



Minutes of the Council

5 December 2013

-: Present :-

Chairman of the Council (Councillor Parrott) (In the Chair)

The Mayor of Torbay (Mayor Oliver)

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

78 Opening of meeting

The meeting was opened with a prayer.

79 Apologies for absence

An apology for absence was received from Councillor Barnby.

80 Minutes

The Minutes of the meeting of the Council held on 26 September 2013 were confirmed as a correct record and signed by the Chairman.

81 Declarations of interests

The following non-pecuniary interests were declared:

Councillor	Minute Number	Nature of interest
The Mayor	97	Owns property in Torre
Councillor Excell	97	Owns 201 and 203 shops in Torre
Councillor Stocks	91	Non Executive Director of PLUS

Anne-Marie Bond declared a personal interest as appointment of Monitoring Officer in Minute 98.

82 Communications

The Chairman:

1. thanked all those involved in supporting the free trial to the webcast this Council meeting. The local businesses and partners included Curtis Goss from pano360, Nick Ellison from nickellison.net, Rob Watson from ESW Solutions Ltd, Stephen Ellison from iRize Productions, South Devon College (whose students controlled the cameras) and the Herald Express, all of whom donated their digital expertise and/or equipment to allow the Council to trial the webcast for free;
2. advised members that the Chairman's Tea Dance and Cabaret held on 6 November 2013 at the Redcliffe Hotel, Paignton raised £303 for the Chairman's chosen charity, the Motor Neurone Disease Association (Torbay). The Chairman thanked all those who attended and contributed;
3. thanked all those who attended the Civic Church Service which was held on 6 October 2013;
4. invited members to the Civic Carol Concert which was due to be held on 10 December 2013 at the Riviera International Conference Centre; and
5. announced that Anthony Butler, the Council's Monitoring Officer was leaving the Council at the end of this year. On behalf of the Council, the Chairman thanked Mr Butler for his hard work, the fair and common sense approach he brought to the role and wished him well for the future.

The Mayor:

1. advised that the Council was to undertake a review of the Allocations Policy for access and priority to social housing. He added that the Localism Act 2011 had introduced changes in relation to both homelessness and allocations, resulting in councils no longer being required to keep an open housing register and were able to restrict access to the register for social housing. A public consultation was due to be launched on 9 December 2013 and would specifically include those impacted by the proposed changes to the Policy. The final proposed Allocations Policy would be presented to Council on 27 February 2014;
2. was pleased to announce that the Council had awarded the contract to install a new pontoon mooring system in Torquay's inner harbour to a local contractor. It was anticipated the work would commence in January 2014 with a completion of the 173 berth facility by April 2014;
3. advised members that the Council had awarded a ground-breaking contract for the new all-year round ferry service between Brixham and Torquay, which would be introduced next Autumn 2014. The contract

had been funded by the local sustainable transport fund through the Department for Transport; and

4. had great pleasure to announce the breaking news that an agreement had been reached between Plymouth University and Astra Zeneca for the future of the site in Brixham. The Mayor had been involved in the negotiations and the full details would emerge over the next few days.

83 Petitions

In accordance with Standing Order A12, the Council received the following petitions:

- (i) requesting traffic calming for Jacks Lane (approximately 34 signatures);
- (ii) requesting the introduction of a school crossing patrol for the three schools, Watcombe Primary, Combe Pafford and Mayfield (approximately 243 signatures); and
- (iii) requesting Well Street to be permanently closed (approximately 43 signatures).

The Chairman reported that the petitioners had requested their petitions be submitted direct to the decision-makers and therefore, they would be considered by the Service Manager Street Scene in consultation with the Executive Lead Member for Highways, Transport and Environment.

84 Public Question - Landslip on Lymington Road, Torquay

In accordance with Standing Order A24, the Council heard from Mr Long who had submitted a statement and question in relation to the landslip at Lymington Road, Torquay. The Executive Lead for Highways, Transport and Environment responded to the statement and question that had been put forward, plus a supplementary question asked by Mr Long.

85 Public Question - B&Q Site

In accordance with Standing Order A24, the Council heard from Mr Long who had submitted a statement and question in relation to the former B & Q site in Torre, Torquay. The Executive Lead for Strategic Planning, Housing and Energy responded to the statement and question that had been put forward, plus a supplementary question asked by Mr Long.

86 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.

Verbal responses were provided at the meeting. Supplementary questions were then asked and answered in respect of questions 1, 2, 3, 6, 8, 9, 11, 12, 13 and 14.

87 Notice of Motion - Change of Governance System (Mayoral)

Members considered a motion in relation to public consultation on a change to Council's governance system, notice of which was given in accordance with Standing Order A14.

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

This Council notes:

- that in order to change its present system of governance it is required to hold a referendum of Torbay's electorate;
- the earliest any referendum can be held is July 2015 which is after the next local elections;
- any referendum can only specify one alternative system of governance (i.e. committee system **or** leader and cabinet); and
- any referendum will incur a cost to the Council.

Therefore, this Council resolves that the Executive Head Business Services be requested to undertake a public consultation exercise to determine:

- (a) Whether the public wish to change the present mayoral system of governance; and
- (b) If so, what the preferred system of governance would be.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor did not accept the motion as he considered it was premature and there should be an opportunity for the public to express their views following the local and mayoral elections in May 2015.

88 Notice of Motion - Developing a Tourism Bid (Mayoral)

Members considered a motion in relation to the development of a Tourism Business Improvement District notice of which was given in accordance with Standing Order A14.

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

This Council notes the success of the English Riviera Tourism Company in promoting tourism and raising standards of tourism in the Bay.

This Council also notes the significant financial stress that Torbay Council faces in the next few years.

In light of the above, this Council opposes the development of a bay wide Business Improvement District and will instead establish a Tourism Business

Improvement District for Torbay to ensure the long term financial stability for the English Riviera Tourism Company.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor referred the motion to the Place Policy Development Group to enable wider examination and to identify further potential economic benefits for the Bay.

89 Future State Project (Mayoral Decision)

The Chairman advised that an amended officer recommendation had been tabled. The Council made the following recommendation to the Mayor:

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

That the Mayor be recommended:

- (i) To approve the implementation of Future State processes, organisational structures and auditing of the contract to contribute towards a target of £930,500 in savings between Torbay Council, TOR2 and other contractors. The target savings breakdown as follows:
 - TOR2 - £369,000 (50% to Torbay Council)
 - Torbay Council, Resident & Visitors: £521,500
 - Torbay Council, Contact Centre: £40,000
 - Other departments: To be determined.

- (ii) To delegate authority to the Director of Place in consultation with the Mayor and Executive Leads to align the organisational structure of the Council to Future State processes to meet resource and efficiency savings. In this regard:
 - It is recommended that the management of all property Assets, including Highways and Street Scene, are centralised under Torbay Development Agency by April 2015.
 - It is recommended that the Council Structure will mirror the changes that TOR2 have made in aligning the business around work types – Ordered/Programmed, Reactive and Cyclical work.
 - It is recommended that the calls relating to TOR2 are moved from the Torbay Contact Centre and are taken by the TOR2 Control Hub.

- (iii) That Torbay Council and TOR2 continue working towards the current performance standards and implement a process of continual performance improvement and auditing of the Joint Venture.

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.

90 White Rock Land Swap (Mayoral Decision)

The Council made the following recommendation to the Mayor:

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

That the Council enters into a land swap with Abacus Project Limited.
Namely: Council to transfer the PLUSS site at Whiterock in return for the transfer of Abacus Project Limited's site fronting onto Brixham Road.

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.

91 Pluss Future Arrangements (Mayoral Decision)

The Council made the following recommendation to the Mayor:

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

- (i) that PLUSS is sold to Turning Point upon the terms as outlined in the submitted report; and
- (ii) that the Executive Head Finance be delegated the authority to agree all necessary documentation to enable the sale of PLUSS to be completed.

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.

(Note: Prior to consideration of Minute 91, Councillor Stocks declared her non-pecuniary interest.)

92 Tor Bay Harbour – Port Masterplan

The Council considered the recommendation of the Harbour Committee (as set out in the submitted report) for the adoption of the Port Masterplan for Tor Bay Harbour as part of the Council's Policy Framework. An additional officer recommendation was tabled at the meeting.

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

- (i) that, in accordance with the recommendation from the Harbour Committee, the Council approve the Port Masterplan for Tor Bay Harbour, as currently shown on the Harbour website - <http://www.torbay.gov.uk/portmasterplan>;
- (ii) that the Council approves the adoption of the Port Masterplan for Tor Bay Harbour as part of the Council's Policy Framework; and
- (iii) that the Executive Head of Tor Bay Harbour Authority, in consultation with the Chairman of the Harbour Committee, be given delegated authority to make any necessary amendments to the Port Masterplan for Tor Bay Harbour in light of the new Marine Conservation Zones.

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

93 Pay Policy Annual Statement 2014/15

The Council considered the submitted report setting out the Council's Annual Pay Policy Statement as required under Section 38 (1) of the Localism Act 2011. It was noted that the Policy drew together the Council's overarching policies on pay and conditions which would be published on the Council's website.

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

It is recommended that Council approve the Torbay Council Annual Pay Policy Statement 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 (unanimous).

94 Localised Council Tax Support Scheme 2014/15

Members considered the submitted report on proposals for up-rating the current Council Tax Support Scheme for 2014/15. It was noted that the report was submitted in response to the Department of Communities and Local Government's advice that if the Council did not agree its own local scheme for 2014/15 then its scheme for 2013/14 would continue. A revised officer recommendation was tabled at the meeting.

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

- (i) that the Torbay Council Tax Reduction Scheme 2014/15, as set out in appendix 4 to the submitted report be approved;

- (ii) that the applicable amounts and non dependant deductions in the 2013/14 scheme be up-rated in order to calculate Council Tax Support from 1 April 2014, and
- (iii) that authority be delegated to the Executive Head of Finance, in consultation with the Executive Lead Member for Finance, to make any further adjustments required to the 2014/15 Council Tax Support scheme, the Exceptional Hardship Policy and Fund and the Vulnerable policy.

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

95 Council taxbase report

Members considered the submitted report which set out the Council's tax base for council tax purposes for 2014/15.

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

- (i) that the calculation of the Council Tax Base for the year 2014/15 be approved as shown in Appendix 1 of the submitted report;
- (ii) that the calculation of the Brixham Town Council Tax Base for the year 2014/15 be approved as shown in Appendix 2 of the submitted report;
- (iii) that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as its Council Tax base for the year 2014/15 should be 41,713.28;
- (iv) that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as the Council Tax base for Brixham Town Council for the year 2014/15 should be 5,633.38; and
- (v) that the approval of the estimated distribution on the Collection Fund for both Council Tax and Non Domestic Rates for the next financial year and following years is delegated to the Chief Finance Officer and subsequently distributed to all Members as part of the budget proposals.

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

96 Revenue Budget Monitoring (Quarter 2)

The Council noted the current projected outturn for the Revenue Budget 2013/2014 based on quarter 2 information, as set out in the submitted report. The Chairman advised that the views of the Overview and Scrutiny Board had been circulated on 4

December 2013 and had been referred to the Mayor for him to respond to accordingly.

97 Capital Investment Plan Update - 2013/14 Quarter 2

The Council considered the submitted report setting out an overview of the Council's approved Capital Investment Plan for quarter two. The report provided details of capital expenditure and funding for the year compared with the latest budget position reported to the Council in February and July 2013.

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

- (i) that Council note the latest position for the Council's Capital expenditure and funding for 2013/14;
- (ii) that Council approve £0.515m to invest in energy saving measures in street lighting funded from prudential borrowing to be repaid from future savings in energy and maintenance costs; and
- (iii) that Council approve the revisions to the Capital Investment Plan and its funding as outlined in paragraphs 4.7 of the submitted report.

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

98 Statutory Officer Appointment Monitoring Officer

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

that the following statutory officer appointment be confirmed:

Monitoring Officer – Anne-Marie Bond (from 2 January 2014)

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

(Note: Prior to consideration of Minute 98, Anne-Marie Bond declared her personal interest.)

99 Standing Order D15 (in relation to Overview and Scrutiny) - Call-in and Urgency

Members noted the submitted report setting out the executive decision taken (2014-20 European Structural and Investment Fund Strategy) to which the call-in procedure did not apply.

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Record of Decisions

Future State Project

Decision Taker

Mayor on Thursday, 05 December 2013

Decision

- (i) That the implementation of Future State processes, organisational structures and auditing of the contract to contribute towards a target of £930,500 in savings between Torbay Council, TOR2 and other contractors, be approved. The target savings breakdown as follows:
- TOR2 - £369,000 (50% to Torbay Council)
 - Torbay Council, Resident & Visitors: £521,500
 - Torbay Council, Contact Centre: £40,000
 - Other departments: To be determined.
- (ii) That authority be delegated to the Director of Place in consultation with the Mayor and Executive Leads to align the organisational structure of the Council to Future State processes to meet resource and efficiency savings. In this regard:
- It is recommended that the management of all property Assets, including Highways and Street Scene, are centralised under Torbay Development Agency by April 2015.
 - It is recommended that the Council structure will mirror the changes that TOR2 have made in aligning the business around work types – Ordered/Programmed, Reactive and Cyclical work.
 - It is recommended that the calls relating to TOR2 are moved from the Torbay Contact Centre and are taken by the TOR2 Control Hub.
- (iii) That Torbay Council and TOR2 continue working towards the current performance standards and implement a process of continual performance improvement and auditing of the Joint Venture.

Reason for the Decision

To move both TOR2 and Torbay Council to the Future State Process which will enable both organisations to meet current and future budget targets through more efficient processes. Also, failure to make savings from revised processes and organisational structures will result in a reduction of services provided by TOR2.

Implementation

This decision will come into force and may be implemented on Wednesday 18 December 2013 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to

Overview and Scrutiny).

Information

Torbay Council and TOR2 Future State Process project aims to introduce more efficient processes realising costs savings and improvement in service delivery. The Future State will establish a joined up approach between the Council and TOR2 which will lead to greater customer service and reduced complexity. A series of joint workshops identified that, under the current methods of working between the two organisations, there were duplications, inefficiencies and processes that did not add value.

The Mayor supported the recommendations of the Council made on 5 December 2013 (which included an amended officer recommendation) as set out in his decision above.

Alternative Options considered and rejected at the time of the decision

Alternative options are set out in the submitted report.

Is this a Key Decision?

Yes – Reference Number: I014140

Does the call-in procedure apply?

Yes

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

None

Published

10 December 2013

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

Date: 10 December 2013

Minute Item 90

Record of Decisions

White Rock Land Swap

Decision Taker

Mayor on Thursday, 05 December 2013

Decision

That the Council enters into a land swap with Abacus Project Limited. Namely: Council to transfer the PLUSS site at Whiterock in return for the transfer of Abacus Project Limited's site fronting onto Brixham Road.

Reason for the Decision

To support the delivery of Council's Economic Strategy by building a new business centre at Whiterock Business Park. The land swap will provide the best site available for the new centre.

Implementation

This decision will come into force and may be implemented on Wednesday 18 December 2013 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The creation of a business centre at Whiterock Business Park will create up to 30,000 square feet of new workspace for businesses. The site intended for the new business park is adjacent to The Hotel at Whiterock Business Park. The Torbay Development Agency has negotiated a land deal on behalf of the Council to acquire this land from the present landowner in exchange for property owned by the Council nearby (the former PLUSS site).

A revised scheme and business case for a business park at Whiterock is being prepared following an unsuccessful funding bid to the South West European Regional Development Fund Competitiveness programme. Should it prove impossible to develop a viable project the landowner will buy the site back at the market value at the time (subject to a minimum price of £275,000).

The Mayor supported the recommendations of the Council made on 5 December 2013, as set out in his decision above.

Alternative Options considered and rejected at the time of the decision

Alternative options are set out in the submitted report.

Is this a Key Decision?

Yes – Reference Number: I015510

Does the call-in procedure apply?

Yes

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

None

Published

10 December 2013

Signed:

Deputy Mayor on behalf of the Mayor of Torbay

Date: 10 December 2013

Record of Decisions

Pluss Future Arrangements

Decision Taker

Mayor on Thursday, 05 December 2013

Decision

- (i) that PLUSS is sold to Turning Point upon the terms as outlined in the submitted report; and
- (ii) that the Executive Head Finance be delegated the authority to agree all necessary documentation to enable the sale of PLUSS to be completed.

Reason for the Decision

To enable the four member Councils to transfer their ownership of PLUSS to Turning Point to meet the long term aspirations of PLUSS. Turning Point is best suited as the preferred partner for PLUSS primarily due to their core values and vision.

Implementation

This decision will come into force and may be implemented on Wednesday 18 December 2013 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

PLUSS was established in 2005 by Devon, Plymouth and Torbay Councils as a local authority controlled company. It provides employment and training programmes for people with disabilities and delivers services to the three member Councils (plus Somerset County Council who joined in 2006) through a series of contracts and provides services to external organisations. PLUSS is now one of the leading organisations of its type in the country. The value of its contract with the four local authorities has now reduced and the Councils agreed to review the ownership of PLUSS to enable it to focus on its future.

Turning Point is a registered charity, operating as a social enterprise with a focus on improving lives and communities. The transfer of PLUSS to Turning Point will enable joint benefits in terms of expanding services, particularly employment support services.

The Mayor supported the recommendations of the Council made on 5 December 2013, as set out in his decision above.

Alternative Options considered and rejected at the time of the decision

Alternative options are set out in the submitted report.

Is this a Key Decision?

Yes – Reference Number: I015448

Does the call-in procedure apply?

Yes

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

Councillor Stocks declared a non-pecuniary interest as a non-executive Director of PLUS.

Published

10 December 2013

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

Date: 10 December 2013