



Minutes of the Council
(Council decisions shown in bold text)

19 October 2017

-: Present :-

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

The Elected Mayor of Torbay (Mayor Oliver)

Councillors Amil, Barnby, Bent, Bye, Carter, Darling (S), Excell, Haddock, Hill, King, Kingscote, Lewis (B), Lewis (C), Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Pentney, Robson, Sanders, Stockman, Stocks, Sykes, Thomas (J), Tolchard, Tyerman and Winfield

96 Opening of meeting

The meeting was opened with a short period of reflection.

97 Apologies for absence

Apologies for absence were received from Councillors Darling (M), Ellery, Stringer, Stubley and Thomas (D). An apology for absence was received from Councillor Kingscote for the first part of the meeting and Councillor O'Dwyer for the second part of the meeting. The Vice-Chairman, Councillor Doggett, arrived later in the meeting due to civic engagement.

98 Minutes

The Minutes of the meeting of the Council held on 13 September 2017 and the Minutes of the extraordinary meeting of the Council held on 27 September 2017 were confirmed as a correct record and signed by the Chairwoman.

99 Declarations of interests

The following non-pecuniary interests were declared:

Councillor	Minute Number	Nature of interest
Councillor Amil	112	Non-pecuniary as President of the Torbay Easter Hockey Festival

Councillor Bent 113 Non-pecuniary as the Council's representative on the Board of Directors of Tor2

Councillor Haddock declared a pecuniary interest in respect of Minute 108 and the Elected Mayor, Mayor Oliver, declared a pecuniary interest in respect of Minute 118.

100 Communications

The Chairwoman:

- a) thanked those members who attended the Civic Church Service held on Sunday 8 October 2017 and advised that approximately £200 was raised for the Chairwoman's charities;
- b) advised, that along with the Vice-Chairman, she attended the Open University Graduation ceremony at the Riviera International Conference Centre on 13 October 2017, which was an excellent event for Torbay; and
- c) informed members that this was the last Council meeting at which Fran Hughes, Assistant Director of Community & Customer Services, would be attending as she was leaving the employment of the Council after 24 years of service. On behalf of the Council, the Chairwoman conveyed thanks and appreciation to Mrs Hughes for her services to the Council.

101 Order of Business

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable: Item 14 on the agenda (Notice of Motions) to be considered after Item 17 (Review of Sports Pitch Surface at Clennon Valley Leisure Centre); and Item 14(d) (Notice of Motion – Vote of No Confidence in TOR2) to be considered before Item 14(a) (Notice of Motion – Access all Areas).

102 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. The paper also contained the answers to the questions which had been prepared by the Elected Mayor, Mayor Oliver, Councillors Excell King and Parrott. The Chairwoman advised that Question 4 had been responded to by Councillor Excell as the question came under his portfolio.

Supplementary questions were put and answered by the Elected Mayor, Mayor Oliver, Councillors Excell and King arising from their responses to the questions in respect of questions 1, 2, 4, 7 and 8.

(Note: In the absence of Councillor Darling (M), Councillor Pentney asked a supplementary question in respect of question 1.)

103 Housing Strategy and Housing Company (Affordable Housing, Empty Homes Scheme and Private Sector Renewal)

Following the decision of the Council on 20 July 2017, members considered proposals to simplify and streamline the governance arrangements to include the Housing Strategy within the Housing Rental Company Committee's terms of reference and to extend the membership of the Committee to include the Executive Lead with responsibility for housing (as set out in the submitted report). The submitted report also set out proposals for the utilisation of the Affordable Housing Capital Budget monies, including allocation of parts of the budget to the Housing Rental Company (or another provider) and governance arrangements for final decisions on spending the budget.

Councillor King proposed and Councillor Haddock seconded a motion as set out below:

- (i) that the terms of reference for the Housing Rental Company Committee be amended to include oversight of the delivery of the Council's Housing Strategy; and
- (ii) that the Chief Executive, in consultation with the Housing Rental Company Committee, be given delegated authority to allocate parts of the Affordable Housing Capital Budget to the Housing Rental Company to facilitate the delivery of affordable housing while ensuring that any funding conditions/obligations associated with the Affordable Housing Capital Budgets are met - with any final decisions on the spend of the Affordable Housing Capital Budget to be presented to the most appropriate decision maker.

During the debate Councillor Lewis proposed and Councillor Tyerman seconded an amendment to the motion as follows:

- (i) that the terms of reference for the Housing Rental Company Committee be amended to include oversight of the delivery of the Council's Housing Strategy;
- (ii) that the governance arrangements of the Housing Rental Company Committee be changed so that the Executive Lead with responsibility for Housing is a member of the Housing Rental Company Committee; and
- (iii) that the Chief Executive, in consultation with the Housing Rental Company Committee, be given delegated authority to allocate parts of the Affordable Housing Capital Budget to the Housing Rental Company to facilitate the delivery of affordable housing while ensuring that any funding conditions/obligations associated with the Affordable Housing Capital Budgets are met - with any final decisions on the spend of the Affordable Housing Capital Budget to be presented to the most appropriate decision maker.

The amendment was put to the vote and declared carried.

The amended (substantive) motion was then considered by members, which was agreed by the Council as follows:

- (i) that the terms of reference for the Housing Rental Company Committee be amended to include oversight of the delivery of the Council's Housing Strategy;**
- (ii) that the governance arrangements of the Housing Rental Company Committee be changed so that the Executive Lead with responsibility for Housing is a member of the Housing Rental Company Committee; and**
- (iii) that the Chief Executive, in consultation with the Housing Rental Company Committee, be given delegated authority to allocate parts of the Affordable Housing Capital Budget to the Housing Rental Company to facilitate the delivery of affordable housing while ensuring that any funding conditions/obligations associated with the Affordable Housing Capital Budgets are met - with any final decisions on the spend of the Affordable Housing Capital Budget to be presented to the most appropriate decision maker.**

104 Treasury Management Mid-Year Review 2017/2018

The Council considered the submitted report on a review of Treasury Management activities during the first part of 2017/18. The report set out a revised Treasury Management Strategy for 2017/18 in light of significant increases in the Capital Plan arising from the Transformation Programme.

It was noted the Treasury function aimed to support the provision of all Council services through management of the Council's cash flow and debt and investment operations.

The Elected Mayor, Mayor Oliver proposed and Councillor Mills seconded a motion, which was agreed (unanimously) by the Council as set out below:

- (i) that the Treasury Management decisions made during the first part of 2017/18 as detailed in this report be noted;**
- (ii) that the Revised Treasury Management Strategy for 2017/18 (incorporating the Revised Annual Investment Strategy 2017/18 and as set out at Appendix 1 to the submitted report) be approved; and**
- (iii) that the revised Prudential and Treasury Indicators as set out in Appendix 4 of the Revised Treasury Management Strategy 2017/18 (attached to the submitted report) be approved.**

105 Claylands - Project Update

Further to previous decisions of the Council on 10 December 2015 and 23 February 2017, the Council considered the submitted report updating members on the investment at Claylands. The submitted report detailed the unforeseen and unavoidable technical reasons which had resulted in a delay to the project and proposed additional funding to deliver the site servicing and first employment building.

The Chairwoman reported that a revised officer recommendation had been circulated.

The Elected Mayor, Mayor Oliver proposed and Councillor Mills seconded a motion, which was agreed by the Council as set out below:

- (i) that the Council agree to invest up to £7.9m, using prudential borrowing, to deliver the first phase of the “Claylands Cross” employment scheme, specifically the initial development of circa 5,500 sq. metres of employment development and the associated package of infrastructure works;**
- (ii) that progress of the scheme is subject to a satisfactory conclusion of the ground investigation work and appropriate sign off by the Environment Agency;**
- (iii) that the decision to commit to the scheme is conditional on:**
 - (a) the scheme being pre-let on acceptable terms;**
 - (b) that the prevailing ground conditions will not present an unacceptable ongoing risk to the Council that would be exacerbated by undertaking the proposed development;**
 - (c) funding from the other sources identified is secured; and**
 - (d) obtaining all necessary statutory approvals and permissions; and**
 - (e) the business case being developed to include the full financial projections as to the proposed option to purchase.**
- (iv) that the decision to approve whether the conditions precedent have been satisfied, be delegated to the Chief Executive in consultation with the Elected Mayor and Group Leaders;**
- (v) that the Agreed Heads of Terms, set out in the exempt Appendix 1 to the submitted report, be approved, with the agreement of final lease terms being delegated to the Assistant Director of**

Corporate and Business Services in consultation with the Chief Executive; and

- (vi) that a report on the results of the ground testing be produced and that members be briefed on such results, when they are known, along with any comments from the Environment Agency.**

106 Edginswell Station

The Council considered the submitted report on the outcome of the funding application for Edginswell Station and the business case for this project, which had been reviewed by the Elected Mayor and Chief Executive.

Councillor King proposed and Councillor Hill seconded a motion, which was agreed (unanimously) by the Council as set out below:

- (i) that the delivery of a new railway station at Edginswell should remain a key strategic transport infrastructure objective for the Council and that the Executive Head of Business Services be asked to continue to explore options for the future delivery of the scheme with the Department for Transport and other possible sources of external funding;**
- (ii) that no further Council funding be committed to Edginswell Station Capital Scheme at this stage and that the scheme should be amended in the Council's Capital Plan to reflect this change; and**
- (iii) that any further work on the business case should only be supported by external funding and/or collaborative work with partner organisations and/or transport providers.**

107 0-19 Years Integrated Commissioning Project

The Council considered the submitted report on proposals for a recommissioning programme and budget allocation for the procurement of an integrated 0 to 19 years service for Torbay. It was noted the newly designed service would provide a joined up service and be underpinned by the principle that all children (including those looked after and care leavers) would have comprehensive health care, consistent education and the use of specialist advice and therapeutic interventions when required.

Councillor Parrott proposed and Councillor Mills seconded a motion, which was agreed (unanimously) by the Council as set out below:

- (i) that the Directors' of Children's Service and Director of Public Health be given delegated authority, in consultation with the Chief Finance Officer and the Executive Lead for Adults and Children to undertake the 0-19yrs Integrated Commissioning Project recommissioning programme;**

- (ii) that the budget allocation of £18,475,905 identified within the submitted report for the period of 5 years be approved to enable contract mobilisation and delivery from 2019- 2024; and**
- (iii) that delegated authority be given to the Director of Children's Services and the Director of Public Health, in consultation with the Chief Finance Officer and relevant Executive Lead Members, to award the contract once the tender process has been completed.**

108 Oxen Cove Landing Jetty

The Council considered the submitted report on a proposal for a capital scheme at Brixham Harbour for the construction of a new landing jetty adjacent to Oxen Cove to support new infrastructure for the shellfish sector.

The Elected Mayor, Mayor Oliver proposed and Councillor Bye seconded a motion as set out below:

- (i) that the proposal to construct a new landing jetty at Brixham harbour is approved as detailed in the business case set out in Appendix 1 to the submitted report and that the scheme be included in the Council's Capital Plan;
- (ii) that, subject to a successful application(s) for external grant funding, an appropriate level of prudential borrowing is approved in line with the business case set out in Appendix 1 to the submitted report;
- (iii) that authority to determine the exact level of borrowing, which is expected to be between £1m and £1.5m, be delegated to the Chief Financial Officer, in consultation with the Mayor, the Chairman of the Harbour Committee and the Executive Head of Business Services.

During the debate Councillor Stockman proposed and Councillor Carter seconded an amendment to the motion as follows:

- (i) that the proposal to construct a new landing jetty at Brixham harbour is approved as detailed in the business case set out in Appendix 1 to the submitted report and that the scheme be included in the Council's Capital Plan. Subject to a further review of the business case being delegated to the Chief Executive, in consultation with the Elected Mayor and Chairman of the Harbour Committee, so as to ensure that the business case demonstrates that the landing of harvested shellfish is sufficient to support the proposed borrowing;

The amendment was put to the vote and declared lost.

The Elected Mayor, Mayor Oliver's and Councillor Bye's original motion was then considered by the Council which was agreed (unanimously), as set out below:

- (i) **that the proposal to construct a new landing jetty at Brixham harbour is approved as detailed in the business case set out in Appendix 1 to the submitted report and that the scheme be included in the Council's Capital Plan;**
- (ii) **that, subject to a successful application(s) for external grant funding, an appropriate level of prudential borrowing is approved in line with the business case set out in Appendix 1 to the submitted report;**
- (iii) **that authority to determine the exact level of borrowing, which is expected to be between £1m and £1.5m, be delegated to the Chief Financial Officer, in consultation with the Elected Mayor, the Chairman of the Harbour Committee and the Executive Head of Business Services.**

(Note 1: Prior to consideration of Minute 108, Councillor Haddock declared his pecuniary interest and withdrew from the meeting; and

Note 2: The Vice-Chairman, Councillor Doggett, joined the meeting during this item.)

109 Adjournment

At this juncture the meeting was adjourned until 5.30 pm on Thursday 19 October 2017.

110 Petition for Debate - Request for the Council to place a covenant on Torquay harbourside and sea-front

In accordance with Standing Order A12, the Council received a petition requesting the Council to place a covenant on Torquay harbourside and sea front areas (approximately 1,038 signatures).

At the invitation of the Chairwoman, Mr Griffey and Mr Short addressed the Council in relation to the petition.

The Chairwoman advised that the petition had reached the 1,000 signature threshold, therefore, in accordance with the Council's Petition Scheme, it was subject to debate by the Council.

The Monitoring Officer outlined the options open to the Council.

The Elected Mayor, Mayor Oliver proposed and Councillor Mills seconded a motion as set out below:

- (i) that the Council notes that the land is already covered by the variety of existing designations as set out within the Torbay Local Plan 2012-2030.

The designations include:

- Conservation Area/Historic Park and Garden (SS10)
- Coastal Change Management Area (C3)
- Urban Landscape Protection Area (C5)
- Protected Site (Locally important site) (NC1)

More broadly the area is also covered by:

- Strategic Delivery Area (SS1, SS5, SS12)
- Community Investment Area (SS11)
- Core Tourism Investment Area (TO1, TO2)

These policies collectively set the policy framework, along with other wider policy matters such as transport, design, environment, waste and employment, within which a decision would be made for any planning application; and

- (ii) that, in accordance with the Council's Corporate Asset Management Plan, the Council does not pursue imposing a covenant on the land on Torquay harbourside and the seafront as shown on the attached map.

During the debate Councillor Darling (S) proposed and Councillor Sanders seconded an amendment to the motion as follows:

that the petition is referred to the Overview and Scrutiny Board to explore with the petitioners what opportunities there are to protect and improve the areas identified within the petition.

The amendment was put to the vote and declared lost.

The Elected Mayor, Mayor Oliver's and Councillor Mills' original motion was then considered by the Council which was agreed, as set out below:

- (i) **that the Council notes that the land is already covered by the variety of existing designations as set out within the Torbay Local Plan 2012-2030.**

The designations include:

- **Conservation Area/Historic Park and Garden (SS10)**
- **Coastal Change Management Area (C3)**
- **Urban Landscape Protection Area (C5)**
- **Protected Site (Locally important site) (NC1)**

More broadly the area is also covered by:

- **Strategic Delivery Area (SS1, SS5, SS12)**
- **Community Investment Area (SS11)**
- **Core Tourism Investment Area (TO1, TO2)**

These policies collectively set the policy framework, along with other wider policy matters such as transport, design, environment, waste and employment, within which a decision would be made for any planning application; and

- (ii) that, in accordance with the Council's Corporate Asset Management Plan, the Council does not pursue imposing a covenant on the land on Torquay harbourside and the seafront as shown on the attached map.**

111 Public question time

In accordance with Standing Order A24, the Council received questions submitted by Mr Carpenter, Ms Tucker, Mr Faulkner and Mr Loxton, in relation to the sports pitch facilities at Clennon Valley, Paignton. The Chairwoman advised that Ms Tucker and Mr Faulkner were unable to attend the meeting and she agreed that Mr Loxton would present their questions. Councillor Excell, Executive Lead for Community Safety, and Councillor King, Executive Lead for Planning, Transport and Housing, responded to the questions that had been put forward, plus Councillor Excell responded to a supplementary question asked by Mr Loxton on behalf of Mr Carpenter.

112 Review of Sports Pitch Surface at Clennon Valley Leisure Centre

Further to the Council's decision on 22 June 2017 to enter into a new lease for Torbay Leisure Centre (to include the adjacent Velopark), members considered the submitted report on proposals which were different to terms originally approved by the Council.

Councillor Excell proposed and Councillor Tyerman seconded a motion, which was agreed (unanimously) by the Council as set out below:

- (i) that Elected Members note that the extensions of the lease to 12 years is from the end of the current agreement expiring in 2019, to 2031; and**
- (ii) that officers be instructed to enter into the lease and loan agreement as soon as possible on the basis that they are drafted so as to permit further negotiations in respect of the future of the current sand-dressed football/hockey pitch. The further negotiations to include all relevant sports partners, officers, members and Parkwood Leisure.**

(Note: During consideration of Minute 112, Councillor Amil declared her non-pecuniary interest as President of the Torbay Easter Hockey Festival.)

113 Notice of Motion - Vote of No Confidence in TOR2

Members considered a motion in relation to a vote of no confidence in TOR2, notice of which was given in accordance with Standing Order A14. In accordance with Standing Order A14.3(b), the motion was dealt with by this meeting.

Councillor Stocks proposed and Councillor Carter seconded the motion, as set out below:

this Council notes:

- the failure of TOR2 to present a specific business case to improve recycling levels in Torbay; and
- the chaotic management of waste management by TOR2 in Torbay, thereby bringing Torbay Council and its parent company Kier, into disrepute.

In light of this we wish to seek a vote of 'no confidence' in TOR2.

The motion was put to the vote and declared lost.

(Note 1: Councillor Bent declared his non-pecuniary interest as the Council's representative on the Board of Directors of Tor2; and

Note2: Councillor Kingscote joined the meeting during consideration of this item.)

114 Notice of Motion - Access All Areas

Members considered a motion in relation to access for assistance dog owners to taxis or private hire vehicles, notice of which was given in accordance with Standing Order A14. In the absence of Councillor Darling (M), Councillor Darling (S) presented the motion.

It was proposed by Councillor Darling (S) and seconded by Councillor Doggett:

This Council notes:

- that a Guide Dogs' survey found that 42% of assistance dog owners were refused by a taxi or Private Hire Vehicle (PHV) driver over a one-year period despite this being a criminal offence under the Equality Act 2010;
- the significant impact such refusals can have on assistance dog owners' lives, leading to feelings of embarrassment and anger as well as to a loss of independence, mobility and an associated detrimental impact on mental health; and
- that disability equality training for taxi and PHV drivers has helped to reduce the number of access refusals; and

This Council believes:

- that as a local authority, we are responsible for ensuring that taxis and PHVs are safe to travel on and that drivers provide good service and do not discriminate against disabled people, including those with assistance dogs; and
- that disability equality training should be a priority amongst plans to improve local taxi and PHV services.

This Council resolves:

- to review its Hackney Carriage (Taxi) and Private Hire Policy and introduce a provision for all drivers to undertake disability equality training when obtaining their Torbay Council drivers licence and at regular intervals;
- to only issue a medical exemption certificate when it is evidenced by a medical practitioner and accompanied by medical evidence, for example a blood test, a skin prick test or clinical history;
- to investigate all reported access refusals with a view to pursuing a conviction under the Equality Act 2010, and ensuring appropriate penalties are imposed in line with the distressing impact a refusal can have on an assistance dog owner; and
- to undertake periodic test purchasing on licenced vehicles to ensure that licensing requirements are being complied with.

In accordance with Standing Order A14.3(a), the motion stood referred to the Licensing Committee to be held on 23 November 2017.

(Note: Councillor Morris left the meeting before consideration of this item.)

115 Notice of Motion - Dedication of King George V Playing Field and Easterfield Lane

Members considered a motion in relation to an extension to the registration of the areas of King George V Playing Fields with the National Memorial Scheme, notice of which was given in accordance with Standing Order A14. In accordance with Standing Order A14.3(b), the motion was dealt with by this meeting. The Chairwoman reported that a revised motion had been published to incorporate officer technical changes.

Councillor Darling (S) proposed and Councillor Pentney seconded the motion, as set out below:

further to the Council's decision made on 2 February 2017, to register King George V Playing Fields with the National Memorial Scheme, the Council

agrees to extend the registration to include the area commonly known as the BMX track and Easterfield Lane as set out in the attached map.

At this juncture, a procedural motion (in accordance with Standing Order A16.11(a)(iv)) to move to the vote was proposed by Councillor Tyerman and seconded by Councillor King and was declared carried. Accordingly, the motion was put to the vote and declared lost.

116 Notice of Motion - Crisis in Front Line Policing on Torbay

Following submission of a notice of motion in relation to a vote of no confidence in the Police and Crime Commissioner, the Chairwoman reported (in accordance with Standing Order A14.2(c)) that Councillors Pentney and Stocks had withdrawn their motion.

117 Torbay Economic Strategy 2017-2022

Members considered the submitted report on a revised Economic Strategy which provided a five year plan for growing the economy based on sustainable productive growth. It was noted the revised strategy included objectives and actions for the growth of the Torbay economy and played a key role in enhancing the strengths in Torbay and capitalise on opportunities whilst addressing some of the key challenges.

The Elected Mayor, Mayor Oliver proposed and Councillor Mills seconded a motion, which was agreed (unanimously) by the Council as set out below:

that the Council be recommended that the Torbay Economic Strategy 2017-2022, as set out in Appendix 2 to the submitted report be approved, noting that the Policy Framework element of the Strategy starts at Page 10 of Appendix 2.

(Note: During consideration of Minute 117 Councillor Winfield left the meeting.)

118 English Riviera Destination Management Plan 2017-2021

The Council considered the submitted report setting out the new Destination Management Plan (DMP) which was a wider development of the new Tourism Strategy. The DMP set out the framework for the on-going development of Torbay as a tourism destination and helped shape the future development of Torbay as a place. It was noted the DMP provided focus for collaborative effort and established a shared approach between key stakeholders to effectively manage tourism as a whole for Torbay.

Councillor Amil proposed and Councillor Bye seconded a motion, which was agreed (unanimously) by the Council as set out below:

that the Council be recommended that the English Riviera Destination Management Plan 2017-2021 Pride in Place, as set out in Appendix 2 to

the submitted report be adopted as a sub-strategy of the Torbay Economic Strategy.

(Note: Prior to consideration of Minute 118, the Elected Mayor, Mayor Oliver declared his pecuniary interest and withdrew from the meeting.)

119 Town Centre Regeneration Programme Fund

Members considered the submitted report on proposals for establishing a £25 million Town Centre Regeneration Programme Fund, as part of the Council's Transformation Strategy for Torbay's town centres, and business cases for four projects in Torquay and Paignton.

The Chairwoman reported that a revised officer recommendation had been circulated prior to the meeting.

Councillor Haddock proposed and Councillor King seconded a motion as set out below:

- (i) that prudential borrowing of £25 million is approved to create a Town Centre Regeneration Programme Fund that will support delivery of the projects identified within Phase 1 of the Town Centre Regeneration (TCR) Programme, as set out in the Council's Transformation Strategy for Town Centres, with any draw down against this sum being delegated to the Chief Executive in consultation with the Elected Mayor, Group Leaders and Chief Finance Officer, in accordance with the approved Business Case at (iii) below;
- (ii) that any income (revenue or capital) from the projects within Phase 1 of the TCR Programme, in excess of the amount required to cover the prudential borrowing costs for the £25 million and sustain service delivery (including any increased service costs/forecast income), be re-invested into the delivery of the Town Centre Regeneration Programme;
- (iii) that the Town Centres Regeneration Programme Board must submit for approval by the Chief Executive, in consultation with the Elected Mayor and Group Leaders, an initial 5 year Town Centres Regeneration Business Plan, including delivery timescales and interdependencies between the projects demonstrating how the prudential borrowing will be used. The Business Plan needs to be regularly reviewed, with the Board submitting amendments for approval. The Overview and Scrutiny Board will periodically review progress against the business plan;
- (iv) that the Town Centres Regeneration Business Plan will include the delivery of at least two public realm projects, one for Paignton and one for Torquay, at a combined cost of approximately £3 million, and the delivery of a refurbished Lower Union Lane Multi Storey Car Park at a cost of approximately £3.5 million, subject to the completion of

Heads of Terms and a signed Agreement to Lease for the development of student accommodation at Upton Place (or another project that can cover the prudential borrowing costs of the car park refurbishment and public realm projects), with detailed proposals to be included in the Business Plan as per (iii) above. Final approval of public realm schemes and car park refurbishment to be delegated to the Executive Head of Business Services in consultation with the Chief Finance Officer and the Chairman of the Town Centres Regeneration Board, with the drawdown of the Prudential Borrowing to be approved in accordance with (i) above;

- (v) that, if necessary, the £25 million Town Centre Regeneration Programme Fund can be used to make strategic acquisitions of property, with the revenue and/or capital income from such purchases being reinvested into the delivery of the TCR Programme. The authority to make such acquisitions is delegated to the Executive Head of Business Services, in consultation with the Chief Finance Officer and the Town Centres Regeneration Programme Board, following assessment of a clear business case. The drawdown of the Prudential Borrowing to be approved in accordance with (i) above. Any purchase of property in excess of £5 million will need full Council approval; and
- (vi) that the outline business cases included as part of the submitted report (Appendices 1 to 4) are approved in principle and that authority to proceed with each project is delegated to the Executive Head of Business Services, in consultation with the Chief Finance Officer and the Town Centres Regeneration Programme Board, following an assessment of more detailed and complete business cases.

During the debate Councillor Carter proposed and Councillor Sanders seconded an amendment to the motion as follows:

- (vi) that, the outline business cases included as part of the submitted report (Appendices 1, 3 and 4) are approved in principle and that authority to proceed with each project is delegated to the Executive Head of Business Services, in consultation with the Chief Finance Officer and the Town Centres Regeneration Programme Board, following an assessment of more detailed and complete business cases. That the business case for mixed used development at South Quay, Paignton Harbour (Appendix 2 to the submitted report), is not approved.

The amendment was put to the vote and declared lost.

Councillor Haddock's and Councillor King's original motion was then considered by the Council which was agreed, as set out below:

- (i) that prudential borrowing of £25 million is approved to create a Town Centre Regeneration Programme Fund that will support**

delivery of the projects identified within Phase 1 of the Town Centre Regeneration (TCR) Programme, as set out in the Council's Transformation Strategy for Town Centres, with any draw down against this sum being delegated to the Chief Executive in consultation with the Elected Mayor, Group Leaders and Chief Finance Officer, in accordance with the approved Business Case at (iii) below;

- (ii) that any income (revenue or capital) from the projects within Phase 1 of the TCR Programme, in excess of the amount required to cover the prudential borrowing costs for the £25 million and sustain service delivery (including any increased service costs/forecast income), be re-invested into the delivery of the Town Centre Regeneration Programme;**
- (iii) that the Town Centres Regeneration Programme Board must submit for approval by the Chief Executive, in consultation with the Elected Mayor and Group Leaders, an initial 5 year Town Centres Regeneration Business Plan, including delivery timescales and interdependencies between the projects demonstrating how the prudential borrowing will be used. The Business Plan needs to be regularly reviewed, with the Board submitting amendments for approval. The Overview and Scrutiny Board will periodically review progress against the business plan;**
- (iv) that the Town Centres Regeneration Business Plan will include the delivery of at least two public realm projects, one for Paignton and one for Torquay, at a combined cost of approximately £3 million, and the delivery of a refurbished Lower Union Lane Multi Storey Car Park at a cost of approximately £3.5 million, subject to the completion of Heads of Terms and a signed Agreement to Lease for the development of student accommodation at Upton Place (or another project that can cover the prudential borrowing costs of the car park refurbishment and public realm projects), with detailed proposals to be included in the Business Plan as per (iii) above. Final approval of public realm schemes and car park refurbishment to be delegated to the Executive Head of Business Services in consultation with the Chief Finance Officer and the Chairman of the Town Centres Regeneration Board, with the drawdown of the Prudential Borrowing to be approved in accordance with (i) above;**
- (v) that, if necessary, the £25 million Town Centre Regeneration Programme Fund can be used to make strategic acquisitions of property, with the revenue and/or capital income from such purchases being reinvested into the delivery of the TCR Programme. The authority to make such acquisitions is delegated to the Executive Head of Business Services, in**

consultation with the Chief Finance Officer and the Town Centres Regeneration Programme Board, following assessment of a clear business case. The drawdown of the Prudential Borrowing to be approved in accordance with (i) above. Any purchase of property in excess of £5 million will need full Council approval; and

- (vi) that the outline business cases included as part of the submitted report (Appendices 1 to 4) are approved in principle and that authority to proceed with each project is delegated to the Executive Head of Business Services, in consultation with the Chief Finance Officer and the Town Centres Regeneration Programme Board, following an assessment of more detailed and complete business cases.**

120 Proposal to Vary Parking Charges

The Council considered the submitted report on a decision taken by the Chief Finance Officer to vary the off street parking charges from 1 November 2017 and to vary the on-street parking charges from 2 November 2017 to move from seasonal parking charges to fixed year-round tariffs across all parking places managed by the Council in Torbay. It was noted the Elected Mayor had requested that Council reconsider the decision of the Chief Finance Officer and recommended that the scheduled winter tariff should remain in place for 2017/18 in accordance with the approved budget.

Councillor Excell proposed and Councillor Mills seconded a motion as set out below:

- (i) that the decision taken by the Chief Finance Officer to vary the off street parking charges from 1 November and to vary the on street parking charges from 2 November, set out in Appendices 1 and 2 to the submitted report, be rescinded and the original parking charges (set out in Appendices 3 and 4 to the submitted report) be implemented; and
- (ii) that the Executive Head of Business Services be requested to publish the relevant Traffic Regulation Orders (TROs) to Revoke the 'Borough of Torbay (Street Parking Places {Pay & Display}) Order No2 2017' and 'Borough of Torbay (Off Street Parking Places) Order No3 2017' and implement the TROs set out in (i) above.

At this juncture, a procedural motion (in accordance with Standing Order A16.11(a)(iv)) to move to the vote was proposed by Councillor Darling (S) and seconded by Councillor Carter and was declared lost.

During the debate Councillor Tyerman proposed and Councillor Lewis seconded an amendment to the motion as follows:

that the decisions taken by the Chief Finance Officer on 29 September 2017 to vary the off street parking charges from 1 November and to vary the on street parking charges from 2 November, set out in Appendices 1 and 2 to the submitted report, be approved by Council and implemented as advertised.

The amendment was put to the vote and declared lost.

At this juncture, a procedural motion (in accordance with Standing Order A16.11(a)(iv)) to move to the vote was proposed by Councillor Mills and seconded by Councillor Excell and was declared carried. Accordingly, Councillor Excell's and Councillor Mills' original motion was then considered by the Council which was agreed, as set out below:

- (i) that the decision taken by the Chief Finance Officer to vary the off street parking charges from 1 November and to vary the on street parking charges from 2 November, set out in Appendices 1 and 2 to the submitted report be rescinded and the original parking charges (set out in Appendices 3 and 4 to the submitted report) be implemented; and**
- (ii) that the Executive Head of Business Services be requested to publish the relevant Traffic Regulation Orders (TROs) to Revoke the 'Borough of Torbay (Street Parking Places {Pay & Display}) Order No2 2017' and 'Borough of Torbay (Off Street Parking Places) Order No3 2017' and implement the TROs set out in (i) above.**

(Note: Councillor Thomas (J) left the meeting prior to consideration of this item.)

121 Duration of Meeting

At this juncture, the Monitoring Officer advised that the meeting had exceeded four hours in duration and in accordance with Standing Order A11.2, the Chief Executive had indicated that item 22 (Future Operating Model: Clarification for Plymouth City Council) must be transacted at the meeting. Therefore, the meeting continued.

122 Future Operating Model : Clarification for Plymouth City Council

The Council considered a late report following a request from Plymouth City Council to provide clarity and certainty as the Council's future operating model. It was noted Plymouth City Council took an in principle decision on 25 September 2017 to develop a delivery contract with Torbay Council in respect of Torbay's Children's Services functions following the Statutory Direction issued to Torbay Council and Department for Education Commissioner's view of the need to identify a partner.

Following the Chief Executive's report to Council on 27 September 2017 on the Council's operating model, Plymouth City Council sought reassurance that Torbay Council's existing service delivery model is maintained as far as possible to inform their due diligence. Members noted this would provide Plymouth City Council with

certainty and stability and provide a firm foundation upon which they can assist the Council in improving Torbay's Children's Services.

The Elected Mayor, Mayor Oliver proposed and Councillor Tyerman seconded a motion, which was agreed (unanimously) by the Council as set out below:

that Full Council confirms the following so as to inform Plymouth City Council's due diligence in respect of arrangements for Children's Services:

- (a) the current operating model of Torbay Council is flexible, evolving and based upon the most appropriate fit for each service. The model is not designed or anticipated to lead to a single strategic partnership;**
- (b) Torbay Council will use all reasonable endeavours to commit to its current operating model for a period not less than 3 years;**
- (c) if during the contract term Torbay Council determines that there is an overwhelming business case for it to enter into a single strategic partnership with another Council, Plymouth City Council reserves the right to review its position in relation to delivery of Children's Services and if Plymouth City Council withdraws as a result, Torbay Council will cover all costs relating to the termination of the arrangement;**
- (d) should Plymouth City Council decide to unilaterally end the contract before the end of the contract term under circumstances other than those set out in the contractual agreement then Plymouth City Council will cover all costs relating to the termination of the agreement;**
- (e) should Torbay Council and Plymouth City Council decide, with permission of the Secretary of State, to end the contract before the end of the contract term then Torbay Council and Plymouth City Council will share equally all costs relating to the termination of the agreement; and**
- (f) the notice period for early termination under all the above circumstances would be 6 months to allow reasonable time to disengage, unless there was agreement that it could be achieved within a shorter period.**

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Questions Under Standing Order A13

A member may only submit three questions for consideration at each Council Meeting. Each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn. The time for member's questions will be limited to a total of 30 minutes.

<p>Question (1) by Councillor Darling (M) to the Executive Lead for Community Services (Councillor Excell)</p>	<p>Fly tipping has been collecting over the summer at the rear of St Martin's Court, (accessed by Corfe Crescent), Hele, Torquay. This rubbish is a health hazard, encourages rats and is a danger to children playing in the area. It is also unsightly and encourages further fly tipping.</p> <p>Over many months the local community have been trying to ascertain a way forward to getting this area cleared but with little effect. Westward Housing say that it is not their land, Sanctuary refute responsibility and the Council have confirmed that the land behind St martin's Court is not in their ownership or responsibility.</p> <p>The local community in the area are extremely concerned and unhappy about this situation but the Council seems to be unwilling to establish a way forward. This situation cannot go on. It is only a matter of time before a child is injured or we have rats entering properties.</p> <p>Please can this Council provide a way forward in order to resolve this situation and clear this festering eyesore?</p>
<p>Councillor Excell</p>	<p>The garages behind St Martins Court are privately owned by nine houses in the vicinity. This also includes the land in front of the garages. Community Safety have made enquiries and been unable to ascertain who is responsible for the fly-tipping. As the waste is spread across the entire area we have therefore hand-delivered letters to the owners of the garage area asking them to take steps to tidy the area and remove the fly-tipped waste.</p> <p>If no action is taken by the owners of the land we will consider serving enforcement notices requiring this waste to be removed. If works are undertaken in default then any costs involved will be recovered from the individual households responsible.</p>
<p>Question (2) by Councillor Darling (S) to the Executive Lead for Planning, Transport and Housing (Councillor King)</p>	<p>I understand that Torbay Council instructed the TDA to object to all 99 Local Green spaces designations in the Torquay Neighbourhood Plan and chose not to object to any local green spaces designations in the Paignton or Brixham neighbourhood plan, during their consultation period. Can you explain why Torbay Council is determined on turning Torquay into a concrete jungle but respects the views of the communities of Brixham and Paignton?</p>
<p>Councillor King</p>	<p>The response to the consultation on the Torquay Neighbourhood Plan from the TDA, on behalf of the Council, is consistent with the Council's adopted Asset Management Strategy. Although there were objections made to a number of proposed Local Green Spaces in both the Brixham Peninsula and Paignton Neighbourhood Plans, the Council accepts there has been some inconsistency between those earlier responses and the most recent response submitted to the Torquay Neighbourhood Forum. However, this latest response correctly reflects the position of the Council's Asset Management Strategy. The proposed neighbourhood plans will be published for a period of at least 6 weeks prior to Examination. The Council will have an opportunity to</p>

	further respond to each of the plans. In many instances, the proposed Local Green Spaces within the neighbourhood plans already benefit from various protective designations afforded to them through the Torbay Local Plan.
Question (3) by Councillor Doggett to the Executive Lead for Community Services (Councillor Excell)	The reversal of the decision to allow Paignton Rugby Clubs under 10s and 9s teams to play on Torbay Park, Paignton brings this Council into disrepute. Can you explain why permission was granted and then withdrawn for this activity?
Councillor Excell	Torbay Council has agreed for Paignton Rugby Club's Under 10s to use Torbay Park on a short term basis in accordance with the current agreement for training purposes until a more permanent solution is in place. We are extremely keen to work with all stakeholders to find a permanent solution that meets the needs of the club and the community and will be progressing this as quickly as possible.
Question (4) by Councillor Sanders to the Executive Lead for Community Services (Councillor Excell)	How banning organised rugby football on Torbay Park for children meets the aims and aspirations of the Torbay Local Plan and other Council policies in relation to a) promoting people to adopt active lifestyles, 2) encouraging young people to engage in sport, c) reducing the risk of diabetes and its comorbidities, d) reducing crime and vandalism.
Councillor Excell	Paignton Rugby Football Club have a short term agreement to use Torbay Park on a Sunday morning for their U10's Rugby Fixtures as part of their ongoing rugby programme. A meeting is being arranged in respect of finding a long term solution for them. The use of this park is one element of engagement in sport and in particular rugby. There are a number of physical activity programmes that are delivered across Torbay that encourage young people to engage in both sport and physical activity in accordance with the Council's policies. Our newest 'rugby' programme will be working in partnership with Exeter Chiefs and Torquay United Community Sport Trust to deliver 'Project Rugby' in both Torquay and Paignton at our Street Games sessions. These 12 week programmes aim to encourage young people aged between 12-20 into the game of rugby.
Question (5) by Councillor Stringer to Executive Lead for Community Services (Councillor Excell)	Over the past 12 months how often have our Civil Enforcement Officers conducted parking enforcement outside the three schools on Moor Lane?
Councillor Excell	There have been 9 visits in total. Since the restriction changed when visiting the area Civil Enforcement Officers have reported compliance is good.

Second Round

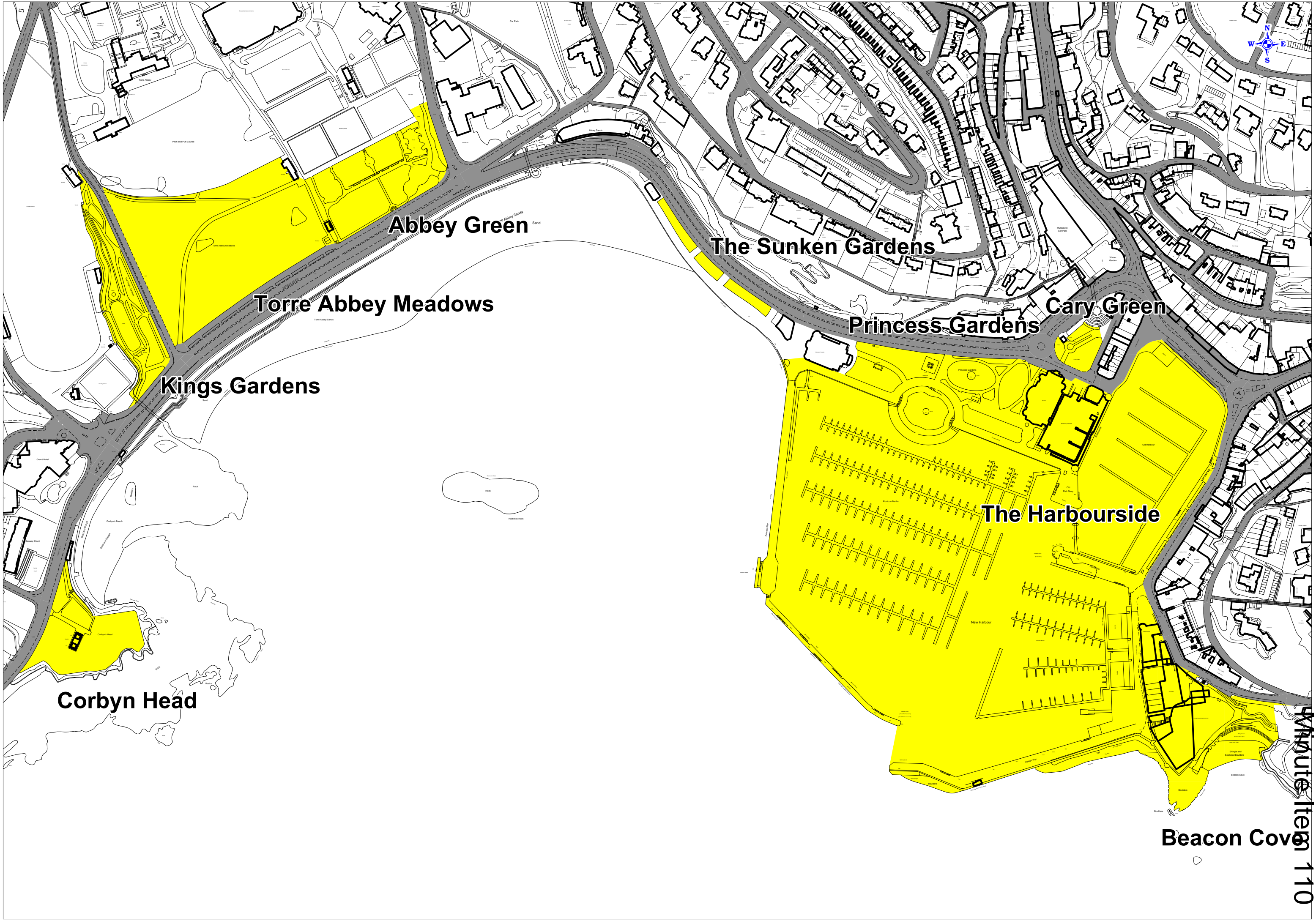
Question (6) by Councillor Darling (S) to the Executive Lead for Planning, Transport and Housing (Councillor King)	At our July Full Council meeting Torbay Council agreed to establish a Housing Rental Company. In light of this decision can you advise me what staffing provision you have made for this in the current financial year and plan to make next financial year?
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Councillor King	The Housing Company is developing its business plan using existing staff and will contract as needed staff and expertise using TDA and other suppliers. An additional housing officer will join us in December (fully funded) to boost capacity.
Question (7) by Councillor Sanders to the Mayor and Executive Lead for Finance, Regeneration and Corporate Services (Mayor Oliver)	Who will decide the fate of the Monastery in the Clifton with Maidenway Ward when Anode surrenders its lease?
Mayor Oliver	The current occupiers, Anode will be surrendering the property back to the Council shortly. The TDA, as agent for the Council will assess the condition of the property and will seek to re-market the asset under a leasehold arrangement as soon as possible thereafter. The TDA will seek informal bids for the property, which will be assessed on rental level and proposed use. The outcome of the tender process will be presented to the Head of Business Services and or the Mayor for a decision depending upon the level of offers received and where these sit under Scheme of Delegation.

Third Round

Question (8) by Councillor Sanders to the Executive Lead for Community Services (Councillor Excell)	Can the Executive Lead for Community Services list the arboricultural justifications for the proposed removal of trees from Victoria Street and Torbay Road in Paignton.
Councillor Excell	The health of the trees is under review and their condition, and the damage the root systems of the trees is currently causing to the path, road and drainage systems is considerable. Inspections are being carried out to assess the economic retention over the wider amenity value of the trees. Currently the trees do not pose any health and safety issue and are not being removed.
Question (9) by Councillor Darling (S) to the Executive Lead for Planning, Transport and Housing (Councillor King)	In light of the failure of TOR2 to develop a specific business case to improve our recycling levels. Does the Executive Lead for Planning, Transport and Housing feel that TOR2 have now breached the terms of their contract and we should seek to terminate said contract?
Councillor King	Tor2 are not in breach of contract, they are undertaking the service they specified, and even though it is not as successful as assumed, the performance deductions with regard to low recycling rates are being implemented as per the contract. The officers and TOR2 are currently reviewing the collection system to see if a different methodology would give better performance as well as budget savings.

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Abbey Green

The Sunken Gardens

Torre Abbey Meadows

Princess Gardens

Cary Green

Kings Gardens

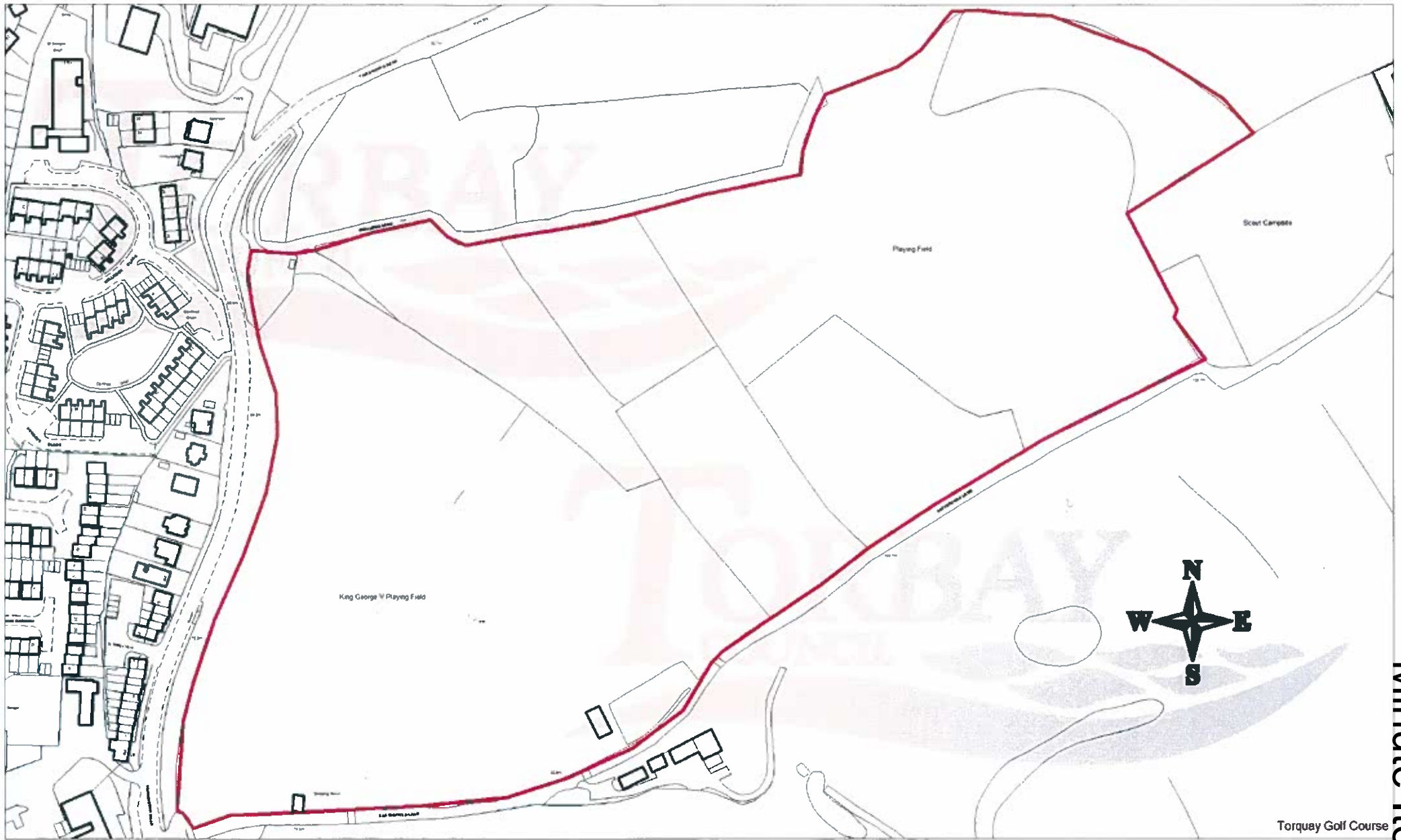
The Harbourside

Corbyn Head

Beacon Cove

White Item 110

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King George V Playing Fields, Teignmouth Road, Torquay.

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