



## **Minutes of the Council**

**6 February 2014**

**-: Present :-**

**Chairman of the Council (Councillor Parrott) (In the Chair)**  
**Vice-Chairman of the Council (Councillor Barnby)**

The Mayor of Torbay (Mayor Oliver)

Councillors Addis, Amil, Baldrey, Brooksbank, Butt, Cowell, Davies, Darling, Doggett, Ellery, Excell, Faulkner (A), Faulkner (J), Hernandez, Hill, Hytche, James, Kingscote, Lewis, Mills, Morey, Pentney, Pountney, Pritchard, Richards, Scouler, Stockman, Stocks, Stringer, Thomas (D), Thomas (J) and Tyerman

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### **100 Opening of meeting**

The meeting was opened with a prayer.

### **101 Apologies for absence**

Apologies for absence were received from Councillors Bent and McPhail.

### **102 Minutes**

The Minutes of the meeting of the Council held on 5 December 2013 were confirmed as a correct record and signed by the Chairman.

### **103 Communications**

The Chairman:

1. thanked all those who sponsored him to take part in the Boxing Day Dip at Torquay. The funds raised were donated to RNLI, the Motor Neurone Disease Association and the RAF Air Training Corps; and
2. advised that he had received a petition of approximately 3,000 signatures (including online signatures) for a 'Save our Services' campaign and this would be forwarded to the relevant officer.

The Mayor reported on the recent storm damage experienced in Torquay and Dawlish, which included his response to the urgent question submitted by Councillor Cowell:

The Mayor had visited the sites where damage had incurred at Meadfoot Beach and Torquay Seafront and discussed with traders the damage at Oddicombe Beach. He also advised that he had visited Dawlish to inspect the damage caused by the storms to the railway and expressed sorrow for those residents whose homes had been affected.

The Mayor stated that these storms were possibly the worst in living memory. With more storms predicted for the coming weekend, the Mayor considered there was an urgent need to be reactive at low tide to put in place repairs quickly to limit further damage.

The Mayor referred to the funds available from the Government and the changes to the Bellwin Fund which would enable better accessibility to bid for funding. A bid for Haldon Pier was being considered.

The Mayor then outlined the actions he had taken working in partnership with colleagues in Cornwall, Plymouth, Devon County and Somerset County Councils, the meeting held with local Members of Parliament and advised of the meeting to be held with the Transport Secretary.

#### **104 Members' questions**

Members received a paper detailing the questions, as attached to the agenda, notice of which had been given in accordance with Standing Order A13. The Chairman also reported that he had accepted an urgent question under Standing Order A13.2(ii) which was tabled at the meeting.

Verbal responses were provided at the meeting (the urgent question was answered by the Mayor under Minute 103). Supplementary questions were then asked and answered in respect of questions 1 and 2 and the urgent question.

#### **105 Notice of Motion - Minimum Wage (Mayoral)**

Members considered a motion in relation to the minimum wage, notice of which was given in accordance with Standing Order A14.

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

This Council supports the suggestions made by Chancellor George Osborne that the UK economy can support a significant rise in Minimum Wage to reinstate the purchasing power of the Minimum Wage to the level before the financial crash in 2008.

Recognising that there are many residents in Torbay who are paid at Minimum Wage and who would receive significant benefit from a restoration of its purchasing power to 2007 levels, Council instructs the Executive Director of Operations and Finance to write to the Low Pay Commission, who make recommendations on wage rates, to give support to the proposals presented by the Chancellor.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor advised he would accept the motion and the record of his decision is attached to these Minutes.

#### **106 Notice of Motion - Badger Cull (Mayoral)**

Members considered a motion in relation to badger culls, notice of which was given in accordance with Standing Order A14.

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

This Council notes the appalling consequences of tuberculosis in cattle for farmers and farming communities and that the scientific evidence for a pilot cull of badgers to control TB is split and further notes that the pilot culls have failed to kill their target of badgers within the cull period.

This Council notes that the cost of £4121 per animal with a total cost of more than £7 million according to Care for the Wild, is an unsustainable drain on the treasury.

This Council calls on our Members of Parliament to oppose any extension of the cull to other areas and resolves not to allow any pilot culls to take place within the boundaries of Torbay and instructs the Executive Director of Operations and Finance to notify the Secretary of State for Environment Fisheries and Food as well as our MPs accordingly.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor considered that, although he did not support badger culls, at the present time there was not a problem of badgers and tuberculosis in Torbay and therefore rejected the motion.

#### **107 Torbay Hospital and Torbay Council Partnership for Parking**

The Council considered the submitted report on an 'in principle' proposal to enter into a joint partnership agreement with the South Devon Healthcare NHS Foundation Trust to fund improvements to provide additional visitor and staff parking on the Torbay Hospital site. The report also set out proposals for the Council to manage the enforcement of parking on the site for the next ten years. The Chairman advised that a revised officer recommendation had been tabled.

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

- (i) that the Council, agrees in principle, to make available up to £1.7 million funding through prudential borrowing to provide increased surface level parking on the Torbay Hospital site:
  - (a) subject to a business case being submitted by the Residents and Visitor Service (RVS) that is satisfactory to the Executive Director of Operations in consultation with the Mayor and Executive Head for Finance. Such business case to be

approved by a future meeting of the Full Council and is approved by the Board of the South Devon Healthcare NHS Foundation Trust (SDHFT), to enable delivery of the car parking project at the Torbay Hospital site with the borrowing costs to be funded from increased income at the Torbay Hospital site; and

- (ii) That, subject to the approval of the business case as outlined in (i) (a) above, the Director of Place be given authority, in consultation with the Executive Head of Finance and the Executive Lead for Safer Communities, Parking and Sport to enter into a 10 year Joint Partnership Agreement (or other suitable legal structure) with the South Devon Healthcare NHS Foundation Trust (SDHFT) to fund an increase in parking spaces on the Torbay Hospital site and to provide enforcement to all car parks over the next ten years.
  - (a) subject to the operational business case including the payment of the Council's interest and repayment costs of borrowing and is approved by the Board of the South Devon Healthcare NHS Foundation Trust (SDHFT).

An amendment was proposed by Councillor Morey and seconded by Councillor Cowell:

That consideration of the report be deferred to allow time to work up an options appraisal.

In accordance with Standing Order A19.4, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Addis, Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), James, Morey, Pentney, Pountney, Stocks, Stockman, Stringer and Tyerman (17); Against: the Mayor, Councillors Amil, Barnby, Brooksbank, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, Mills, Pritchard, Richards, Scouler, Thomas (D) and Thomas (J) (16); Abstain: Councillors Butt and Parrott; and Absent: Councillors Bent and McPhail (2). Therefore, the amendment was declared carried and became the substantive motion before Members for consideration.

In accordance with Standing Order A19.4, a recorded vote was taken on the substantive motion. The voting was taken by roll call as follows: For: Councillors Addis, Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), James, Morey, Pentney, Pountney, Stocks, Stockman, Stringer and Tyerman (17); Against: the Mayor, Councillors Amil, Barnby, Brooksbank, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, Mills, Pritchard, Richards, Scouler, Thomas (D) and Thomas (J) (16); Abstain: Councillors Butt and Parrott; and Absent: Councillors Bent and McPhail (2). Therefore, the substantive motion was declared carried.

**108 Western Corridor Improvement & Great Parks Phase 2 Entrance – Acquisition of Land Through Compulsory Purchase Orders**

Members considered the submitted report on a proposal to make a compulsory purchase order for land required for the junction improvement scheme at Kings Ash Road/Spruce Way in Paignton, in order for it to be acquired if agreement could not be reached with the land owners.

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

- (i) that negotiations with the landowners for acquisition of the land required for the scheme be commenced to completion and to acquisition by agreement when possible;
- (ii) that authority be delegated to the Executive Head of Commercial Services to make a Compulsory Purchase Order for the land required for the Kings Ash Road/Spruce Way Junction Improvement Scheme affecting land adjacent to Kings Ash Road in accordance with the following:-
- (iii) that Torbay Council makes a Compulsory Purchase Order under sections 239, 240, 249, 250 and 260 of the Highways Act 1980 for the acquisition of all interests in the land (except those already owned by the Council) and new rights within areas shown (shaded pink for areas of land in respect of which all interests are to be acquired and shaded blue for the areas over which new rights are to be acquired) on plan number 8/09/12\_04, attached as Appendix 1 to the submitted report for the purpose of highway improvement;
- (iv) subject to approval of (ii) above, that the Executive Head of Commercial Services be authorised to:-
  - (a) take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry;
  - (b) acquire interests in land and new rights within the Compulsory Purchase Order either by agreement or compulsorily; and,
  - (c) approve agreements with land owners setting out terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land or new rights from the Order; and
- (v) That detailed design and preparation of proposals continue for the junction improvement scheme with new access in order that a scheme can be implemented by a future developer(s) of Phase 2 (not Torbay Council), following acquisition of all required sections of land.

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

**109 Health and Wellbeing Terms of Reference**

The Council considered the terms of reference for the Health and Wellbeing Board for inclusion in the Council's Constitution.

It was proposed by Councillor Mills and seconded by Councillor Lewis:

to approve the terms of Reference for the Health and Wellbeing Board as set out in the submitted report.

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

**110 Revenue Budget Proposals 2014/15**

At the invitation of the Chairman, the Mayor outlined his budget proposals for 2014/15.

A copy of the record of decision setting out the recommendations of the Mayor in respect of the budget proposals (both revenue and capital) is attached to these Minutes.

The Chairman advised that in accordance with Standing Orders F2.13 and F3.12 in relation to the Budget and Policy Framework this item was referred to an adjourned meeting of Council to be held on 13 February 2014 to enable full consideration to be given to the implications of the proposals set out in the report circulated on 6 February 2014.

**111 Chairman/woman and Vice-Chairman/woman select**

In accordance with the Council's Standing Orders (A9.1), the Council was required to select, by elimination ballot, the Chairman/woman-Elect and Vice-Chairman/woman-Elect for the next Municipal Year 2014/15.

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

That Councillor Barnby be selected as Chairwoman (Elect) for the 2014/15 Municipal Year.

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

It was proposed by the Councillor Lewis and seconded by Councillor Morey:

That Councillor Hill be selected as Vice-Chairman (Elect) for the 2014/15 Municipal Year.

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

**112 Adjournment**

At this juncture, the Chairman adjourned the meeting to 5.30 pm on Thursday 13 February 2014.

Chairman

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## Record of Decisions

### Notice of Motion - Minimum Wage

#### Decision Taker

Mayor on Thursday, 6 February 2014

#### Decision

That the motion be supported.

#### Reason for the Decision

To respond to the motion.

#### Implementation

This decision will come into force and may be implemented on Wednesday 19 February 2014 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 on 6 February 2014, members received a motion, as set out below, notice of which had been given in accordance with Standing Order A14 by Councillors Tyerman and Thomas (J):

This Council supports the suggestions made by Chancellor George Osborne that the UK economy can support a significant rise in Minimum Wage to reinstate the purchasing power of the Minimum Wage to the level before the financial crash in 2008.

Recognising that there are many residents in Torbay who are paid at Minimum Wage and who would receive significant benefit from a restoration of its purchasing power to 2007 levels, Council instructs the Executive Director of Operations and Finance to write to the Low Pay Commission, who make recommendations on wage rates, to give support to the proposals presented by the Chancellor.

#### 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**

11 February 2014

Signed: \_\_\_\_\_  
Mayor of Torbay

Date: 11 February 2014

## Record of Decisions

### Revenue Budget 2014/2015

#### Decision Taker

Mayor on Thursday, 6 February 2014

#### Decision

- (i) That it be recommended to Council:
  - (a) that the revenue budget for 2014/15 (paragraph 4.6 of the submitted report) and the associated fees and charges be approved;  
  
<http://www.torbay.gov.uk/index/yourcouncil/financialservices/budget/budget1415.htm>
  - (b) that the equality impact assessments and details of the consultation and feedback as set out in the submitted papers are considered by Members when reaching their final decision;
  - (c) that an earmarked contingency of £2m be created specifically to mitigate against any budget pressures that may arise within Children's Services Safeguarding and Wellbeing;
  - (d) that the spending reductions proposed for 2015/16 be agreed to form the basis of the 2015/16 budget, save for those which still require consultation and which will be presented to Council in September 2014 for decision;
  - (e) that the final notified Dedicated Schools Grant be used in accordance with the nationally laid down Schools Financial Regulations (paragraph 6.1(a) of the submitted report) and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed;
  - (f) that the Members' Allowances Scheme be implemented in 2014/2015 in accordance with the decision of the Council at its meeting on 1 February 2012 subject to the annual local government pay percentage increase (paragraph 6.1 (b) of the submitted report);
  - (g) that the Chief Finance Officer in consultation with the Mayor and Executive Lead Member for Finance be authorised to approve expenditure from the Comprehensive Spending Review Reserve;
  - (h) that in accordance with the requirement of the Local Government Act 2003, to consider and note the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's reserves (sections 8 and 9 of the submitted report);
  - (i) that the Chief Finance Officer, in consultation with the Mayor and Executive Lead Member for Finance, be authorised to make adjustments to and introduce new fees and charges within the budget during 2014/15 if it is in the best

interest for the Council;

- (j) that the Chief Finance Officer, in consultation with the Mayor, Executive Lead Member for Finance and appropriate officers, be authorised to determine the allocation and expenditure of any new grant monies, unallocated grants or other additional income that may be received during the year 2014/15;
- (k) that the Chief Finance Officer be authorised to make adjustments to the budgets for any technical changes;
- (l) that the Chief Finance Officer prepare the appropriate documentation for the Council to approve the setting of Council Tax at the meeting on 27 February 2014 and all other returns to be made by the appropriate date;
- (m) that the Review of Reserves report be noted and the following be approved (report found on attached link);

<http://www.torbay.gov.uk/reviewofreserves1415.doc>

1. the transfer of the surplus on a number of individual reserves to the Comprehensive Spending Review Reserve;
  2. the transfer of the surplus of £0.1m identified on a number of individual reserves to a new Geopark Conference Reserve;
  3. the transfer of the surplus of £0.250m identified on a number of individual reserves to the IT Replacement Reserve;
  4. the transfer of £0.4m from the pensions reserve to the Comprehensive Spending Review Reserve;
  5. the transfer of £1.5m from the PFI Sinking Fund to Children's Services on an "invest to save" basis and any budget pressures that arise. Children's Services will budget to repay the reserve in future years.
- (n) that Capital Strategy and Asset Management Plan be approved and endorsed (report found on attached link);

<http://www.torbay.gov.uk/summarycapitalstrategy1415.doc>

<http://www.torbay.gov.uk/assetmanagementplan1418.doc>

- (o) that the latest position on the 4 year Capital Investment Plan be noted (report found on attached link);

<http://www.torbay.gov.uk/DemocraticServices/documents/s16816/Capital%20Plan%20monitoring%20Q2%201314.pdf>

- (p) that the Treasury Management Strategy and the recommendations in the report be approved and endorsed (report found on attached link);

<http://www.torbay.gov.uk/DemocraticServices/documents/s17304/Treasury%20Management%20Strategy.pdf>

[Management%20Strategy%202014-15.pdf](#)

- (q) that the latest updated Medium Term Resource Plan be noted (report found on attached link);

<http://www.torbay.gov.uk/mediumtermresourceplan.doc>

- (r) that it be noted that Torbay has continued to be part of the Devonwide Pool as part of the Business Rates Retention scheme;

- (s) that the completed NNDR1 form be noted (found on attached link) which forms part of the Council's overall income to fund the 2014/15 budget;

<http://www.torbay.gov.uk/index/yourcouncil/financialservices/budget/budget1415.htm>

- (t) the collection fund deficit as set out in section 4 of the report which forms part of the council's overall income to fund the 2014/15 budget be noted; and

- (u) that the Chief Finance Officer be recommended to develop a policy for retail relief in accordance with the DCLG guidance; and

- (ii) that due to the size of the reductions required to deliver a balanced budget and their impact, Council accept all the risks in preparing this budget both in terms of the impact upon service delivery and the potential for budget pressures which may require remedial action during the year. These risks have been identified in detail in this report and associated budget proposals prepared by officers for their respective Business Units.

### **Reason for the Decision**

The Council has a statutory obligation to set a budget each year. The approval of the 2014/15 budget will assist the Council in delivering its key objectives and meet its statutory obligations.

For the Mayor to respond to the recommendations of the Overview and Scrutiny Board.

### **Implementation**

The recommendations of the Mayor will be considered at the adjourned meeting of Council to be held on 13 February 2014.

### **Information**

Further to the Mayor's Provisional Spending Targets issued on 21 November 2013 for consultation, the submitted report outlined the basis of the Mayor's budget proposals for 2014/15, provided a summary of the approach for developing the proposals and the outcome of the local government finance settlement for 2014/15 and the provisional allocation for 2015/16, together with its effect on the overall financial position of the Council. The report also included the Chief Finance Officer's statement on the robustness of the budget proposals.

In addition to the Revenue Budget proposals for 2014/15, the report encompassed the review

of reserves, the Capital Strategy and Asset Management Plan and the Treasury Management Strategy.

Due to the scale of the reductions faced by the Council, extensive consultation had been undertaken on the budget proposals. The report had been compiled, taking into account the findings and conclusions reached by the Priorities and Resources Review Panel who had considered the views expressed by members of the public and a range of stakeholder representatives as part of the budget consultation process.

At the Council meeting on 6 February 2014, the Mayor made a statement on the budget for 2014/15 and responded to the Priorities and Resources Panel, as outlined in paragraph 5 of the submitted report.

**Alternative Options considered and rejected at the time of the decision**

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

**Is this a Key Decision?**

Yes – Reference Number: I015447

**Does the call-in procedure apply?**

No

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

None

**Published**

11 February 2014

Signed: \_\_\_\_\_  
Mayor of Torbay

Date: 11 February 2014