



## **Minutes of the Council**

**24 September 2015**

**-: Present :-**

**Chairman of the Council (Councillor Hill) (In the Chair)**

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, Stringer, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield

---

### **53 Opening of meeting**

Members observed a minutes silence as a mark of respect in memory of the late Councillor Ruth Pentney who passed away after losing her battle with motor neurone disease and who will be greatly missed. The Chairman's Chaplain then opened the meeting with a prayer.

### **54 Apologies for absence**

An apology for absence was received from Councillor Brooks.

### **55 Minutes**

The Minutes of the meeting of the Council held on 23 July 2015 were confirmed as a correct record and signed by the Chairman.

### **56 Declarations of interests**

Councillor O'Dwyer declared a non-pecuniary interest in Minute 67 as he was a Board Member of Sanctuary Affordable Housing Limited.

Caroline Taylor and Richard Williams declared a personal interest in Minute 61 as their posts were affected by the proposals.

### **57 Communications**

The Chairman thanked Tor2 for organising the Bay Blooms Awards Event held on 23 September 2015 and those Councillors who attended to receive awards on behalf of the communities they serve. The Chairman paid particular thanks to

Councillor David Thomas for being the compere and master of ceremonies at the event.

The Mayor:

- (a) updated members on the commitment of the Council in providing support to those affected by the situation in Syria. Members were advised that the Council would work with other local authorities in the south west, partners and local people to provide an appropriate response, in particular to orphans and unaccompanied children. The Mayor added that the Council was awaiting confirmation from the Government of its funding commitment for the longer term so as not to impact upon services to local people. Members noted a senior officer was leading the Council's response and an implementation plan and briefings would be arranged as more information became available; and
- (b) referred to the Adoption Activity report included on this meeting's agenda. Whilst the report was for noting and no debate, the Mayor took the opportunity of recognising the excellent work of the Adoption team in Children's Services. The number of adoptions secured over the past three years had increased and were opposite to the national trend which had seen a significant decline in numbers.

The Overview and Scrutiny Co-ordinator updated members on a number of scrutiny meetings that had been held and a training event on effective overview and scrutiny held with neighbouring authorities. The Overview and Scrutiny Co-ordinator also advised members of a number of sessions being arranged with partners who deliver commissioned services in preparation for the budget setting process and invited all back-bench members to attend.

#### **58 Petition - Stop housing discrimination against homeless people with pets**

In accordance with Standing Order A12, the Council received a petition requesting housing discrimination against homeless people with pets to be stopped (approximately 70 signatures).

It was noted that the petitioners had requested their petition to be submitted direct to the decision-maker and it would be referred to the Assistant Director of Community and Customer Services for consideration in consultation with the Executive Lead for Community Services.

#### **59 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. Councillor Mills responded to Question 4 as the Mayor had an interest in the matter. Supplementary questions were then asked and answered in respect of the questions.

**60 Notice of motion - Tackling Housing Need and Poor Quality Housing in Torbay (Mayoral Decision)**

Members considered a motion in relation to tackling housing need and poor quality housing in Torbay, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Stocks and seconded by Councillor Darling (M):

This Council notes that Torbay faces the following housing challenges:

- One of the lowest levels of social housing stock in the Country for an urban authority at 7% of the local housing stock.
- A low wage economy with high property prices excluding many local people from the housing market.
- A higher than average private rented market resulting in a minority of poor quality rented accommodation which results in anti social behaviour and some criminal activity.
- 1921 households on Torbay Council's housing register.

This Council notes that part of the solution could be establishing a private sector leasing scheme.

It is common practice amongst local authorities for them to develop private sector leasing schemes. However, the scale and range of each scheme varies widely.

Such schemes can consider either self contained accommodation or a combination of self contained properties and shared accommodation.

A private sector leasing scheme means that the Council would lease accommodation from landlords on a long term basis (circa 5 years), the Council would issue non-secure tenancies and then manage the property for the duration of the term. (A different arrangement through licences would need to operate in shared accommodation.)

The Council's objectives for developing such a scheme would include:

- To contribute to dealing with the housing supply issue in Torbay;
- Tackling waiting lists for social housing and homelessness;
- Deal with the impacts of welfare reforms;
- Improve property conditions and management standards;
- Shift the reliance on social sector to meet the needs for affordable housing;
- To generate a financial return to the Council; and
- To ensure a mix of housing, in terms of type, size and tenure, best matched to the needs of Torbay;

There is a real opportunity for Torbay to deliver quality, well located and managed private rented sector stock to those in need, who will have the reassurance that their landlord is reputable and providing a good quality service.

By developing a private sector leasing scheme the Council will secure a place in the local housing market.

This Council agrees in principle for the Assistant Director of Community and Customer Services to compile a business plan for a private sector leasing scheme based upon the ability to use up to £10 million of prudential borrowing or appropriate capital funding. That the Assistant Director of Community and Customer Services demonstrates what could be achieved by the investment of either £2 million, £5 million or up to £10 million to be presented to a future Council meeting.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor rejected the motion as proposals for future housing provision were being prepared for consideration by a future meeting of the Council.

#### **61 Joint Commissioning Team - Rationalisation of Statutory Roles**

The Council considered the submitted report on a proposal to combine the statutory roles of the Director of Children's Services and the Director of Adult Services (Director of Joint Commissioning). It was noted the proposal ensured that the Council was fit for purpose to perform its commissioning role and fulfil its statutory duties for children's, adults and public health services. A revised officer recommendation was circulated at the meeting.

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

- (i) that the proposal to combine the statutory duties of the Director of Children's Services and the Director of Adult Services be approved and the Council moves to the recruitment stage immediately; and
- (ii) that the required "test of assurance" structure set out at Appendix 2 to the submitted report be agreed and the annual review process (involving the Chairs of the Adults' and Children's Safeguarding Board) is put in place for the future to include a new performance dashboard be developed by the Assistant Director of Corporate and Business Services, to be introduced within three months following the appointment of the new Director of Joint Commissioning, to monitor the 'test of assurance' through the Overview and Scrutiny Board on a programmed basis.

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

#### **62 Corporate Plan 2015-19**

The Council considered the draft Corporate Plan 2015-2019 on the strategic ambitions for the Council and the principles within which the Council will operate. It

was noted the Plan was designed to provide an overarching framework for the ambitions of the Council and delivery plans would be formulated to underpin the Plan.

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

- (i) that the Corporate Plan 2015-2019 set out in Appendix 2 to the submitted report be approved; and
- (ii) that the Council notes that the Corporate Plan Delivery Plans will be prepared and presented to Council for approval along with the budget in February 2016.

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

### **63 Referendum on Future Forms of Governance**

The Chairman reported that this item had been withdrawn to enable further research to be undertaken.

### **64 Review of Policy Framework Documents**

Following the resolution of the Council on 23 July 2015, the Council considered the submitted report on a review of the Council's Policy Framework.

It was proposed by Councillor Lang and seconded by Sykes:

that the review of the Council's Policy Framework (as set out in Appendix 1 to the submitted report) be approved and the Policy Framework be updated to comprise the following documents:

- a) Communication, Engagement and Consultation Strategy;
- b) Corporate Plan incorporating Equalities Objectives;
- c) Economic Regeneration Plan incorporating Tourism Strategy; and Cultural Strategy;
- d) Housing Strategy incorporating Homelessness Strategy; and Housing Allocations Policy;
- e) Gambling Act Policy/Statement of Principles;
- f) Joint Health and Wellbeing Strategy incorporating the Children's and Young People's Plan; Older Persons Strategy; and Supporting People Strategy;
- g) Licensing Policy;
- h) Local Transport Plan incorporating the Parking Strategy;
- i) Plans and Strategies which together comprise the Development Plan incorporating the Port Masterplan;
- j) Strategic Agreement between Torbay and Southern Devon Health and Care NHS Trust and Torbay Council /Torbay and South Devon Clinical Commissioning Group; and
- k) Waste Management Strategy.

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

that d) includes the words 'affordable housing' after 'housing allocations policy'.

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

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

#### **65 Proposed Amendments to the Audit Committee Terms of Reference**

The Council considered the recommendation of the Audit Committee in respect of its terms of reference.

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

that the amendments to the Audit Committee Terms of Reference set out at Appendix 1 to the submitted report be approved.

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

#### **66 Treasury Management Outturn 2014/2015**

The Council considered the submitted report on the performance of the Treasury Management function. It was noted that the Treasury Management function supported the provision of Council services in 2014/15 through management of cash flow, debt and investment operations and the effective control of associated risks.

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

- (i) that the Treasury Management decisions made during 2014/15, as detailed in the submitted report be noted; and
- (ii) that the Prudential and Treasury Indicators as set out in Appendix 1 to the submitted report be approved.

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

#### **67 Capital Investment Plan Update - 2015/16 Quarter 1**

The Council considered the submitted report setting out an overview of the Council's approved Capital Investment Plan for quarter one. The report provided details of capital expenditure and funding for the year compared with the latest budget position reported to the Council in February 2015. A revised officer recommendation was circulated at the meeting.

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

- (i) that the latest position for the Council's Capital expenditure and funding for 2015/16 as set out in the submitted report be noted;
- (ii) that the remaining £0.106 million Condition Funding allocation to Children's Services be approved. (The 2015/16 Department for Education allocation is £0.506 million, of which £0.4 million has previously been approved for Furzeham Primary improvements – Council February 2015.);
- (iii) that the allocation of 2017/18 Basic Need grant allocation of £4.229 million, (of which £1.363 million previously approved), together with an additional £2 million of future year (2018/19) allocations to Children's Services to enable the provision of a new Primary School in Paignton and provide additional Secondary School places in Torquay be approved; and
- (iv) that £0.3 million be reallocated from the sale of assets and/or any underspend in the current capital programme, excluding any funds allocated to affordable housing, to expand and regenerate the Strand in Torquay.

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

(Note 1: The Mayor and Councillor Mills accepted the amendment tabled by Councillor Darling and Carter in the original motion.)

(Note 2: During consideration of Minute 67, Councillor O'Dwyer declared his non-pecuniary interest as set out in Minute 56.)

## **68 Devolution Update**

The Council noted the submitted report on an update of the work undertaken by the Devolution Working Party and details of key meetings undertaken with local authorities across the south west region.

## **69 Clinical Governance Framework (Mayoral Decision)**

The Council considered the following recommendation to the Mayor:

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

that the Clinical Governance Framework set out at Appendix 1 to the submitted report be approved for a period of 3 years, whereupon it will be reviewed and updated.

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.

**70 Corporate Parenting Strategy (Mayoral Decision)**

The Council considered the following recommendation to the Mayor:

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

that the Corporate Parenting Strategy set out in Appendix 2 to the submitted report be approved.

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.

**71 Revenue Budget Monitoring 2015/16 - Quarter One (Mayoral Decision)**

The Council noted the forecast for the 2015/2016 revenue budget position.

**72 Adoption Activity Report (Mayoral Decision)**

Members noted the submitted report in respect of adoption agency activity.

**73 Composition and Constitution of Executive and Delegation of Executive Functions**

Members noted the submitted report which provided details of changes made by the Mayor to his Executive.

**74 Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency**

Members noted the submitted report setting out the executive decisions taken (namely: awarding of contract for youth homelessness accommodation and support services outreach and accommodation; and the procurement of a service for single homeless people with support needs, within Leonard Stocks building, with an option to move to alternative location) to which the call-in procedure did not apply.

---

Chairman

## Record of Decisions

### Clinical Governance Framework

#### Decision Taker

Mayor on 24 September 2015

#### Decision

That the Clinical Governance Framework set out at Appendix 1 to the submitted report be approved for a period of 3 years, whereupon it will be reviewed and updated.

#### Reason for the Decision

The adoption of the clinical governance framework will provide assurance in respect of clinical interventions and provide a hierarchy of clinical bodies to which clinical issues can be escalated.

#### Implementation

This decision will come into force and may be implemented on 7 October 2015 unless the call-in procedure is triggered (as set out in Standard Orders in relation to Overview and Scrutiny).

#### Information

As part of public health, the Council is responsible for commissioning several clinical services (including sexual and reproductive health, drug and alcohol treatment services and lifestyle services) and the clinical governance of those services. Clinical governance ensures that public health services are cost-effective, high quality, safe and represent best value for money. Managing a robust clinical governance framework is part of the Council's obligations when it commissions clinical services. The framework had already been approved by Torbay Clinicians and the adopting of the framework ensures that the document is ratified by the Council. The submitted report set out the Clinical Governance Framework.

The Mayor considered the recommendations of the Council made on 24 September 2015 and his decision is set out above.

#### 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**

29 September 2015

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

Date: 29 September 2015

## Record of Decisions

### Corporate Parenting Strategy

#### Decision Taker

Mayor on 24 September 2015

#### Decision

That the Corporate Parenting Strategy set out in Appendix 2 to the submitted report be approved.

#### Reason for the Decision

To ensure the Council meets its statutory requirements to enact its Corporate Parenting responsibilities within the Children Act 1989.

#### Implementation

This decision will come into force and may be implemented on 7 October 2015 unless the call-in procedure is triggered (as set out in Standard Orders in relation to Overview and Scrutiny).

#### Information

The submitted report set out the Corporate Parenting Strategy as recommended by the Corporate Parenting Board. The Strategy delivers the Council's statutory responsibilities in respect of Corporate Parenting. Corporate Parenting refers to the collective responsibility of the Council to take strategic responsibility for providing the best possible care and protection for our children looked after.

The Mayor considered the recommendations of the Council made on 24 September 2015 and his decision is set out above.

#### 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**

29 September 2015

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

Date: 29 September 2015