



Minutes of the Council

22 October 2015

-: Present :-

Chairman of the Council (Councillor Hill) (In the Chair)
Vice-Chairwoman of the Council (Councillor Brooks)

The Mayor of Torbay (Mayor Oliver)

Councillors Amil, Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, King, Kingscote, Lang, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Stockman, Stocks, Stubley, Sykes, Thomas (D), Thomas (J), Tyerman and Winfield

75 Opening of meeting

The meeting was opened with a prayer by the Chaplain's representative, the Father Gorran Chapman.

76 Apologies for absence

Apologies for absence were received from Councillors Stringer and Tolchard.

77 Minutes

The Minutes of the meeting of the Council held on 24 September 2015 were confirmed as a correct record and signed by the Chairman.

78 Declarations of interests

There were no declarations of interests made at the meeting.

79 Communications

There were no communications or announcements.

80 Order of Business

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable agenda Item 10 (Referendum of the Future Forms of Governance) to be considered before Item 7 (Notice of Motion – Future Forms of Governance).

81 Members' questions

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

Verbal responses were provided at the meeting. Supplementary questions were then asked and answered in respect of questions 1, 2 and 4.

82 Transfer of PLUSS to a Community Interest Company

The Council considered the submitted report on a proposal for the Council to relinquish its ownership of PLUSS to enable it to convert to a Community Interest Company. Members noted that following the decision of the Council on 5 December 2013 to dispose of PLUSS to Turning Point, this did not proceed as Turning Point withdrew from the negotiations. The submitted report updated Members on the current position and a way forward for PLUSS. The decision to relinquish ownership of PLUSS was subject to the other three local authority owners also agreeing.

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

- (i) that the Council relinquishes its ownership of PLUSS to enable PLUSS to convert to a Community Interest Company;
- (ii) that Council notes that its approval in (i) above is subject to the other three local authority owners approving a report in the same terms as this submitted report; and
- (iii) that the Assistant Director of Corporate and Business Services be authorised to sign all documents necessary in order to facilitate the process of the Council relinquishing its ownership of PLUSS and PLUSS converting to a Community Interest Company.

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

83 Treasury Management Mid-Year Review 2015/16

Members received the submitted report on a mid-year review of Treasury Management activities during the first part of 2015/16 and the recommendations of the Audit Committee. It was noted the Treasury function aimed to support the provision of Council services through the management of the Council's cash flow, debt and investment operations.

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

- (i) that the Treasury Management decisions made during 2015/16 the first part of 2015/16 as detailed in the submitted report be noted; and

- (ii) that the Prudential and Treasury Indicators as set out in Appendix 2 of the submitted report be noted.

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

- (iii) that the Annual Investment Strategy be varied to allow diversification of the investment portfolio into higher risk investments, initially on an experimental basis, and approve investment in one or both of the following instruments:
- peer to peer lending – with overall investment of £100,000; maximum individual loan amount of £1,000; maximum loan term of five years; and limited to credit ratings 'A+', 'A' and 'B'; and
 - The Local Authorities Property Fund.

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

The substantive motion (the original motion with the addition of (iii)) was then before Members for consideration.

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

84 Referendum on Future Forms of Governance

Following the resolution of the Council on 23 July 2015 to hold a referendum on its future form of governance, Members considered the submitted report on the outcome of a consultation exercise and the different forms of governance.

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

- (i) that the Council considers the results of the consultation exercise, and having regard to the outcome of the consultation, confirms it wishes to proceed with a referendum on its future form of governance to be held in May 2016;
- (ii) that, the question on the form of governance to be included in the referendum, will be as follows:

How would you like Torbay Council to be run?

By a Mayor who is elected by voters. This is how the Council is run now.

OR

By one or more committees made up of elected councillors. This would be a change from how the Council is run now.

- (iii) that the Assistant Director – Corporate and Business Services be authorised to prepare and publicise proposals on the form of governance to be included in the referendum, in accordance with legislation and in consultation with the Mayor and Group Leaders.

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

- (ii) that the question to be asked in the referendum is as follows:

"How would you like Torbay Council to be run?

By a Mayor who is elected by voters. This is how the council is run now.

Or

By a leader who is an elected councillor chosen by a vote of the other elected councillors. This would be a change from how the council is run now."

At the request of the Chairman, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Cunningham, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Stockman, Sykes, Thomas (D), Thomas (J), Tyerman and Winfield (17); Against: The Mayor and Councillors Amil, Brooks, Carter, Darling (M), Darling (S), Doggett, Excell, Haddock, King, Lang, Manning, Mills, Morris, Parrott, Stocks and Stubley (17); Absent: Councillors Tolchard and Stringer (2). Therefore, in accordance with Standing Order A19.2, the Chairman used his casting vote, he voted for the amendment and declared the amendment carried.

The substantive motion (the original motion (i) and (iii) with amended (ii)) was then before Members for consideration.

At the request of the Chairman, a recorded vote was taken on the substantive motion. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Cunningham, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Stockman, Sykes, Thomas (D), Thomas (J), Tyerman and Winfield (17); Against: The Mayor and Councillors Amil, Carter, Darling (M), Darling (S), Doggett, Excell, Haddock, King, Lang, Manning, Mills, Morris, Parrott, Stocks and Stubley (16); Abstain: Councillor Brooks (1); Absent: Councillors Tolchard and Stringer (2). Therefore the substantive motion was declared carried.

85 Notice of Motion - Future Forms of Governance

In light of the Council decision in Minute 84, the Chairman advised that the matter had been dealt with and therefore the Notice of Motion stood withdrawn.

86 Lease of Office Premises for Brixham Children's Centre/SWIFT Practise Base (Mayoral Decision)

The Council considered the following recommendation to the Mayor.

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

that Children Services be granted a 21 year lease from Torbay Economic Development Company of the vacant unit at Brixham Enterprise Centre, Rea Barn Road, Brixham TQ5 9DF for use as accommodation for the Brixham Children's Centre.

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

The Mayor considered the matter at the meeting and the record of his decision, together with further information, is attached to these Minutes.

Chairman

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Record of Decisions

Lease of Office Premises for Brixham Children's Centre/SWIFT Practise Base

Decision Taker

Mayor on 22 October 2015

Decision

That Children Services be granted a 21 year lease from Torbay Economic Development Company of the vacant unit at Brixham Enterprise Centre, Rea Barn Road, Brixham TQ5 9DF for use as accommodation for the Brixham Children's Centre.

Reason for the Decision

To enable Brixham Children's Centre to move to new accommodation.

Implementation

This decision will come into force and may be implemented on 4 November 2015 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Brixham Children's Centre offers a variety of supportive services to young families in the area. Earlier this year the centre was forced to vacate its premises at Furzeham Primary School to enable the school to address its rising pupil numbers and an ongoing works programme due to the condition of the building.

The submitted report set out details of alternative premises identified at Brixham Enterprise Centre.

The Mayor considered the recommendations of the Council made on 22 October 2015 and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options explored are set out in the submitted report.

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

27 October 2015

Signed: _____
Mayor of Torbay

Date: 27 October 2015