



## Minutes of the Meeting of the Council of Torbay

24 February 2011

-: Present :-

### Chairman of the Council (Councillor Phillips) (In the Chair)

The Mayor of Torbay (Nick Bye)

Councillors Addis, Aiton, Amil, Baldrey, Bent, Butt, Carter (C), Charlwood, Darling, Doggett, Ellery, Excell, Faulkner (A), Faulkner (J), Hytche, Lewis, McPhail, Mills, Morey, Oliver, Parrott, Pentney, Richards, Scouler, Stocks, Stringer, Thomas (D), Thomas (J) and Tolchard

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#### 552. Opening.

The meeting was opened with a prayer.

#### 553. Apologies.

Apologies for absence were received from Councillors Carroll, Carter (R), Hodge and Horne. Terry Manning was not present at the Council meeting as he was suspended from the Council from 14 February 2011 to 27 February 2011.

#### 554. Minutes.

The Minutes of the meeting of the Council held on 2 February 2011 and the adjourned meeting of the Council held on 9 February 2011 were confirmed as a correct record and signed by the Chairman.

#### 555. Declarations of Interest.

The Monitoring Officer advised members that there was no requirement to declare prejudicial interests when considering the capital and revenue budgets for setting the council tax and therefore members did not have to leave the room when such matters were being discussed.

The Monitoring Officer further advised that members were not required to declare a personal interest in respect of setting the budget unless a specific matter being debated significantly affected the member or a person associated with the member. The Members' Register of Interests was available for inspection at the meeting.

The following personal interests were declared:

Councillor	Minute Number	Nature of interest
Councillor Doggett	563	Corporate member of the Torbay Rail Line Users Group

Councillor	Minute Number	Nature of interest
Councillor Hytche	563	Corporate member of the Torbay Rail Line Users Group
Councillor McPhail	561	Sits on Committee of the Trustees at Torquay Museum

### 556. Communications.

The Mayor:

- (a) referred to the work of Children's Services and the Police on Operation Mansfield which had revealed a number of children living in Torbay being subject to child exploitation. He advised members that he, in joint consultation with the Chief Finance Officer, had approved an additional £120,000 to help respond to the demands of Operation Mansfield. The work had also demonstrated the improvements that had been made in information sharing across agencies and the Mayor expressed his thanks to all those officers involved;
- (b) advised members that the Government had published figures for teenage conception rates for 2009. Although the figures still remained high, the 2009 results indicated a reduction for Torbay and this reduction was twice the average of national and regional figures. He informed members that a new strategy had been implemented since 2009 and thanked the staff involved in this work; and
- (c) informed members of a conference he had attended at St James Palace for the Prince's Regeneration Trust, which was addressed by HRH the Prince of Wales.

### 557. Members' Questions.

Members received a paper detailing the questions, as set out at Appendix 1 to these Minutes, notice of which had been given in accordance with Standing Order A13.

A supplementary question was asked and answered by the Mayor (in the absence of Councillor Carroll) in respect of question 2.

### 558. Notice of Motion – EU Budget.

Members considered a motion in relation to European Union funding allocations, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Oliver and seconded by Councillor McPhail:

the Council notes that while Torbay is facing a 14% reduction in its financial settlement the UK's contribution to the European Union is set to rise by 60% over two years.

The Council notes that, despite the opposition of some Conservative MPs, and Labour and Conservative MEPS, it is likely that the Government will agree to a further 2.9% increase in the overall EU budget.

This Council believes the EU should be treated the same as the other tiers of government and in these austere times should share responsibility, along with the central and local government, for public spending reductions. Sharing the burden would result in less severe cuts for local authorities, and give more assistance to councils to protect front line services.

This Council therefore urges Torbay's MPs not to support an increase in the EU budget.

In accordance with Standing Order A14.3(b), the Chief Executive advised that the motion would be dealt with by this meeting.

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

### **559. Notice of Motion – Budget Process.**

Members considered a motion in relation to the revenue budget setting process for 2011/12, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Carter (C) and seconded by Councillor Pentney:

this Council objects to lack of openness and transparency in the Council's budget process for the 2011/12 Revenue Budget.

It is recognised that the Council has only been able to work on estimated figures given the poor level of information emerging from the Department of Communities and Local Government. However, other authorities were able to provide much more detailed proposals earlier in the cycle against which comment could be made.

Torbay Council regrets the culture of spin in the Mayor's budget process, where budget estimates are consulted on, that include savage cuts which are unlikely to be implemented, and then in his final proposals the Mayor reinvests some money which obscures the cuts that have been made.

In other local authorities, much more open and transparent budget proposals are consulted on.

The Council also recognises that the current timetable only allows Councillors two full working days to table amendments and objections to the Mayor's budget proposals, which contrasts with the five days that the Mayor has to consider any amendments or objections from Councillors.

As such the Council requests that wherever possible the Mayor presents his budget proposals for full consideration in October which is achievable with the announcement of the Comprehensive Spending Review figures.

This Council further notes the lack of openness, transparency or scrutiny of any budget proposals from the Majority Group.

In accordance with Standing Order A14.3(b), the motion would be dealt with by this meeting.

On being put to the vote, the motion was declared **lost**.

#### **560. Capital Plan Budget 2011/12 to 2014/15.**

The Council considered the capital plan budget proposals of the Mayor, which he had put forward following his consideration of the proposed amendment that was made at the adjourned meeting of the Council held on 9 February 2011.

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

that the Council be recommended:

- (i) to approve the Capital Plan for 2011/12 – 2014/15 set out in Report 10/2011;
- (ii) that any funding from the Community Infrastructure Levy be allocated to fund capital schemes on the basis of a Council wide scheme prioritisation;
- (iii) to approve the capital scheme for Torre Abbey (Phase Two) to be funded from a Heritage Lottery Fund grant with the balance of a maximum £2m, (based on current estimates), to be funded by the Council by means of prudential borrowing subject to any other external funds being raised for the scheme; and
- (iv) that the 2011/12 Prudential Indicators (including the Authorised Limit for external debt) set out in Appendix 2 to Report 10/2011, subject to approval of the Revenue Budget and Council Tax for 2011/12, be approved.

An amendment was proposed by Councillor Charlwood and seconded by Councillor Stringer:

that the Chief Finance Officer be requested to work with Council Officers to develop a scheme to start in April 2012 as part of the Capital Plan for a Community Fund of £250,000 a year. The Chief Finance Officer is tasked to identify options to fund this scheme. This fund should allow communities across Torbay to place bids for capital infrastructure projects either from the Council's budgeted sum or as part of any match funding for larger schemes within an agreed proportion of the budget available. Officers should ensure that the scheme is developed to be open and transparent.

In accordance with Standing Order A19.4 and at the request of Councillor Stringer, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: **For:** Councillors Addis, Amil, Baldrey, Carter (C), Charlwood, Darling, Doggett, Ellery, Excell, Faulkner (A), Faulkner (J), Hytche, McPhail, Mills, Morey, Oliver, Parrott, Pentney, Richards, Stocks, Stringer, Thomas (D) and Thomas (J) (23); **Against:** The Mayor, Councillors Aiton, Bent, Butt and Tolchard (5); **Abstain:** Councillors Lewis, Phillips, Scouler, (3); and **Absent:** Councillors Carroll, Carter (R), Hodge and Horne (4). As more than two-thirds of Members present and voting had cast their vote in support of the amendment it was declared **carried**.

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

On being put to the vote, more than two-thirds of Members present and voting cast their vote in support of the substantive motion and therefore it was declared **carried**.

### **561. Revenue Budget 2011/12.**

The Council considered the revenue budget proposals of the Mayor, which he had put forward following his consideration of the objections that were made at the adjourned meeting of the Council held on 9 February 2011.

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

that the Council be recommended that:

- (i) the budget for 2011/12 (paragraph A1.42 to Report 13/2011) and the associated fees and charges, be approved;
- (ii) the final notified Dedicated Schools Grant be used in accordance with the nationally laid down Schools Financial Regulations (paragraph A1.36 to Report 13/2011) and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed;
- (iii) the Members' Allowances Scheme for 2010/2011 be implemented in 2011/2012 subject to the annual up-rating in accordance with the annual pay award (AP&C) and to any changes approved by Council as part of the 2011/12 budget setting (paragraph A1.37 and paragraph A1.41 to Report 13/2011);
- (iv) the Chief Finance Officer in consultation with the Mayor be authorised to approve expenditure from reserves and provisions in accordance with the terms of the respective reserve or provision;
- (v) in accordance with the requirement of the Local Government Act 2003, to consider and note the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's reserves (Paragraph A1.51 to A1.66 to Report 13/2011);
- (vi) the Chief Finance Officer, in consultation with the Mayor and appropriate Cabinet Member, be authorised to prepare a report on the financial issues in respect of 2012/13 and later years and issue any appropriate spending targets that may arise as a consequence;
- (vii) the Chief Finance Officer in consultation with the Mayor be authorised to make adjustments to and introduce new fees and charges within the budget during 2011/12 if it is within the best interest for the Council;
- (viii) the Chief Finance Officer, in consultation with the Mayor and appropriate officers, be authorised to determine the allocation and expenditure of any new grant monies that may be received during the year;
- (ix) the Chief Finance Officer be authorised to make adjustments to the budgets for any technical changes; and

- (x) the Chief Finance Officer prepare the appropriate documentation for the Council to permit the Council Tax setting at the meeting on 24 February 2011 and all other returns to be made by the appropriate date.

An amendment was proposed by Councillor Oliver and seconded by Councillor McPhail:

the budget for grants to Brixham and Torquay Museums be increased by £0.001m and £0.004m respectively over and above the Mayor's budget, and that £0.005m is allocated from the Comprehensive Spending Review Reserve to achieve this.

Prior to the vote being taken on the amendment, the Chief Executive and the Chief Finance Officer provided advice on the implications of the proposed amendments received in respect of the Mayor's revenue budget proposals. It was noted that, although the proposed amendments would not result in an illegal budget in 2012/13, the use of the Council's reserves to meet ongoing expenditure would not achieve a sustainable budget.

On being put to the vote, more than two-thirds of Members present and voting cast their vote in support of the amendment and therefore it was declared **carried**.

An amendment was proposed by Councillor Oliver and seconded by Councillor McPhail:

the budget for close circuit television cameras be increased by £0.1m over and above the Mayor's budget, and that £0.1m is allocated from the Comprehensive Spending Review Reserve to achieve this.

In accordance with Standing Order A19.4 and at the request of Councillor Oliver, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: **For:** Councillors Addis, Amil, Ellery, Excell, Hytche, McPhail, Mills, Morey, Oliver, Parrott, Philips, Richards, Scouler, Thomas (D) and Thomas (J) (15); **Against:** The Mayor, Councillors Aiton, Bent, Butt, Lewis and Tolchard (6); **Abstain:** Councillors Baldrey, Carter (C), Charlwood, Darling, Doggett, Faulkner (A), Faulkner (J), Pentney, Stocks and Stringer (10); and **Absent:** Councillors Carroll, Carter (R), Hodge and Horne (4). As more than two-thirds of Members present and voting had cast their vote in support of the amendment it was declared **carried**.

An amendment was proposed by Councillor Oliver and seconded by Councillor McPhail:

the budget for street lighting be increased by £0.1m over and above the Mayor's budget, and that £0.1m is allocated from the Comprehensive Spending Review Reserve to achieve this.

In accordance with Standing Order A19.4 and at the request of Councillor Oliver, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: **For:** Councillors Addis, Amil, Ellery, Excell, Hytche, McPhail, Mills, Morey, Oliver, Parrott, Philips, Richards, Scouler, Thomas (D) and Thomas (J) (15); **Against:** The Mayor, Councillors Aiton, Baldrey, Bent, Butt, Lewis and Tolchard (7); **Abstain:** Councillors Carter (C), Charlwood, Darling, Doggett, Faulkner (A), Faulkner (J), Pentney, Stocks and Stringer (9); and **Absent:** Councillors Carroll, Carter (R), Hodge

and Horne (4). As more than two-thirds of Members present and voting had cast their vote in support of the amendment it was declared **carried**.

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

In accordance with Standing Order A19.4 and at the request of Councillor Faulkner (J), a recorded vote was taken on the substantive motion. The voting was taken by roll call as follows: **For:** Councillors Addis, Amil, Ellery, Excell, Hytche, McPhail, Mills, Morey, Oliver, Parrott, Philips, Richards, Scouler, Thomas (D) and Thomas (J) (15); **Against:** The Mayor, Councillors Aiton, Bent, Butt, Faulkner (J), Lewis, Stringer and Tolchard (8); **Abstain:** Councillors Baldrey, Carter (C), Charlwood, Darling, Doggett, Faulkner (A), Pentney and Stocks (8); and **Absent:** Councillors Carroll, Carter (R), Hodge and Horne (4). As less than two-thirds of Members present and voting had cast their vote in support of the substantive motion it was declared **lost**.

In light of no amendments being approved and in accordance with the Council's Standing Orders in relation to the Budget and Policy Framework, **the Chief Executive declared that the Mayor's budget proposals (as outlined in (i) to (x) above) would stand.**

(Note: During consideration of Minute 561, Councillor McPhail declared her personal interest.)

## 562. Council Tax for 2011/12.

The Council received Report 38/2011 in relation to the setting of the Council Tax for 2011/12.

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

- (i) that, having considered the options for the revenue budget, the following amounts be now calculated by Torbay Council for the 2011/2012 year in accordance with Sections 32 to 36 of the Local Government Finance Act 1992, as amended by the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2003:
  - a) £125,388,585 as its BUDGET REQUIREMENT for the year being the aggregate of the amounts of expenditure which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act;  
  
LESS the aggregate of the amounts of income which the Council estimates for items set out in Section 32(3)(a) to (c) of the Act and calculated by the Council in accordance with Section 32(4) of the Act;
  - b) £63,631,079 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed Non-Domestic Rates and Revenue Support Grant, together with any net effect of amounts to be transferred to its General Fund from its Collection Fund

pursuant to the Directions under Sections 97 and 98 of the Local Government Finance Act 1988. For 2011/12 this has been estimated as £1,209,000;

- c) £1,264.99 being the amount at (i)(a) above less the amount at (i)(b) above, all divided by the Tax Base of 48,820.60 calculated by the Council in accordance with Section 33(1) of the Act, as the Basic Amount of its Council Tax for the year;
- d) £186,450 being the aggregate amount of all special items referred to in Section 34(1) of the Act;
- e) £1,261.17 being the amount at (i)(c) above less the result given by dividing the amount at (i)(d) above by the Tax Base of 48,820.60 calculated by the Council in accordance with Section 34(2) of the Act as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates;
- f) £28.15 being the amount at (i)(d) above divided by the Tax Base of 6,623.86 calculated by the Council in accordance with Section 33(3) of the Act, as the Basic Amount of its own Council Tax for the year;

g) TORBAY COUNCIL REQUIREMENT

Valuation Band 'A'	£840.78	Valuation Band 'E'	£1,541.43
Valuation Band 'B'	£980.91	Valuation Band 'F'	£1,821.69
Valuation Band 'C'	£1,121.04	Valuation Band 'G'	£2,101.95
Valuation Band 'D'	£1,261.17	Valuation Band 'H'	£2,522.34

being the amounts given by multiplying the amount at (i)(e) above, by the proportions set down in the 1992 Act;

h) BRIXHAM TOWN COUNCIL

Valuation Band 'A'	£18.77	Valuation Band 'E'	£34.41
Valuation Band 'B'	£21.89	Valuation Band 'F'	£40.66
Valuation Band 'C'	£25.02	Valuation Band 'G'	£46.92
Valuation Band 'D'	£28.15	Valuation Band 'H'	£56.30

- (ii) that it be noted that for the year 2011/2012 the DEVON AND CORNWALL POLICE AUTHORITY has stated the following amounts in its precept issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, and The Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2003 for each of the categories of the dwellings shown below:-

Valuation Band 'A'	£104.40	Valuation Band 'E'	£191.40
Valuation Band 'B'	£121.80	Valuation Band 'F'	£226.20
Valuation Band 'C'	£139.20	Valuation Band 'G'	£261.00
Valuation Band 'D'	£156.60	Valuation Band 'H'	£313.20



- (iii) that it be noted that for the year 2011/2012 the DEVON AND SOMERSET FIRE AND RESCUE AUTHORITY has stated the following amounts in its precept issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, and The Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2003 for each of the categories of the dwellings shown below:-

Valuation Band 'A'	£47.85	Valuation Band 'E'	£87.72
Valuation Band 'B'	£55.82	Valuation Band 'F'	£103.67
Valuation Band 'C'	£63.80	Valuation Band 'G'	£119.62
Valuation Band 'D'	£71.77	Valuation Band 'H'	£143.54

- (iv) that, having calculated the aggregate in each case of the amounts at (i)(e), (ii) and (iii) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the TOTAL AMOUNTS OF COUNCIL TAX for the year 2011/2012 for each of the categories of dwellings shown below excluding Brixham Town Council:-

#### DWELLINGS IN

Valuation Band 'A'	£993.03	Valuation Band 'E'	£1,820.55
Valuation Band 'B'	£1,158.53	Valuation Band 'F'	£2,151.56
Valuation Band 'C'	£1,324.04	Valuation Band 'G'	£2,482.57
Valuation Band 'D'	£1,489.54	Valuation Band 'H'	£2,979.08

- (v) that, having calculated the aggregate in each case of the amounts at (i)(e & f), (ii) and (iii) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the TOTAL AMOUNTS OF COUNCIL TAX for the year 2011/2012 for each of the categories of dwellings shown below including Brixham Town Council:-

#### DWELLINGS IN

Valuation Band 'A'	£1,011.80	Valuation Band 'E'	£1,854.96
Valuation Band 'B'	£1,180.42	Valuation Band 'F'	£2,192.22
Valuation Band 'C'	£1,349.06	Valuation Band 'G'	£2,529.49
Valuation Band 'D'	£1,517.69	Valuation Band 'H'	£3,035.38

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

#### **563. Third Local Transport Plan 2011-2026, Jointly with Devon County Council.**

The Council considered Report 31/2011 and the recommendations of the Mayor on the third Local Transport Plan which had developed jointly with Devon County Council. The Plan aimed to achieve excellent transport connections for Torbay to Devon and the rest of the UK by 2026. It was noted that the Plan built on the common interests of both authorities including the significant transport links to the neighbouring districts of South Hams and Teignbridge, plus Exeter and Plymouth. Distinct policies and strategies for Torbay were reflected in the Plan and its associated Implementation Plan.

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

- (i) that the Council be recommended to approve the Third Local Transport Plan – including the Asset Management Plan, Place Strategy and Implementation Plan for Torbay which is due to commence from April 2011 (it should be noted that this plan has also to pass the democratic process within Devon County Council during the next two months); and
- (ii) that the Environment Commissioner and the Cabinet Member responsible for Transport be authorised to make minor amendments to the Local Transport Plan in accordance with any further minor re-drafting, or minor alterations required by Devon County Council. If any major alterations are made by Devon County Council, the Local Transport Plan will be brought back to Cabinet and Council.

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

that the Council be recommended to approve the Third Local Transport Plan – including the Asset Management Plan, Place Strategy and Implementation Plan for Torbay which is due to commence from April 2011, subject to the Environment Commissioner exploring the possibility of a Bus Partnership in Torbay and bringing back a report on this subject in June 2011. (It should be noted that this plan has also to pass the democratic process within Devon County Council during the next two months.)

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

The original motion was then put to the vote and declared **carried** (unanimous).

(**Note:** During consideration of Minute 563, Councillor Doggett declared his personal interest.)

#### **564. Planning Contributions and Affordable Housing Supplementary Planning Document: Threshold for Contributions.**

The Council considered Report 39/2011 on proposed amendments to the above document to remove the £5,000 minimum threshold for developer contributions. It was proposed by Councillor Butt and seconded by Councillor Bent:

- (i) that paragraph 6.5 of the Planning Contributions and Affordable Housing Update and Mitigation Paper 2010 be revised to read:

“Smaller developments must also contribute towards mitigating any adverse impacts they may have, individually and collectively, on Torbay. Consequently there is no minimum threshold for contributions. This approach also avoids creating perverse incentives, or unintended consequences (such as artificial division of planning units), which could result in no contributions towards mitigation of adverse impacts. Due to the cost of drafting and monitoring S106 Agreements, applicants for smaller schemes, specifically those where the contribution would be less than about £5,000 will be encouraged to pay the contribution before grant of permission in exchange for an agreement by the Council to return these sums in the event that development does not proceed. In seeking financial contributions from smaller schemes, regard will be had to the need for them to be reasonable

(as per Circular 5/2005), and the need to avoid imposing undue costs on businesses. In addition, regard will be had to whether the application is a standalone scheme or affects part of a larger planning unit (e.g. a block of holiday apartments).”;

- (ii) that the first sentence of Paragraph 4.19 of the Interim Guidance on Principal Holiday Accommodation Areas (March 2010) be deleted, as will any other reference to the £5,000 threshold;
- (iii) that the principle of charging smaller developments for a fair proportion of the infrastructure for which they create a need, be incorporated into the emerging Community Infrastructure Levy; and
- (iv) that all references to “overage” of “clawback” be changed to read “deferred contribution”.

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

- (v) that the above changes are applied retrospectively to currently undetermined applications.

During the debate on the amendment, the Monitoring Officer provided legal advice in respect of the proposed amendment. He advised it was possible that the proposed amendment, if adopted, could lead to complaints to the Ombudsmen and, if any such complaint resulted in the Ombudsman finding in favour of the complainant, the Council could be criticised and required to pay compensation.

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

The substantive motion was then before Members for consideration.

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

(**Note:** In accordance with Standing Order F4.8(iii) the amendment would be referred to the Mayor for consideration at a Cabinet meeting.)

### **565. Provisional Calendar of Meetings 2011/2012.**

Members considered Report 40/2011 setting out the provisional calendar of meetings for the 2011/12 Municipal Year.

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

- (i) that the provisional calendar of meetings for 2011/2012, set out in Appendix 1 to Report 40/2011, be approved for final ratification at the Annual Council Meeting; and
- (ii) that meetings of the Appointments Committee, Civic Committee, Appeals Committee (Employment) and Appeals Committee (Student Awards and Discretionary Housing Payments) be held on an ad-hoc basis, to be determined by the Democratic Services Manager in consultation with the relevant Chairman.

On being put to the vote it was declared **carried**.

**566. Chairman and Vice-Chairman Selection 2011/12.**

In accordance with the Council's Standing Orders (A9.1), the Council was required to select, by elimination ballot, the Chairman/woman-Elect and Vice-Chairman/woman-Elect for the next Municipal Year 2011/12.

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

that no action be taken until the start of the 2011/12 Municipal Year.

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

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Chairman

## APPENDIX 1

to the Minutes of the Meeting of the Council of Torbay

held on 24 February 2011

Minute 557 – Questions

<p><b>Question (1) by Councillor Stringer to the Cabinet Member for Community Services</b></p>	<p><b>Last Summer a cherry tree was removed from the top of Happaway Road in Torquay to allow for the construction of a driveway.</b></p> <p><b>Local residents were assured that more than a single tree would be planted in its place from the following season.</b></p> <p><b>This now does not seem to be the case. Please can you reassure myself and local residents that the promised trees will now be planted?</b></p>
<p>Councillor Butt</p>	<p>The Council's Tree Department only intended to plant a replacement tree for the one removed as part of a paid service by the resident for the new drive access. As part of the annual tree planting programme available planting space was identified for more trees to be planted within the immediate area, however, the priority was to only replace trees that have been lost.</p> <p>The department still has intentions to plant more trees within the Happaway Road area as and when budgets are available, however this will not be in the current financial or planting year.</p>
<p><b>Question (2) by Councillor Pentney to the Cabinet Member for Regeneration, Finance and Governance</b></p>	<p><b>Are there any outstanding elements from the 106 agreement with Peter de Savaray as a result of the Cary Arms development?</b></p>
<p>The Mayor on behalf of Councillor Carroll</p>	<p>To date the development in and around the Cary Arms Hotel has not reached any of the trigger points and therefore no payments have yet been made.</p>