



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

20 July 2017

-: Present :-

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

The Mayor of Torbay (Mayor Oliver)

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

51 Opening of meeting

The meeting was opened with a short period of reflection.

52 Apologies for absence

Apologies for absence were received from Councillors Kingscote, Lewis (B) and Lewis (C) for the first part of the meeting; and Councillors Morris, Stringer and Stublely for the whole meeting. Councillor Bye arrived during the first part of the meeting.

53 Minutes

The Minutes of the extraordinary meetings of the Council held on 13 and 22 June 2017 were confirmed as correct records and signed by the Chairwoman.

54 Declarations of interests

Councillor Thomas (D) declared a pecuniary interest in respect of Minute 63.

55 Communications

The Chairwoman referred to the ceremony for the return of the Honorary Freedom of the Borough by HMS Torbay which was held on 19 July 2017. The Honorary Freedom of Torbay gave the crew of HMS Torbay the right and honour to march through the Borough bearing arms. The title was returned as the submarine had been decommissioned.

The Mayor congratulated Mike Newman, one of the co-founders of the Speed of Sight charity, for attempting to break the world record for the blind water speed record in Torbay, along with co-driver Drew Langdon, in the powerboat 'Silverline'. The Mayor outlined previous Guinness World Records for blind speed records set by Mr Newman who had been blind since birth.

56 Members' questions

Members received a paper detailing questions, as set out at Appendix 1 to these minutes, 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 Councillors Excell, King, Mills and Parrott.

Supplementary questions were put and answered by Councillors Excell, King and Mills, arising from their responses to the questions in respect of questions 1, 2, 3, 5, 7 and 9.

57 Adult Social Care - Local Account and Multi-Agency Safeguarding

Members considered the submitted report which set out the achievements for local people in relation to adult social care and outlined the level of performance for the last financial year, together with commitment to service delivery. The report also detailed the multi-agency approach to adult safeguarding.

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

that the Local Account set out in Appendix 1 to the submitted report be approved and that the multi agency safeguarding annual report set out in Appendix 2 to the submitted report be approved.

58 Review of Torbay Council Investment Fund Strategy

The Council considered a further review of the Investment Fund Strategy (as set out in the submitted report) in light of lessons learned from previous investments. The report also set out the recommendations of the Mayor and the Investment Committee on the level of the Investment Fund.

The Chairwoman reported that the Mayor had published a revised Record of Decision on 20 July 2017 which supported the Investment Committee's recommendations.

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

that the Council be recommended to approve the revised Investment Fund Strategy, including the additional £50m for the Investment Fund (making a total of £100m) to be funded from prudential borrowing (when required), set out in Appendix 1 to the submitted report.

During the debate Councillor Tyerman proposed and Councillor Robson seconded an objection to the motion as follows:

that the Council formally objects to the adoption of the revised Investment Fund Strategy on the basis that:

1. The amount of money within the Investment Fund should be substantially increased beyond that recommended by the Mayor and the Investment Committee to enable the Council to realistically meet its goal of increasing revenue in support of the Council's budget; and
2. The level of authority delegated to the Investment Committee be substantially increased to support the ability to properly investigate opportunities and make timely decisions to be able to respond to the market. This will also provide a more efficient governance mechanism for effective decision-making.

In accordance with the Constitution at F4.9, the Council therefore requires the Mayor to consider this objection by 28 July 2017 and either:

- a) submit a revision of the Investment Fund Strategy with the reasons for any amendments to the Council for its consideration; or
- b) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.

The objection was put to the vote and declared carried. The Mayor would consider the objection and publish his response by 28 July 2017 for consideration at the Council meeting on 13 September 2017.

(Note 1: Councillor Bye joined the meeting during consideration of this item.)

(Note 2: In accordance with Standing Order A19.6, Councillor Haddock requested his abstention from voting on the objection to be recorded.)

59 Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust and Better Care Fund

The Council received the submitted report on the Annual Strategic Agreement (ASA) 2017/2018 which set out the way in which Torbay Council and South Devon and Torbay Clinical Commissioning Group (CCG) commissioned services from the Torbay and South Devon NHS Foundation Trust (the Trust) for those requiring adult and social care support. The report had been updated from that presented to Council on 23 February 2017 and also included performance commitments and the approach to the (Improved) Better Care Fund.

Members also received details of the revised Risk Share Agreement following notice of withdrawal from the Risk Share Agreement by Torbay and South Devon NHS Foundation Trust in December 2016 (as set out in the submitted report).

A revised officer recommendation was circulated prior to the meeting.

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

that, subject to all parties namely Torbay Council, Torbay and South Devon NHS Foundation Trust and South Devon & Torbay Clinical Commissioning Group agreeing the Risk Share Agreement as set out in Appendix 2 to the submitted report, or in the alternative the control mechanisms as set out being implemented;

- (a) that the Director of Adult Social Care be given delegated authority to enter into a revised risk share agreement with Torbay and South Devon NHS Foundation Trust and South Devon and Torbay Clinical Commissioning Group, on the basis of Appendix 2, with any minor variations being agreed in consultation with the Mayor, Executive Lead for Adults and Children, and Group Leaders; and**
- (b) that the Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust set out at Appendix 1 to the submitted report be approved, including the approach to funding the same as set out in Appendix 2.**

60 Transformation Project - Modernisation of the CCTV System

Following the decision of the Council on 25 February 2016 for prudential borrowing to be used to upgrade and update the Council's CCTV equipment, members received the submitted report setting out options to modernise the CCTV system.

The report of the Overview and Scrutiny Board supporting the officer recommendations was circulated prior to the meeting.

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

- (i) that the decision of the Council in February 2016 that prudential borrowing of £0.350 million to upgrade and update the Council's CCTV equipment be approved, with the cost of borrowing to be included in future year revenue budgets offset by any future external contributions and any resulting revenue savings, be reconfirmed;**
- (ii) that the installation of a wireless-based CCTV system for Torbay, in one phase, along with a modern control system and**

replacement of the PTZ cameras (i.e. Option 4 set out in Appendix 1 to the submitted report) be approved; and

- (iii) that it be accepted that the ongoing revenue costs of providing the new CCTV system will be up to £200,000 per annum for ten years, though this figure is likely to decrease over time with further income being achieved.

61 Adjournment

At this juncture the meeting was adjourned until 5.30 pm on Thursday 20 July 2017.

62 Vote of No Confidence in the Mayor

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

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

that this Council has no confidence in the elected Mayor, Gordon Oliver. Such lack of confidence has arisen for numerous reasons including inter alia:

1. **The Local Government Association in their Corporate Peer Review advised of their governance concerns in respect of the following:**
 - i. **There are tensions at a senior level politically that has real implications for the leadership of the Council;**
 - ii. **There was a lack of a consistent political purpose; and**
 - iii. **That unless concerns were addressed the Council would continue to be held back and have real implications.**

It is the Council's view that the Mayor has failed to respond appropriately to the governance concerns as raised by the Local Government Association and consider this to be a dereliction of the Mayor's duties in serving the interests of the people of Torbay;

2. **On 3 July 2017 the Monitoring Officer issued a Monitoring Officer Report pursuant to s.5 Local Government and Housing Act 1989. The report sets out that the Mayor has sought to make a decision that is unlawful, as it is ultra vires, despite clear advice in this respect having been provided to him. It is the Council's view that such behavior by the Mayor demonstrates a complete disregard as to the limitations placed upon him by Council, a belief that as Mayor that he can do as he wishes. As such this is considered to**

be a dereliction of the Mayor's duties in serving the interests of the people of Torbay;

3. The Local Government Association in their Corporate Peer Review advised of their concerns in respect of the Council's financial position as follows:
 - i. That more must be done in order to bring forward budget proposals and/or accelerate them and de-risk them to ensure delivery;
 - ii. That the predicted budget gap was highly concerning and that the efficiency plan and financial resilience of the Council needed to be urgently reviewed; and
 - iii. That the financial demands were such that they advised that there should be a separate Executive Lead for Finance.

It is the Council's view that the Mayor has failed to respond appropriately to the financial concerns as raised by the Local Government Association and consider this to be a dereliction of the Mayor's duties in serving the interests of the people of Torbay;

4. Over the last two years the Mayor has consistently failed to obtain the support of Council for a large number of Policy Framework proposals, which have in most instances been substantially altered by Council resolution. His most recent revenue and capital budgets have been significantly amended by Council, and he has failed to receive support from Council for numerous proposals brought by him and his Executive. This demonstrates that the Mayor has lost touch with the will of Council, and is therefore considered a dereliction of the Mayor's duties in serving the interests of the people of Torbay;
5. That at the closure of the meeting of the Policy Development and Decision Group (Joint Operation Team) on 18 May 2017 the Mayor, together with other members of the Executive, left the room prior to the commencement of the Policy Development and Decision Group (Joint Commissioning Team) scheduled to commence at the rising of the previous meeting. As a consequence the meeting was not quorate resulting in the deferment of agenda items, which included important issues related to children with learning difficulties (Autism Framework) and access for children with disabilities (Accessibility Strategy), which are clearly important for the residents of Torbay. This is considered a dereliction of the Mayor's duties in serving the interest of the people of Torbay, and the failure to cancel the meetings in the knowledge that he would not be attending demonstrates a lack of common courtesy to members and officers of the Council and the residents of Torbay;

6. That the Mayor did not attend the Policy Development and Decision Group (Joint Operations Team) or the Policy Development and Decision Group (Joint Commissioning Team) scheduled for 19 June 2017. These meetings were due to consider matters important to the residents of Torbay, including the previous items held over from the May meeting where no decisions had been taken in respect of the Joint Commissioning Team meeting. Again the meetings were not quorate and items on the agenda were not able to be considered. Apologies had been received from the Mayor who was attending a civic occasion at which the Council could have been adequately represented by the Chairwoman. For the Mayor to prioritise such a civic occasion above decision making is considered to be a further dereliction of the Mayor's duties in serving the interest of the people of Torbay, and the failure to cancel the meetings in the knowledge that he would not be attending demonstrates a lack of common courtesy to members and officers of the Council and the residents of Torbay;
7. That at the Council meeting held on 22 June 2017 the Mayor tabled, only minutes before the meeting started, an Executive motion to the effect that the Council declare that the Palace Theatre in Paignton be declared surplus to requirements and should be sold. It is noted that as part of the 2017/18 budget approval the future of the Palace Theatre was considered and subsequently determined that the Council would seek an external partner to secure its future as a community theatre. The tender process produced one compliant bid and the officer recommendation, which was supported by the Executive Lead for Tourism, Culture and Harbours, was that negotiations continue with the preferred bidder to effect the transfer of the Palace Theatre under a ten year lease to a new Community Interest Company. It is noted that no consultation had taken place with the community on the Mayor's proposal, which would be a matter of significant public interest and that no notice had been given to the public that such an idea was being contemplated. It is believed that during the course of debate it was apparent that the Mayor had limited understanding of the officer and Executive Lead's recommended proposal. It is considered that the Mayor's motion was ill conceived and lacking an understanding of the views of members as evidenced by only the Mayor and Deputy Mayor supporting his proposal. As such this is considered a further dereliction of the Mayor's duties in that the Mayor showed a total disregard for officers, members and the residents of Torbay in both the content and manner of introduction of his proposals and failed to act in a manner consistent with serving the best interests of the residents of Torbay; and
8. That at the Council meeting held on 2 February 2017 the Mayor, having declared an interest and absented himself from one

agenda item, did not return to the meeting when it considered subsequent agenda items. Further that the Mayor has only attended one of the last three Council meetings, failing to attend on 10 May 2017 and 13 June 2017. It is further noted that the Mayor has only attended two of the last five scheduled monthly Meetings of the Mayor and Group Leaders, and has failed to engage in all but one of the recently re-established Strategic Partnership meetings. All of these are considered a pattern of dereliction of the Mayor's duties in serving the interests of the people of Torbay.

The Council has no confidence in the Mayor and the level of commitment shown by him in carrying out the duties required of him as elected Mayor of Torbay. The Council calls on the Mayor to resign as elected Mayor of Torbay by 10am on Monday 24 July 2017.

That if the Mayor does tender his resignation, the Chief Executive be instructed to seek permission from DCLG to introduce with immediate effect the leader and cabinet governance model chosen by the population of Torbay in a referendum held on 5 May 2016.

That if the Mayor does not tender his resignation, the Chief Executive be instructed to make representations to DCLG and the LGA requesting that they explore:

1. how the Mayoral term can be reduced in order to move at the earliest opportunity to the leader and cabinet governance model chosen by the population of Torbay in the referendum held on 5 May 2016; and/or
2. how the Mayoral influence/decision making can be minimised during the remainder of his period in office.

A recorded vote was taken on the motion. The voting was taken by roll call as follows: For: Councillors Barnby, Darling (M), Ellery, Hill, Kingscote, Lewis (B), Lewis (C), Manning, Morey, O'Dwyer, Pentney, Robson, Stockman, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (19); Against: Mayor Oliver, Councillors Amil, Bye, Haddock, King, Mills and Parrott (7); Abstain: Councillors Bent, Brooks, Carter, Darling (S), Doggett, Excell, Sanders and Stocks (8); Absent: Councillors Morris, Stringer and Stubbley (3). Therefore, the motion was declared carried.

63 Torbay Air Show

Members received details of the outcome of the Torbay Air Show 2017 and a revised financial proposal to support the Air Show in future years for the benefit of Torbay's economy (as set out in the submitted report).

The recommendations of the Overview and Scrutiny Board and a revised officer recommendation were circulated prior to the meeting.

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

- (i) that the Council amends its existing commitment and makes a new five year funding commitment to develop the Torbay Airshow with a maximum commitment of up to £100,000 for year 1 (2018); year 2 reducing to £90,000; in year 3 £81,000; in year 4 £73,000; and in year 5 £66,000. These figures represent a 10% reduction year on year in the Council's investment in the Airshow. Whilst this commitment provides financial stability, in order to achieve best value for the Council it will deem this to be financially successful if the reduction in funding can be increased further to 20% per year and that actual performance is to be measured against both these targets; and
- (ii) that the Torbay Airshow Working Party be instructed to consider how the Airshow can provide an opportunity to create greater benefits which support the Council's broader corporate objectives (including providing opportunities for the Council's Looked After Children) and its terms of reference be updated accordingly.

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

- (i) that the Council notes that targets had been determined by the Council at its meeting on 21 July 2016 as follows: 2016 actual £250,000 loss; 2017 £100,000 loss; 2018 £70,000 loss; 2019 £41,000 loss; and 2020 £9,000 profit. Therefore, the Council reaffirms its original decision as follows:

that the Council makes a three year funding commitment to develop the Torbay Air Show in accordance with the proposal in Appendix 3 of the submitted report to be funded as part of the 2017/18 budget development with future years built into the Medium Term Resource Plan.

Arising from the debate on the amendment and in accordance with Standing Order A16.8(b), Councillor Pentney agreed with Councillor Carter to make changes to the amendment as follows:

- (i) that the Council notes that targets had been determined by the Council at its meeting on 21 July 2016 as follows: 2016 actual £250,000 loss; 2017 £100,000 loss; 2018 £70,000 loss; 2019 £41,000 loss; and 2020 £9,000 profit.

that the Council makes a five year commitment of officer time to develop the Torbay Air Show in accordance with the proposal determined by the Council on 21 July 2016.

The amendment was put to the vote and declared lost.

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

- (i) **that the Council amends its existing commitment and makes a new five year funding commitment to develop the Torbay Airshow with a maximum commitment of up to £100,000 for year 1 (2018); year 2 reducing to £90,000; in year 3, £81,000; in year 4 £73,000; and in year 5 £66,000. These figures represent a 10% reduction year on year in the Council's investment in the Airshow. Whilst this commitment provides financial stability, in order to achieve best value for the Council it will deem this to be financially successful if the reduction in funding can be increased further to 20% per year and that actual performance is to be measured against both these targets; and**
- (ii) **that the Torbay Airshow Working Party be instructed to consider how the Airshow can provide an opportunity to create greater benefits which support the Council's broader corporate objectives (including providing opportunities for the Council's Looked After Children) and its terms of reference be updated accordingly.**

(Note: Prior to consideration of Minute 63, Councillor Thomas (D) declared his pecuniary interest and withdrew from the meeting.)

64 Review of Electoral Arrangements - Submission by Torbay Council on Warding Patterns

Further to Council Minute 161/2/17, members considered the submitted report on the Council's consultation response to the Local Government Boundary Commission for England's (LGBCE) formal review of the proposed warding patterns for Torbay from 2019. It was noted the consultation was based on an indicative number of Councillors for Torbay of 36 and where possible ensuring there was an equal number of electors per Councillor across Torbay.

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

- (i) that the Proposed Changes to Warding Patterns – Submission by Torbay Council set out in Appendices 1 and 5 to the submitted report be approved for submission to the Local Government Boundary Commission for England;
- (ii) that the Assistant Director Corporate and Business Services be requested to redraw the 15 Ward maps using GIS to show the changes to the warding patterns reflected in Appendices 1 and 5 to the submitted report; and
- (iii) that the Assistant Director Corporate and Business Services be authorised to make any technical amendments to address any anomalies identified when redrawing the Ward maps.

During the debate Councillor Morey proposed and Councillor Kingscote seconded an amendment to the motion as follows:

that the submitted report on the Review of Electoral Arrangements – Submission by Torbay Council on Warding Patterns be deferred to an extraordinary meeting of the Council, to be arranged in August 2017 and prior to the LGBCE deadline of 14 August 2017, to allow time for further consideration and co-operation between members in an attempt to achieve a proposal that is widely supported.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Bent, Carter, Darling (M), Darling (S), Doggett, Ellery, Excell, Hill, Kingscote, Morey, O'Dwyer, Parrott, Pentney, Sanders, Stockman, Stocks, Sykes and Tolchard (18); Against: Councillors Amil, Barnby, Bye, Haddock, King, Lewis (B), Lewis (C), Manning, Mills, Robson, Thomas (D), Tyerman and Winfield (13); Abstain: Mayor Oliver, Councillors Brooks and Thomas (J) (3); Absent: Councillors Morris, Stringer and Stubley (3). Therefore, the amendment was declared carried.

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

that the submitted report on the Review of Electoral Arrangements – Submission by Torbay Council on Warding Patterns be deferred to an extraordinary meeting of the Council, to be arranged in August 2017 and prior to the LGBCE deadline of 14 August 2017, to allow time for further consideration and co-operation between members in an attempt to achieve a proposal that is widely supported.

65 Children's Services Alternative Delivery Model

The Council considered the Chief Executive's report, as Head of Paid Service, on a proposal to develop an alternative delivery model for Torbay Children's Services. The submitted report set out the details of proposals to develop alternative delivery models that commenced in January 2016 and prior to the Ofsted inspection which judged services to be inadequate. It was noted that, as a result of the judgement, a Statutory Direction issued by the Department for Education (DfE) in May 2016 appointed a Commissioner to challenge and support the work of the Council to address the failures identified by Ofsted. The Commissioner was also tasked to explore the extent to which sustained improvement may be secured through different models of governance and service delivery. The submitted report set out the recommendations of the Commissioner to the DfE for Torbay's Children's Services to partner with Plymouth City Council and details of other partnering arrangements explored.

Councillor Parrott proposed and Councillor Barnby seconded a motion as set out below:

that Council gives delegated authority to the Chief Executive and Director of Children's Services, in consultation with the Executive Lead for Adults and Children's Services, to develop a detailed partnership agreement for the future delivery of Children's Services in accordance with the Statutory Direction. The Statutory Direction requires the Council to comply with the Commissioner, and his current recommendation for a future partner for Children's Services is Plymouth City Council. On the basis that final proposals are presented to Council for approval in September 2017.

During the debate Councillor Thomas (D) and Councillor Thomas (J) seconded an amendment to the motion as follows:

that Council gives delegated authority to the Chief Executive and Director of Children's Services, in consultation with the Executive Lead for Adults and Children's Services, to develop a detailed partnership agreement for the future delivery of Children's Services in accordance with the Statutory Direction. The Statutory Direction requires the Council to comply with the Commissioner, and his current recommendation for a future partner for Children's Services is Plymouth City Council. ~~On the basis that final proposals are presented to Council for approval in September 2017.~~

At this juncture, the Monitoring Officer advised that a letter had been received from John Coughlan, the Commissioner on behalf of the Department for Education, on 20 July 2017, which was then circulated at the meeting (attached to these minutes). The Chairwoman allowed a short adjournment to allow members to read the letter. The meeting then reconvened.

During the debate, Councillor Parrott and Councillor Barnby accepted the amendment, which was then incorporated in the original motion.

During the debate Mayor Oliver proposed and Councillor Haddock seconded an amendment to the updated motion as follows:

that the Chief Executive and the Director of Children's Services, in consultation with the Executive Lead for Adults and Children's Services, undertake a review of wider services in Torbay to identify a long-term improvement partner for vulnerable children and young people in Torbay, which includes exploring options with Plymouth City Council and Devon County Council.

Councillor Darling proposed and Councillor Carter moved a procedural motion to move to the vote which was carried.

The amendment was put to the vote and declared lost.

Councillor Parrott's and Councillor Barnby's updated motion was then put to the vote and was agreed by the Council as set out below:

that Council gives delegated authority to the Chief Executive and Director of Children's Services, in consultation with the Executive Lead

for Adults and Children's Services, to develop a detailed partnership agreement for the future delivery of Children's Services in accordance with the Statutory Direction. The Statutory Direction requires the Council to comply with the Commissioner, and his current recommendation for a future partner for Children's Services is Plymouth City Council.

66 Duration of Meeting

At this juncture, the Monitoring Officer advised that the meeting had exceeded four hours in duration and, in accordance with Standing Order A11.2, the Chief Executive had indicated that item 16 (Mayor's response to objection to the transformation project – Generating income through Housing Policy Framework document) must be transacted at the meeting. Therefore, the meeting continued.

67 Mayor's Response to Objection to the Transformation project - Generating income through Housing Policy Framework Document

Further to the Council meeting held on 22 June 2017, members considered the submitted report on the Mayor's response to the objections raised by the Council on the Mayor's proposed Housing Companies Policy Framework document.

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

the Mayor disagrees with the Council's objection and confirms his original recommendation to Council as set out below:

that the Housing Company Policy Framework document set out at Appendix 2 to the submitted report be approved.

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

- (i) that the Housing Rental Company Policy Framework document, as set out in Appendix 1 to the amendment published on 19 July 2017, be approved;
- (ii) that a Housing Rental Company Committee be created, with the Terms of Reference as set out in Appendix 2 to the amendment published on 19 July 2017, consequently all of the reserved matters for the Housing Rental Company will be decided by the Committee. The Committee to comprise of six Members and that the Special Responsibility Allowance (SRA) for the Chairman of the Committee be £3,405 subject to consultation with the Independent Remuneration Panel;
- (iii) that Council allocate up to £50,000 from the Transformation Budget to enable an overarching business plan and individual business cases for the Housing Rental Company to be prepared;

- (iv) that, in principle, the Council grant to the Housing Rental Company working capital of £250,000 in the form of a loan, the terms of which to be agreed by the Head of Finance including any timing and value of drawdown against this amount in accordance with detailed business cases being presented to the Housing Rental Company Committee.
- (v) that Council approve £25m of Prudential Borrowing, in principle, to facilitate the work of the Housing Rental Company, in the form of a loan for a capital purpose. Detailed business cases are required to be presented to the Housing Rental Company Committee for approval, in order to trigger any draw down against this amount. The terms of the loan to be determined at the point of draw down by the Head of Finance;
- (vi) that the Director of Adults and Transformation be given delegated authority to appoint the Directors of the Housing Rental Company; and
- (vii) The Council Asset Management Plan be amended so as to include the following:

Where the Council proposes to dispose of land of any value to the Housing Rental Company these shall be decisions for Full Council to take as part of the approval of each Business Case

The amendment was put to the vote and 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:

- (i) that the Housing Rental Company Policy Framework document, as set out in Appendix 1 to the amendment published on 19 July 2017, be approved;**
- (ii) that a Housing Rental Company Committee be created, with the Terms of Reference as set out in Appendix 2 to the amendment published on 19 July 2017, consequently all of the reserved matters for the Housing Rental Company will be decided by the Committee. The Committee to comprise of six Members and that the Special Responsibility Allowance (SRA) for the Chairman of the Committee be £3,405 subject to consultation with the Independent Remuneration Panel;**
- (iii) that Council allocate up to £50,000 from the Transformation Budget to enable an overarching business plan and individual business cases for the Housing Rental Company to be prepared;**

- (iv) that, in principle, the Council grant to the Housing Rental Company working capital of £250,000 in the form of a loan, the terms of which to be agreed by the Head of Finance including any timing and value of drawdown against this amount in accordance with detailed business cases being presented to the Housing Rental Company Committee.
- (v) that Council approve £25m of Prudential Borrowing, in principle, to facilitate the work of the Housing Rental Company, in the form of a loan for a capital purpose. Detailed business cases are required to be presented to the Housing Rental Company Committee for approval, in order to trigger any draw down against this amount. The terms of the loan to be determined at the point of draw down by the Head of Finance;
- (vi) that the Director of Adults and Transformation be given delegated authority to appoint the Directors of the Housing Rental Company; and
- (vii) The Council Asset Management Plan be amended so as to include the following:

Where the Council proposes to dispose of land of any value to the Housing Rental Company these shall be decisions for Full Council to take as part of the approval of each Business Case

Chairwoman

This page is intentionally left blank

Questions Under Standing Order A13

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

<p>Question (1) by Councillor Darling (S) to the Executive Lead for Community Services (Councillor Excell)</p>	<p>In an article in the Herald Express on 28 June 2017 it was suggested that the “thin blue line stretched to breaking point” In light of pressures on the police what assurance can you offer me that Devon & Cornwall Police are actively recruiting posts in Torbay and not leaving positions vacant?</p>
<p>Councillor Excell</p>	<p>Response from Superintendent Jacqui Hawley:</p> <p>“Aligned to the PCC’s commitment to increase police officer numbers to 3000, Devon & Cornwall Police are currently recruiting police officers and seeking to attract more experience officers to fill specific skills vacancies as transferees from other forces. South Devon LPA are actively recruiting student officers, who once trained are posted to Torbay Response. South Devon LPA also seeks to attract a number of detectives as transferees to fill vacancies within our Crime Investigation Teams. There is no desire to hold vacancies against our current post profile and the LPA Commander will continue to lobby the Force to ensure future resource allocation matches demand.”</p>
<p>Question (2) by Councillor Darling (M) to the Executive Lead for Transport, Planning and Housing (Councillor King)</p>	<p>Many residents have lost confidence in our waste and recycling system. What definitive date can we expect a normal service to resume?</p>
<p>Councillor King</p>	<p>There has been an intense period of work undertaken by Torbay Council with our delivery partner TOR2. As a result of this TOR2 now have a stable position delivering the recycling and waste collection services to the residents of Torbay and we expect this position to be maintained.</p>
<p>Question (3) by Councillor Stocks to the Executive Lead for Health and Wellbeing and Corporate Services (Councillor Mills)</p>	<p>Can you please advise me how Children’s Services outcomes have been built into the appraisals for all the senior management team across Torbay Council?</p>
<p>Councillor Mills</p>	<p>Currently the Corporate Senior Leadership Team are kept apprised of Children’s Services outcomes and improvement plan on a regular basis, allowing them to identify areas of support, synergies and for cascade into their own management teams, thereby ensuring Council wide support for Children’s Services outcomes, rather than through the appraisal process. However appraisals for Children Services Management Teams provides significant focus on Children’s Services outcomes and the improvement journey.</p>

Question (4) by Councillor Doggett to the Executive Lead for Community Services (Councillor Excell)	I understand that drainage works are planned this summer on the sports pitches at Clennon Valley. When will these works commence?
Councillor Excell	The Authority is in the process of undertaking a competitive tender in respect of drainage work at Clennon Valley. The submission date for the contract to start evaluation is 28th July 2017. Until the evaluation has taken place and subject to contract terms and conditions the start date of the contract is as yet unknown.

Second Round

Question (5) by Councillor Darling (S) to the Executive Lead for Transport, Planning and Housing (Councillor King)	How helpful is it that when residents attempt to report anti-social behaviour by phone they are advised to report it on line by the phone system and are left no alternatives to this?
Councillor King	<p>The phone messages have been changed in the last few months. This has been to channel shift as much as possible to enable the remaining calls to have a priority 1 setting, which along with Registrars are the highest priority.</p> <p>Web reporting is utilised to enable the most effective use of front and back office resources. The web offers information 24/7 and the facility for customers to report/enquiry on-line at a time to suit them. With limited local authority capacity, if customers that can complete on-line forms do, then it enables the remaining call centre staff to answer other calls from customers as promptly as possible. The forms are designed to capture all the information that the back office requires to deal with the enquiry without having to contact the customer for further information.</p> <p>In assessing ASB and noise complaints, evidence is required from the person being affected to enable the local authority to assist. This information is requested at the earliest opportunity to enable an assessment to be undertaken promptly. This is facilitated through the new adaptations to the web and introduction of the noise app.</p> <p>The scripts and call centre messages have been reviewed. The current recorded message states:</p> <p><i>'Reports or enquires about anti-social behaviour including Neighbour nuisance, bonfires and pollution, abandoned vehicles and general anti-social behaviour are now made online on our new improved customer friendly website, Noise Nuisance can be reported using the new APP that you can download to your smartphone, information can be found on our website under the Noise Toolkit section. Log on to torbay.gov.uk/asb 24 hours a day, 7 days a week where you can also chase progress of any previous report made. Please be aware if you consider yourself to be in any danger you should always report this matter immediately to the police by calling 999. This message will now repeat for your convenience and then terminate. Thank you for calling.'</i></p>

	<p>If the customer holds after the initial message their call will be answered and dealt with, this however is not clear from the current message. As such the final line of the recorded message has been changed to make it clear that they speak to a customer service advisor if they do not have the ability to access the resources provided on line.</p> <p>Kiosks that display the website are located in Torquay and Brixham Libraries for self-service. Kiosks are also sited in Paignton Connections where assistance from CSA's is available if required.</p>																												
<p>Question (6) by Councillor Darling (M) to the Executive Lead for Transport, Planning and Housing (Councillor King)</p>	<p>Over the last 12 months what charges have the Council raised against TOR2 for failing the waste and recycling contract? I would like these figures on a month by month basis.</p>																												
<p>Councillor King</p>	<table border="1"> <thead> <tr> <th>Month</th> <th>Amount Deducted</th> </tr> </thead> <tbody> <tr> <td>May 2017</td> <td>£8910.00</td> </tr> <tr> <td>April 2017</td> <td>£4620.00</td> </tr> <tr> <td>March 2017</td> <td>£5830.00</td> </tr> <tr> <td>February 2017</td> <td>£3410.00</td> </tr> <tr> <td>January 2017</td> <td>£8470.00</td> </tr> <tr> <td>December 2016</td> <td>£5940.00</td> </tr> <tr> <td>November 2016</td> <td>£3190.00</td> </tr> <tr> <td>October 2016</td> <td>£2420.00</td> </tr> <tr> <td>September 2016</td> <td>£0.00</td> </tr> <tr> <td>August 2016</td> <td>£0.00</td> </tr> <tr> <td>July 2016</td> <td>£0.00</td> </tr> <tr> <td>June 2016</td> <td>£0.00</td> </tr> <tr> <td>TOTAL</td> <td>£42790.00</td> </tr> </tbody> </table>	Month	Amount Deducted	May 2017	£8910.00	April 2017	£4620.00	March 2017	£5830.00	February 2017	£3410.00	January 2017	£8470.00	December 2016	£5940.00	November 2016	£3190.00	October 2016	£2420.00	September 2016	£0.00	August 2016	£0.00	July 2016	£0.00	June 2016	£0.00	TOTAL	£42790.00
Month	Amount Deducted																												
May 2017	£8910.00																												
April 2017	£4620.00																												
March 2017	£5830.00																												
February 2017	£3410.00																												
January 2017	£8470.00																												
December 2016	£5940.00																												
November 2016	£3190.00																												
October 2016	£2420.00																												
September 2016	£0.00																												
August 2016	£0.00																												
July 2016	£0.00																												
June 2016	£0.00																												
TOTAL	£42790.00																												
<p>Question (7) by Councillor Doggett to the Executive Lead for Community Services (Councillor Excell)</p>	<p>I understand that the TDA are arranging the relocation of slow worms from the Claylands development site. Can you advise where they are being relocated to and how is their long term wellbeing catered for?</p>																												
<p>Councillor Excell</p>	<p>We are moving the slow worms to a suitable receptor site in the Teign Valley. This site has been proposed for suitability by a Senior Ecologist from Devon Wildlife Consultants who we are also employing to oversee the safe removal and transport to the receptor site.</p>																												
<p>Question (8) by Councillor Stocks to the Executive Lead for Adults and Children (Councillor Parrott)</p>	<p>Can you please advise me how you have celebrated success within the safeguarding team for children's services by staff?</p>																												

Councillor Parrott	<p>Thank you for question Councillor Stocks</p> <p>A key challenge for Torbay Council Children's Services within our improvement journey is to become more accurate in assessing our performance, including our successes and challenges. Celebrating success and communicating on progress with staff has necessarily taken place within that context.</p> <p>We now have a robust performance management framework to enable us to better understand the effectiveness of our work. This has been recognised by Ofsted and the Commissioner appointed by the Department of Education John Coughlan and is providing solid evidence of improvement.</p> <p>Andy Dempsey, the Director of Children's Services, has written to all staff on 6th October 2016 and 13th June 2017 to update them on progress and thank them for their continued hard work. He has also held 2 staff sessions for all children's services' staff on 13th December 2016 and 20th March 2017 which were well attended and provided the opportunity for staff and managers to come together to take stock of where we are on our journey. I was also at both staff events which were very positive and certainly valued by those attending. We will be holding a third event shortly reflecting on the outcome of our forthcoming Ofsted visit on 25/26 July and our proposals for partnership working. I should add that the Director and Senior Leadership Team also communicate with individual staff on a case by case basis whenever we identify good working.</p>
--------------------	--

Third Round

<p>Question (9) by Councillor Darling (S) to the Executive Lead for Transport, Planning and Housing (Councillor King)</p>	<p>I have been contacted by a resident who in his words says 'that he feels like the local authority have him "under curfew" by the restrictions on the bus pass provided by Torbay Council'. Will the Council consider ending the 11pm cut off point for the use of a concessionary bus pass?</p>
Councillor King	<p>Under the provisions of the Transport Act 2000, as amended, in England outside London the statutory bus concession currently consists of guaranteed free off-peak travel for older and disabled people on all local buses anywhere in England from 0930 until 2300 on weekdays and all day at weekends and on Bank Holidays.</p> <p>Torbay Council has a higher uptake of Concessionary bus travel than most of its equivalent authorities and continues to provide its statutory duties in this respect. There is no requirement to consider funding any extensions to the statutory hours of operation into peak travel periods.</p>
<p>Question (10) by Councillor Darling (M) to the Executive Lead for Community Services (Councillor Excell)</p>	<p>Can you please share with me the management plan for Kings Drive Pond, Kings Drive, Torquay?</p>

Councillor Excell	There is no specific management plan for the Kings Pond. TOR2 carry out the Parks and Open Space Services to ensure that the performance standards in the joint venture arrangements are achieved and are undertaken in accordance with the constraints, clearing debris, litter, pollutants and algal growth from Parks and Open Spaces Streams and Water Features.
-------------------	--

This page is intentionally left blank



By Email

Steve Parrock
Chief Executive
Torbay Council

Chief Executive's Office
The Castle, Winchester
Hampshire SO23 8UJ

Telephone 01962 841841
Fax 01962 834523
Textphone 0808 100 2484
www.hants.gov.uk

<i>Enquiries to</i>	John Coughlan	<i>My reference</i>	JC/dlw
<i>Direct Line</i>	01962 845252	<i>Your reference</i>	
<i>Date</i>	20 July 2017	<i>E-mail</i>	John.coughlan@hants.gov.uk

Dear Steve

On careful reflection I think it appropriate that I set down some comments for you in advance of your Full Council meeting today and the report on Children's Services. This is also in the context of the recent letter from Dr Sarah Wollaston MP and Kevin Foster MP. I am sharing this letter accordingly.

We are at a complex moment in a complex situation but I wish to make three hopefully clear and simple points in my role as Commissioner on behalf of DfE.

Firstly, I cannot re-state often enough that the situation for children's services in Torbay has been gravely serious. We have made good progress, especially under the local leadership of Andy Dempsey, but that progress remains fragile and dependent on the establishment of much more secure corporate governance. It is essential that the gravity of this issue is understood by all concerned and its resolution must be a shared priority or the safety of Torbay's children will surely deteriorate again. I am not yet routinely persuaded that this is understood by all concerned.

Secondly, we have had helpful communication about the potential offer from Devon County Council and I confirm that remains in line with the scope of my original recommendation in favour of Plymouth. That recommendation still stands but I will listen carefully to the outcomes of today's Council and any further deliberations. However, I am particularly concerned that the condition introduced by Devon, on what I would term an "all or nothing" offer to support Torbay's services, places me in a deeply invidious position. While I understand Devon's rationale, this condition has the potential to place an even greater burden on my decision about children's governance, introducing as it does a still broader implication for the future of Torbay's other services. I need therefore to make it unequivocally clear that my own

Chief Executive
John Coughlan CBE

first and only consideration will be based firmly on my brief as a children's commissioner with the long-term welfare of Torbay's children as my paramount concern.

Thirdly, in view of the above, we will continue to progress the partnership discussions with Plymouth, not least because of the critical issues of pace I have been trying to impress upon all concerned. But if the Devon alternative is to remain a genuine alternative I will also need to take steps to assess the extent to which Devon has made progress from the point of our first assessment earlier this year. I have made it clear that Devon's offer at that point was credible but, put simply, we thought Plymouth's was better for children, especially with regard to the crucial issue of senior management capacity and readiness.

I hope these points are understood and useful. I look forward to seeing you and colleagues next week.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Coughlan', written in a cursive style.

John Coughlan
Chief Executive