendments to the Framework as required as a result of feedback from the community and stakeholders. If any major alterations are made the Framework will be brought back to Council; and
- (iii) that the Transport Working Party be requested to consider the Torbay Tree and Woodland Framework document and the impact of trees on public highways.

Reason for the Decision

To provide an up to date policy for the management of trees and to act as a vehicle to link the various local strategies and documents currently in place to deliver the wider green infrastructure goals of the Council.

Implementation

This decision will come into force and may be implemented on Wednesday, 14 March 2012 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 Tree and Woodland Framework for Torbay 2012-2017, which was a revised policy for the management of trees.

The Mayor supported the recommendations of the Council made on 1 March 2012, as set out in his decision above.

Alternative Options considered and rejected at the time of the decision

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

Is this a Key Decision?

Yes – Reference Number: I007481

Does the call-in procedure apply?

Yes

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

None

Published

6 March 2012

Signed: _____
Mayor of Torbay

Date: 6 March 2012