



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

5 December 2018

-: Present :-

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

Elected Mayor of Torbay (Mayor Oliver)

Councillors Amil, Bent, Brooks, Carter, Darling (M), Darling (S), Excell, Haddock, Hill, Kingscote, Lewis (B), Lewis (C), Long, Mills, Morey, O'Dwyer, Parrott, Pentney, Robson, Sanders, Stockman, Stocks, Stubbley, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman

112 Opening of meeting

The Vice-Chairman gave apologies from the Chairman's Chaplain and opened the meeting with a minute's silence to allow for personal reflection.

113 Apologies for absence

Apologies for absence were received from Councillors Bye, Ellery, King, Manning, Morris and Winfield for the whole meeting. Apologies for absence were also received from the Chairman, Councillor Doggett and Councillors Bent, Carter, Kingscote, Long, Sanders and Stocks first part of the meeting and Councillor Thomas (J) for the second part of the meeting.

In the absence of the Chairman, the Vice-Chairman, Councillor Barnby, chaired the first part of the Council meeting.

114 Minutes

The Minutes of the meeting of the Council held on 18 October 2018 and the Minutes of the Extraordinary meeting of the Council held on 15 November 2018 were confirmed as a correct record and signed by the Vice-Chairman.

115 Declarations of pecuniary and non-pecuniary interests

No interests were declared.

116 Communications

The Elected Mayor referred to his letters to Sarah Wollaston MP and the Minister of State for Transport, Jesse Norman MP, and the Council's bid to the Government for additional funding for pot holes and highway repairs. The Elected Mayor advised that the Minister had responded positively and welcomed the efforts to improve the road network in Torbay.

The Overview and Scrutiny Co-ordinator thanked the Elected Mayor and his Executive for their attendance at the Priority and Resources Review Panel meetings and the Panel's time for reviewing the Elected Mayor's budget proposals. The Overview and Scrutiny Co-ordinator advised that the report of the Priority and Resources Review Panel was due to be considered by the Overview and Scrutiny Board on 12 December 2018.

117 Order of Business

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable:

Item 6 on the agenda (Elected Mayor's Response to the Objection to Corporate Asset Management Plan) to be considered after Item 15 (Adjournment); and

Item 9 on the agenda (Proposed Council Tax Support Scheme 2019/20) to be considered before Item 8 (Council Tax Base 2019/2020).

118 Heart of the South West Joint Committee Update

The Council received a progress report on the work of the Heart of the South West (HotSW) Joint Committee. The submitted report outlined key areas of activity of the HotSW Committee and set out actions proposed for the coming months.

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

- (i) that the progress report setting out the work of the Heart of the South West (HotSW) Joint Committee since its establishment in March 2018 be noted;**
- (ii) that the development and endorsement of the Heart of the South West (HotSW) Local Industrial Strategy (LIS) be delegated to the HotSW Joint Committee (noting that final approval of the HotSW LIS rests with the HotSW Local Enterprise Partnership (LEP) and the Government);**
- (iii) that the Budget statement for 2018/19 set out in Appendix B to the submitted report be noted and that in accordance with the decisions taken at the time the Committee was established the**

Council will be asked to make an annual budgetary provision to meet the support costs of the Joint Committee in line with the 2018/19 contribution. Final clarification on any additional 2019/20 budget requirement will be provided following the completion of the review of the Joint Committee's role, function and management support arrangements and development of its work programme for 2019/20; and

- (iv) that the Budget and Cost-sharing Agreement set out in Appendix B to the submitted report be approved.**

119 Proposed Council Tax Support Scheme 2019/20

The Council considered the submitted report on a review of the current local Council Tax Support Scheme for 2019/20. Members noted that the Local Government Finance Act 2012 required local authorities to review their local schemes annually. The Council had a statutory duty to provide a local Council Tax Support Scheme for working-age households. In addition, pension age households were subject to statutory provisions determined nationally, which had to be incorporated within the Council's scheme.

Councillor Haddock proposed and Councillor Mills seconded a motion, which was agreed by the Council as set out below:

- (i) that Personal Allowances and Premiums, used to calculate Council Tax Support, are uprated from 1 April 2019 in line with the prescribed Pensioner scheme and national working-age benefits, which are both set by the Government;**
- (ii) that the Chief Finance Officer be given delegated authority, in consultation with the Elected Mayor and the Executive Lead for Customer Services, to make any further adjustments required to the Exceptional Hardship Policy and fund; and**
- (iii) that Council notes that as a result of the introduction of Universal Credit full service from 5 September 2018, there will be a full review of the current scheme. This will commence from January 2019, where extensive financial modelling will be undertaken to provide potential options for a brand new scheme to be implemented from April 2020, with consultation on the same being undertaken in 2019.**

(Note: Councillors Darling (M), Darling (S) and Pentney required their vote against the decision in Minute 119 to be recorded.)

120 Council Tax Base 2019/2020

Members considered the submitted report which set out the Council's tax base for council tax purposes for 2019/20.

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

- (i) **to delegate to the Head of Finance, in consultation with the Elected Mayor, the approval for the removal of the discretionary Council Tax discount for properties that become unoccupied and unfurnished that currently applies for one month from April 2019;**
- (ii) **that the calculation of the Torbay Council Tax Base for the year 2019/20 be approved as shown in Appendix 1 to the submitted report;**
- (iii) **that the calculation of the Brixham Town Council Tax Base for the year 2019/20 be approved as shown in Appendix 2 to the submitted report;**
- (iv) **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 2019/20 should be 45,699.55; and**
- (v) **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 2019/20 should be 6,187.87.**

121 Gambling Act 2005 'Statement of Principles 2019' (Gambling Policy)

Members received the submitted report on the revised Statement of Principles 2019 (Gambling Policy), that outlined the principles by which the Council will exercise its functions under the Gambling Act 2005.

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

that the Statement of Principles 2019 (Gambling Policy), as set out in Appendix 1 to the submitted report, be approved.

122 Thriving Lives: Joint Health and Wellbeing Strategy 2018-2022

The Council considered the proposed Joint Health and Wellbeing Strategy as set out in the submitted report. Members noted the Strategy provided a steer for each organisation on the Health and Wellbeing Board to improve the health and wellbeing of the population of Torbay and reduce inequalities in the population.

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

that the Council adopts the Joint Health and Wellbeing Strategy set out at Appendix 1 to the submitted report.

123 Review of Constitution for Leader and Cabinet System of Governance May 2019 - Constitution Working Party Recommendations

The Council received the Constitution Working Party's proposed provisional Constitution to enable the new Leader and Cabinet System of Governance to be in place from May 2019.

Councillor Hill proposed and Councillor Thomas (D) seconded the motion, as set out below:

- (i) that the provisional Constitution, as appended to the submitted report, be approved and to be effective from the commencement of the Council's new Leader and Cabinet governance arrangements from 5 May 2019 (a summary of key changes is outlined in Section 1, paragraph 3 of the submitted report), with the newly elected Council (post May 2019) requested to consider and review the following:
 - a) the Council's decision-making structure and terms of reference of committees etc. to reflect the Leader and Cabinet System of Governance;
 - b) the Council's Local Choice Functions under the Leader and Cabinet system. Specific areas to consider:
 - 15. Appointments to other bodies; and
 - 17. Function of Harbour Authority (e.g. whether the Harbour Committee continues as a Council function or the Harbour function transfers to the Cabinet);
 - c) the operation of Members' Questions at Council meetings;
 - d) the scope of Notice of Motions for Council meetings;
 - e) the Outside Body Reporting Protocol (E23.2 and Appendix 1); and
 - f) the approach for appointments to outside organisations and the application of cross party principles (links to the review of Local Choice functions);
- (ii) that the new Administration in May 2019 be recommended to prepare a new Policy Framework structure and hierarchy alongside the new Corporate Plan;

- (iii) that the Chairman/woman and Vice-Chairman/woman of the Council be referred to as Ceremonial Mayor and Deputy Ceremonial Mayor from May 2019 onwards, to ensure the role is clear for the community;
- (iv) that delegations are given to the Chief Executive on Executive Functions on grounds of urgency during circumstances where there is no appointed Leader by the Council (e.g. during the interim period of a Local Election and Annual Council to appoint the new Leader of the Council; or in absence of the Leader of the Cabinet and where no Deputy Leader is appointed and/or where the delegation arrangements by the Leader to Cabinet members are not in place; or during the period where the Council has removed the Leader of the Council by resolution and the new Leader is to be appointed at the subsequent Council.) (Para 1.20 of Chief Executive's specific delegations refers);
- (v) that delegated authority be given to the Monitoring Officer to make any further technical changes and/or changes to existing Constitution which apply changes to the provisional Constitution for May 2019, in consultation with the Chairman of the Constitution Working Party, prior to recommending the new Constitution for approval to the new Council in May 2019;
- (vi) that the Independent Remuneration Panel (IRP) undertake its review of the Members' Allowances Scheme for the new Leader and Cabinet system and make recommendations to Council at its meeting on 31 January 2019. The IRP be recommended to make recommendations to Council that keep the Scheme within the current budget; and
- (vii) that the current Members' Allowances Scheme be extended to 5 May 2019.

A Conservative amendment was circulated prior to the meeting and proposed by Councillor Lewis (C) and seconded by Councillor Tolchard. During the debate, Councillor Hill and Councillor Thomas (D) accepted the amendment, which was then incorporated in the original motion and was agreed by the Council as set out below:

- (i) **that the provisional Constitution, as appended to the submitted report, be approved and to be effective from the commencement of the Council's new Leader and Cabinet governance arrangements from 5 May 2019 (a summary of key changes is outlined in Section 1, paragraph 3 of the submitted report), with the newly elected Council (post May 2019) requested to consider and review the following:**
 - a) **the Council's decision-making structure and terms of reference of committees etc. to reflect the Leader and Cabinet System of Governance;**

- b) the Council's Local Choice Functions under the Leader and Cabinet system. Specific areas to consider:

 - 15. Appointments to other bodies; and
 - 17. Function of Harbour Authority (e.g. whether the Harbour Committee continues as a Council function or the Harbour function transfers to the Cabinet);
 - c) the operation of Members' Questions at Council meetings;
 - d) the scope of Notice of Motions for Council meetings;
 - e) the Outside Body Reporting Protocol (E23.2 and Appendix 1); and
 - f) the approach for appointments to outside organisations and the application of cross party principles (links to the review of Local Choice functions);
- (ii) that the new Administration in May 2019 be recommended to prepare a new Policy Framework structure and hierarchy alongside the new Corporate Plan;
 - (iii) that the Chairman/woman and Vice-Chairman/woman of the Council be referred to as Civic Mayor, with the full title being The Worshipful the Mayor of Torbay, and the Deputy Civic Mayor respectively from May 2019 onwards, to ensure the role is clear for the community;
 - (iv) that delegations are given to the Chief Executive on Executive Functions on grounds of urgency during circumstances where there is no appointed Leader by the Council (e.g. during the interim period of a Local Election and Annual Council to appoint the new Leader of the Council; or in absence of the Leader of the Cabinet and where no Deputy Leader is appointed and/or where the delegation arrangements by the Leader to Cabinet members are not in place; or during the period where the Council has removed the Leader of the Council by resolution and the new Leader is to be appointed at the subsequent Council.) (Para 1.20 of Chief Executive's specific delegations refers);
 - (v) that delegated authority be given to the Monitoring Officer to make any further technical changes and/or changes to existing Constitution which apply changes to the provisional Constitution

for May 2019, in consultation with the Chairman of the Constitution Working Party, prior to recommending the new Constitution for approval to the new Council in May 2019;

- (vi) that the Independent Remuneration Panel (IRP) undertake its review of the Members' Allowances Scheme for the new Leader and Cabinet system and make recommendations to Council at its meeting on 31 January 2019. The IRP be recommended to make recommendations to Council that keep the Scheme within the current budget; and**
- (vii) that the current Members' Allowances Scheme be extended to 5 May 2019.**

124 Provisional Calendar of Meetings for 2019/2023

The Council considered the submitted report setting out the proposed a four year calendar of meetings for the 2019 to 2023 term of office.

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

- (i) that subject to the Provisional Constitution for Leader and Cabinet System of Governance May 2019 – Constitution Working Party Recommendations being approved, the provisional calendar of meetings for 2019 to 2023, set out in Appendix 1 to the submitted report, be approved for final ratification at the Annual Council Meeting; and**
- (ii) that meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Head of Governance in consultation with the relevant Chairman/woman.**

125 Budget Monitoring 2018/19 - Quarter Two

The Council noted the submitted report on the high level budget summary of the Council's revenue and capital income and expenditure for quarter 2 of the 2018/19 financial year.

It was noted the revenue budget was predicting an overspend of £2.4 million primarily as a result of expenditure pressures in Children's Services. Members also noted the Capital Plan budget totalled £200 million for the 4 year programme, with £83 million scheduled to be spent in 2018/19, including £45 million on Investment Fund opportunities and £12 million on various regeneration projects.

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

Members noted the submitted report setting out the executive decision taken (Local List for Validating Planning Applications) to which the call-in procedure did not apply.

127 Adjournment

At this juncture the meeting was adjourned until 5.30 pm on Wednesday 5 December 2018.

Chairman of the Council, Councillor Doggett, in the Chair**128 Elected Mayor's Response to the Objection to Corporate Asset Management Plan**

Further to the Council meeting held on 18 October 2018, members considered the submitted report on the Mayor's response to the objections on the current Corporate Asset Management Plan in respect of reference to Nightingale Park.

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

that the Elected Mayor disagrees with the Council's objection and confirms that no changes should be made to the Corporate Asset Management Plan.

During the debate Councillor Darling (S) proposed and Councillor Long seconded an amendment (as set out below) to the motion and referred to a petition (approximately 179 signatures) supporting the amendment which had been handed to the Chairman:

that the Corporate Asset Management Plan be amended to include the former tip area adjacent to Browns Bridge (named as Nightingale Park) in the Corporate Asset Management Plan, detailing that it is to be protected for sports and leisure as identified in Torbay's Playing Pitch Strategy and the adopted Torbay Local Plan.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Brooks, Carter, Darling (M), Darling (S), Doggett, Hill, Kingscote, Lewis (B), Lewis (C), Long, Morey, Pentney, Robson, Sanders, Stockman, Stubbley, Sykes, Thomas (D), Tolchard and Tyerman (22); Against: Elected Mayor Oliver and Mills (2); Abstain: Councillors Amil, Excell, Haddock, O'Dwyer, Parrott and Stocks (6); and Absent: Councillors Bye, Ellery, King, Manning, Morris, Thomas (J) and Winfield (7). Therefore, as more than two-

thirds of members present and voting had cast their vote in support of the amendment, it was carried.

The amended (substantive) motion was then considered by members and as more than two-thirds of members present and voting had cast their vote in support, it was agreed by the Council as follows:

that the Corporate Asset Management Plan be amended to include the former tip area adjacent to Browns Bridge (named as Nightingale Park) in the Corporate Asset Management Plan, detailing that it is to be protected for sports and leisure as identified in Torbay's Playing Pitch Strategy and the adopted Torbay Local Plan.

129 Petition - PATH

In accordance with Standing Order A12, the Council received a petition objecting to the location of the charity PATH due to its impact on local residents and businesses (approximately 59 signatures).

At the invitation of the Chairman, Mr Richard Ambrose addressed the Council in relation to the petition.

It was noted that the petition would be referred to the Director of Adults and Housing for consideration in consultation with the Executive Lead for Children and Housing.

130 Public question time - Climate Change

In accordance with Standing Order A24, the Council heard from Ms Jo Corrall who had submitted a statement and question in relation to the commitment to reduce greenhouse gas emissions and the Council divesting funds from investments in the fossil fuel industry. The Elected Mayor responded to the statement and question that had been put forward, plus a supplementary statement from Ms Corrall.

131 Members' questions

Members received a paper detailing questions, 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 Elected Mayor Oliver and Councillors Bent, Excell, Haddock, Mills and Parrott and was circulated prior to the meeting.

Supplementary questions were put and answered by Elected Mayor Oliver and Councillors Bent, Excell, Haddock, Mills and Parrott, arising from their responses to the questions in respect of questions 1, 3, 5, 6, 7, 8, 9, 11 and 12.

132 Notice of Motion - The Mace at Council Meetings (Executive Notice of Motion) and Use of the Mace at Council Meetings (Liberal Democrat Notice of Motion)

The Council received two Notice of Motions in relation to the Mace at Council Meetings, notice of which was given in accordance with Standing Order A14. In

accordance with Standing Order A14.3(b), the motions were dealt with by this meeting. The Chairman advised that the second Notice of Motion received from the Liberal Democrat Group would be treated as an amendment to the first Notice of Motion received from the Executive.

Elected Mayor Oliver proposed and Councillor Mills seconded the Executive motion as set out below:

that this Council needs to make the necessary arrangements to ensure that in future the Mace is always present at all future Council meetings.

It is a long and established tradition and retains the linkage the authority has to the Monarchy which is part of the national structure of government in this country.

Councillor Pentney then proposed and Councillor Carter seconded the Liberal Democrat motion as an amendment to the Executive motion as follows:

1. This Council notes that we are one of around 20 Councils that face severe financial problems due to cuts by central Government of £76 Million to the budget in recent years.
2. This Council notes that, in the absence of the Mace or civil regalia at Council meetings, decisions made are valid and binding.
3. Since the 1st August, 2018, Torbay Council has introduced a ban on non-essential spending. Therefore, the security costs required for these Civic items, should be seen as non-essential spending.

In light of the above this Council agrees:

- (i) that the Mace and civic regalia are no longer used at Council meetings to ensure the Council is prioritising best use of its limited resources;
- (ii) that the Mace is only used at Annual Council meetings and Remembrance Sunday to represent the significance of these events; and
- (iii) that officers be instructed to amend the Constitution to reflect this decision.

The amendment was put to the vote and declared lost.

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

that this Council needs to make the necessary arrangements to ensure that in future the Mace is always present at all future Council meetings.

It is a long and established tradition and retains the linkage the authority has to the Monarchy which is part of the national structure of government in this country.

133 Notice of Motion - 60 and 65 Bus Services (Mayoral Decision)

Members considered a motion in relation to the suspension of the 60 and 65 bus services by the Torbay Community Development Trust, notice of which was given in accordance with Standing Order A14.

Councillor Long proposed and Councillor Darling (S) seconded the motion:

This Council notes with grave concern the announcement by the Torbay Community Development Trust concerning the suspension of the 60 and 65 bus services.

Torbay Council recognises the vital service that these bus services provide to frail and elderly residents providing a vital link to the hospital, and also to Torquay Town Centre.

Following the announcement of the suspension, residents have highlighted a number of issues. These include:

- buses breaking down regularly resulting in an unreliable service which may have put people off using the service resulting in a lack of income;
- vehicles having to be fixed regularly presumably at some cost;
- the lack of any meetings between the Torbay Community Development Trust and service users, resulting in a lack of communication about the serious financial situation that was developing. This lack of communication has negated any opportunity for users of the service to promote the service or fundraise for it;
- no communication by the Torbay Community Development Trust with Ward Councillors about the financial situation until the suspension announcement denying any opportunity to explore other funding opportunities;
- limited promotion of the bus services following the launch.

The Council calls on the Elected Mayor to establish an urgent Task and Finish Group to discover what has gone wrong and to explore potential funding solutions to sustain these vital services in the future both short term (so that the services can cover the vital Christmas period) and longer term.

In accordance with Standing Order A14.3(a), the motion stood referred to the Elected Mayor. The Elected Mayor rejected the motion and the reasons given along with his decision are set out in the Record of Decision attached to these Minutes.

134 Notice of Motion - Regeneration Investment in Torbay

The Council received a motion in relation to the funding for Town Centre Regeneration be moved to a general Regeneration Fund, to enable regeneration investment within the whole of Torbay, notice of which was given in accordance with Standing Order A14.

The Chairman announced that, in accordance with Standing Order A14.2(c), Councillors Robson and Tyerman had given notification that they wished to withdraw this motion.

135 Review of Polling Districts, Polling Places and Polling Stations 2018

As a result of the review by the Local Government Boundary Commission in 2017 of the electoral arrangements for Torbay (approved by Parliament in June 2018), the Council considered the recommendations of the Constitution Working Party on a review of Torbay's polling districts, polling places and polling stations (as set out in the submitted report).

Councillor Hill proposed and Councillor Thomas (D) seconded the motion, as set out below:

- (i) that the revised polling district and polling station scheme, as set out at Appendix 1 of the submitted report be approved; and
- (ii) that delegation be given to the Returning Officer to make any amendments to the scheme which may be required to facilitate the running of elections.

A Liberal Democrat amendment proposed by Councillor Darling (S) and seconded by Councillor Long was circulated prior to the meeting. During the debate, Councillor Hill and Councillor Thomas (D) accepted the amendment, which was then incorporated in the original motion and was agreed by the Council (unanimously) as set out below:

- (i) **that the revised polling district and polling station scheme, as set out at Appendix 1 be approved, subject to the proposed new polling district AE (made up of the current WC and WD polling districts), with polling station at Acorn Community Centre, being amended to create a new single polling district AF (incorporating properties at Dorchester Grove, Gloucester Close, Horace Road, Lichfield Avenue, Lincoln Green, Salisbury Avenue, Shrewsbury Avenue, Truro Avenue and Winchester Avenue) with the polling station for AF at Hele Road Baptist Church, Hele Road, Torquay; and**

- (ii) that delegation be given to the Returning Officer to make any amendments to the scheme which may be required to facilitate the running of elections.

136 Torquay Gateway Highways Improvement - Shiphay Lane Junction to Lowes Bridge Junction- Acquisition of Land - Compulsory Purchase Order

The Council considered the submitted report on proposals for a Compulsory Purchase Order for land required to ensure highway improvements for the Torquay Gateway Improvements scheme. It was noted the land related to the section of the scheme between Shiphay Lane and the Lowes Bridge junction, which was owned by Network Rail. The Compulsory Purchase Order would enable the land to be acquired if agreement with Network Rail could not be reached.

Councillor Excell proposed and Councillor Mills seconded a motion, which was agreed by the Council as set out below:

- (i) that negotiations with Network Rail, as landowner, for acquisition of the land required for the Torquay Gateway Highways Improvement – Shiphay Lane Junction to Lowes Bridge Junction Scheme be continued to completion and to acquisition by agreement when possible;
- (ii) that authority be delegated to the Director of Corporate Services to make a Compulsory Purchase Order for the land required for the Torquay Gateway Improvement Scheme affecting land adjacent to the A3022 Newton Road in accordance with the following:-

that Torbay Council makes a Compulsory Purchase Order under sections 239, 240, 249, 250 and 260 of the Highways Act 1980 for the acquisition of all interests in the land (except those already owned by the Council) and new rights within areas shown (shaded pink for areas of land in respect of which all interests are to be acquired and shaded blue for the areas over which new rights are to be acquired) on plan number (insert new) attached as Appendix 1 to the submitted report for the purpose of highway improvement.

- (iii) subject to approval of (ii) above, that the Director of Corporate Services be authorised to:-
 - a) take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry;

- b) to acquire interests in land and new rights within the Compulsory Purchase Order either by agreement or compulsorily; and
 - c) approve agreements with the land owner setting out terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land or new rights from the Order; and
- (iv) that detailed design and preparation of proposals continue for the highway improvement scheme in order that a scheme can be implemented following acquisition of all required sections of land.

137 Torbay Council's Housing Rental Company

The Council considered the submitted report on recommendations of the Housing Committee on a proposed merger of the Housing Rental Company (RentCo) into the TDA (or a subsidiary of the TDA) to enable affordable housing schemes to be delivered at pace.

Councillor Stocks proposed and Councillor Thomas (D) seconded a motion, which was agreed by the Council as set out below:

that Council approves the recommendations from Housing Committee:

- (i) that in principle there appear to be clear benefits in merging the Housing Rental Company (RentCo) into the TDA, or a subsidiary of the TDA to enable relevant affordable housing schemes to be delivered at pace; and
- (ii) that the principle of merging the Housing Rental Company (RentCo) into the TDA, or a subsidiary of the TDA be approved, subject to further due diligence and a detailed commissioning agreement.
- (iii) that the Assistant Director of Business Services be authorised to undertake further due diligence and, if appropriate, finalise a detailed commissioning agreement with the TDA for the delivery of affordable housing schemes, in consultation with the Executive Lead for Children and Housing, the Chairman of the Housing Committee and the Section 151 Officer.

138 Update on Affordable Housing Schemes - Redwell Lane, Totnes Road and St Kildas

The Council received and noted an update on the progress of the three housing sites at Redwell Lane, Totnes Road and St Kildas, as set out in the submitted report.

Chairman

Elected Mayor's Response to Notice of Motion - 60 and 65 Bus Services**Decision Taker**

Elected Mayor on 5 December 2018

Decision

- (i) that the motion be rejected for the reasons given below;
- (ii) that it be noted that Torbay Council is continuing to work with the Torbay Community Development Trust (TCDT) and other operators to look at all viable options for providing a service to replace the 60 and 65 buses including looking at models such as the door to door bus service model operated through ageing well by the Wellswood and Torwood Community Partnership (<https://ageingwelltorbay.com/2018/04/24/door-to-door-bus-service-launch/>);
- (iii) that it be noted that the approval of the Transport Commissioner is required for any operator to commence or withdraw a bus route; and
- (iv) that, in considering viable options in (ii) above the Elected Mayor, in consultation with Chief Finance Officer, will consider appropriate funding sources including the potential use of the Better Bus Grant.

Reason for the Decision

The original operator (Local Link) for the 60 and 65 bus services withdrew from these services as they were not commercially viable. Following consideration of a business case the Council agreed to provide capital funding to the Torbay Community Development Trust (TCDT) to provide these and the 67 bus service in February 2018. The TCDT have since notified that they are operating at a £60,000 loss due to difficulties with the maintaining the buses and lower than anticipated income from the service. This has demonstrated that the current model is not viable and therefore an alternative model needs to be found to enable the residents affected by the proposed cessation of the services access to transport.

Implementation

This decision will come into force and may be implemented on 18 December 2018 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

At the Council meeting held on 5 December 2018, Council received the following motion, notice of which had been given in accordance with Standing Order A14 by Councillors Long and Darling (S) as set out below:

“This Council notes with grave concern the announcement by the Torbay Community Development Trust concerning the suspension of the 60 and 65 bus services. Torbay Council recognises the vital service that these bus services provide to frail and elderly residents providing a vital link to the hospital, and also to Torquay Town Centre.

Following the announcement of the suspension, residents have highlighted a number of issues. These include:

- Buses breaking down regularly resulting in an unreliable service which may have put people off using the service resulting in a lack of income;
- Vehicles having to be fixed regularly presumably at some cost;
- The lack of any meetings between the Torbay Community Development Trust and service users, resulting in a lack of communication about the serious financial situation that was developing. This lack of communication has negated any opportunity for users of the service to promote the service or fundraise for it;
- No communication by the Torbay Community Development Trust with Ward Councillors about the financial situation until the suspension announcement denying any opportunity to explore other funding opportunities;
- Limited promotion of the bus services following the launch.

The Council calls on the Elected Mayor to establish an urgent Task and Finish Group to discover what has gone wrong and to explore potential funding solutions to sustain these vital services in the future both short term (so that the services can cover the vital Christmas period) and longer term.”

In accordance with Standing Order A14.3(a), the motion stood referred to the Elected Mayor.

The Elected Mayor responded to the motion at the meeting 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

10 December 2018

Signed: _____
The Elected Mayor of Torbay

Date: 10 December 2018