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Wednesday, 29 November 2017

## Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **Rosetor Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 7 December 2017** commencing at **5.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steve Parrock'.

Steve Parrock  
Chief Executive

(All members are summoned to attend the meeting of the Council in accordance with the requirements of the Local Government Act 1972 and Standing Orders A5.)

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**A prosperous and healthy Torbay**

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For information relating to this meeting or to request a copy in another format or language please contact:

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# Meeting of the Council Agenda

1. **Opening of meeting**

2. **Apologies for absence**

3. **Minutes**

(Pages 5 - 34)

To confirm as a correct record the minutes of the meeting of the Council held on 19 October and extraordinary meeting held on 9 November 2017.

4. **Declarations of interests**

- (a) To receive declarations of non pecuniary interests in respect of items on this agenda

**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

- (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

5. **Communications**

To receive any communications or announcements from the Chairman, the Elected Mayor, the Overview and Scrutiny Co-ordinator or the Chief Executive.

6. **Petition - Request for one way system with residents parking in Victoria Road, Torquay**

(Page 35)

To receive the petition and any oral representations from the public in accordance with Standing Order A12 as attached.

7. **Public question time**

(Page 36)

To hear and respond to any written questions or statements from members of the public which have been submitted in accordance with Standing Order A24.

8. **Members' questions** (Pages 37 - 39)  
To respond to the submitted questions asked under Standing Order A13:
9. **Notice of motions**  
To consider the attached motion, notice of which has been given in accordance with Standing Order A14 by the members indicated:
- (a) Notice of Motion - Safety of Fishermen (Mayoral Decision) (Page 40)
10. **Oxen Cove Fish/Shellfish Processing Facility** (To Follow)  
To consider the submitted report on the above.
11. **Application for Designation of Neighbourhood Forums and Areas for Torquay, Paignton and Brixham Peninsula** (To Follow)  
To consider the submitted report on the above.
12. **Transformation Project - Torbay Libraries - Appointment of Supplier** (To Follow)  
To consider the submitted report on the proposed appointment of a supplier to run Torbay's library service and to consider any recommendations from the Overview and Scrutiny Board.
13. **Transformation Project - Review of Public Toilets** (To Follow)  
To consider the submitted report on the future provision of toilets within Torbay and to consider any recommendations from the Overview and Scrutiny Board.
14. **Draft recommendations on the new electoral arrangements for Torbay Council - Electoral Review - Submission by Torbay Council** (Pages 41 - 44)  
To consider the submitted report setting out the recommendations of the Constitution Working Party on the above.
15. **Proposed Council Tax Support Scheme 2018/19** (Pages 45 - 64)  
To consider the submitted report on the proposed Council Tax Support Scheme for 2018/19.
16. **Council Tax Base 2018/2019** (To Follow)  
To consider a report on the above.
17. **Appointment of Heart of the South West Joint Committee** (Pages 65 - 84)  
To consider the submitted report on the above.
18. **Review of Political Balance** (To Follow)  
To consider the submitted report on a review of political balance following the creation of the Mayor's Non-Political Executive Group.

- 19. Budget Monitoring 2017/2018 - Quarter 2** (Pages 85 - 98)  
To note the report setting out the projected outturn for the Council's Revenue Budget and Capital Plan for 2017/2018 as at the end of Quarter 2 and to consider any recommendations from the Overview and Scrutiny Board.
- 20. Provisional Calendar of Meetings for 2018/2019** (Pages 99 - 103)  
To consider a report on the above.
- 21. Composition and Constitution of the Executive and Delegation of Executive Functions** (Pages 104 - 113)  
To receive details on the composition and constitution of the Elected Mayor's Executive, together with the record of delegations of Executive functions.

**Note**

An audio recording of this meeting will normally be available at [www.torbay.gov.uk](http://www.torbay.gov.uk) within 48 hours.



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

19 October 2017

-: Present :-

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

The Elected Mayor of Torbay (Mayor Oliver)

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

**96 Opening of meeting**

The meeting was opened with a short period of reflection.

**97 Apologies for absence**

Apologies for absence were received from Councillors Darling (M), Ellery, Stringer, Stubley and Thomas (D). An apology for absence was received from Councillor Kingscote for the first part of the meeting and Councillor O'Dwyer for the second part of the meeting. The Vice-Chairman, Councillor Doggett, arrived later in the meeting due to civic engagement.

**98 Minutes**

The Minutes of the meeting of the Council held on 13 September 2017 and the Minutes of the extraordinary meeting of the Council held on 27 September 2017 were confirmed as a correct record and signed by the Chairwoman.

**99 Declarations of interests**

The following non-pecuniary interests were declared:

<b>Councillor</b>	<b>Minute Number</b>	<b>Nature of interest</b>
Councillor Amil	112	Non-pecuniary as President of the Torbay Easter Hockey Festival

Councillor Bent 113 Non-pecuniary as the Council's representative on the Board of Directors of Tor2

Councillor Haddock declared a pecuniary interest in respect of Minute 108 and the Elected Mayor, Mayor Oliver, declared a pecuniary interest in respect of Minute 118.

## 100 Communications

The Chairwoman:

- a) thanked those members who attended the Civic Church Service held on Sunday 8 October 2017 and advised that approximately £200 was raised for the Chairwoman's charities;
- b) advised, that along with the Vice-Chairman, she attended the Open University Graduation ceremony at the Riviera International Conference Centre on 13 October 2017, which was an excellent event for Torbay; and
- c) informed members that this was the last Council meeting at which Fran Hughes, Assistant Director of Community & Customer Services, would be attending as she was leaving the employment of the Council after 24 years of service. On behalf of the Council, the Chairwoman conveyed thanks and appreciation to Mrs Hughes for her services to the Council.

## 101 Order of Business

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable: Item 14 on the agenda (Notice of Motions) to be considered after Item 17 (Review of Sports Pitch Surface at Clennon Valley Leisure Centre); and Item 14(d) (Notice of Motion – Vote of No Confidence in TOR2) to be considered before Item 14(a) (Notice of Motion – Access all Areas).

## 102 Members' questions

Members received a paper detailing the questions, attached to the agenda, notice of which had been given in accordance with Standing Order A13. The paper also contained the answers to the questions which had been prepared by the Elected Mayor, Mayor Oliver, Councillors Excell King and Parrott. The Chairwoman advised that Question 4 had been responded to by Councillor Excell as the question came under his portfolio.

Supplementary questions were put and answered by the Elected Mayor, Mayor Oliver, Councillors Excell and King arising from their responses to the questions in respect of questions 1, 2, 4, 7 and 8.

(Note: In the absence of Councillor Darling (M), Councillor Pentney asked a supplementary question in respect of question 1.)

**103 Housing Strategy and Housing Company (Affordable Housing, Empty Homes Scheme and Private Sector Renewal)**

Following the decision of the Council on 20 July 2017, members considered proposals to simplify and streamline the governance arrangements to include the Housing Strategy within the Housing Rental Company Committee's terms of reference and to extend the membership of the Committee to include the Executive Lead with responsibility for housing (as set out in the submitted report). The submitted report also set out proposals for the utilisation of the Affordable Housing Capital Budget monies, including allocation of parts of the budget to the Housing Rental Company (or another provider) and governance arrangements for final decisions on spending the budget.

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

- (i) that the terms of reference for the Housing Rental Company Committee be amended to include oversight of the delivery of the Council's Housing Strategy; and
- (ii) that the Chief Executive, in consultation with the Housing Rental Company Committee, be given delegated authority to allocate parts of the Affordable Housing Capital Budget to the Housing Rental Company to facilitate the delivery of affordable housing while ensuring that any funding conditions/obligations associated with the Affordable Housing Capital Budgets are met - with any final decisions on the spend of the Affordable Housing Capital Budget to be presented to the most appropriate decision maker.

During the debate Councillor Lewis proposed and Councillor Tyerman seconded an amendment to the motion as follows:

- (i) that the terms of reference for the Housing Rental Company Committee be amended to include oversight of the delivery of the Council's Housing Strategy;
- (ii) that the governance arrangements of the Housing Rental Company Committee be changed so that the Executive Lead with responsibility for Housing is a member of the Housing Rental Company Committee; and
- (iii) that the Chief Executive, in consultation with the Housing Rental Company Committee, be given delegated authority to allocate parts of the Affordable Housing Capital Budget to the Housing Rental Company to facilitate the delivery of affordable housing while ensuring that any funding conditions/obligations associated with the Affordable Housing Capital Budgets are met - with any final decisions on the spend of the Affordable Housing Capital Budget to be presented to the most appropriate decision maker.

The amendment was put to the vote and declared carried.

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

- (i) that the terms of reference for the Housing Rental Company Committee be amended to include oversight of the delivery of the Council's Housing Strategy;**
- (ii) that the governance arrangements of the Housing Rental Company Committee be changed so that the Executive Lead with responsibility for Housing is a member of the Housing Rental Company Committee; and**
- (iii) that the Chief Executive, in consultation with the Housing Rental Company Committee, be given delegated authority to allocate parts of the Affordable Housing Capital Budget to the Housing Rental Company to facilitate the delivery of affordable housing while ensuring that any funding conditions/obligations associated with the Affordable Housing Capital Budgets are met - with any final decisions on the spend of the Affordable Housing Capital Budget to be presented to the most appropriate decision maker.**

#### **104 Treasury Management Mid-Year Review 2017/2018**

The Council considered the submitted report on a review of Treasury Management activities during the first part of 2017/18. The report set out a revised Treasury Management Strategy for 2017/18 in light of significant increases in the Capital Plan arising from the Transformation Programme.

It was noted the Treasury function aimed to support the provision of all Council services through management of the Council's cash flow and debt and investment operations.

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

- (i) that the Treasury Management decisions made during the first part of 2017/18 as detailed in this report be noted;**
- (ii) that the Revised Treasury Management Strategy for 2017/18 (incorporating the Revised Annual Investment Strategy 2017/18 and as set out at Appendix 1 to the submitted report) be approved; and**
- (iii) that the revised Prudential and Treasury Indicators as set out in Appendix 4 of the Revised Treasury Management Strategy 2017/18 (attached to the submitted report) be approved.**

**105 Claylands - Project Update**

Further to previous decisions of the Council on 10 December 2015 and 23 February 2017, the Council considered the submitted report updating members on the investment at Claylands. The submitted report detailed the unforeseen and unavoidable technical reasons which had resulted in a delay to the project and proposed additional funding to deliver the site servicing and first employment building.

The Chairwoman reported that a revised officer recommendation had been circulated.

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

- (i) that the Council agree to invest up to £7.9m, using prudential borrowing, to deliver the first phase of the “Claylands Cross” employment scheme, specifically the initial development of circa 5,500 sq. metres of employment development and the associated package of infrastructure works;**
- (ii) that progress of the scheme is subject to a satisfactory conclusion of the ground investigation work and appropriate sign off by the Environment Agency;**
- (iii) that the decision to commit to the scheme is conditional on:**
  - (a) the scheme being pre-let on acceptable terms;**
  - (b) that the prevailing ground conditions will not present an unacceptable ongoing risk to the Council that would be exacerbated by undertaking the proposed development;**
  - (c) funding from the other sources identified is secured; and**
  - (d) obtaining all necessary statutory approvals and permissions; and**
  - (e) the business case being developed to include the full financial projections as to the proposed option to purchase.**
- (iv) that the decision to approve whether the conditions precedent have been satisfied, be delegated to the Chief Executive in consultation with the Elected Mayor and Group Leaders;**
- (v) that the Agreed Heads of Terms, set out in the exempt Appendix 1 to the submitted report, be approved, with the agreement of final lease terms being delegated to the Assistant Director of**

**Corporate and Business Services in consultation with the Chief Executive; and**

- (vi) that a report on the results of the ground testing be produced and that members be briefed on such results, when they are known, along with any comments from the Environment Agency.**

#### **106 Edginswell Station**

The Council considered the submitted report on the outcome of the funding application for Edginswell Station and the business case for this project, which had been reviewed by the Elected Mayor and Chief Executive.

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

- (i) that the delivery of a new railway station at Edginswell should remain a key strategic transport infrastructure objective for the Council and that the Executive Head of Business Services be asked to continue to explore options for the future delivery of the scheme with the Department for Transport and other possible sources of external funding;**
- (ii) that no further Council funding be committed to Edginswell Station Capital Scheme at this stage and that the scheme should be amended in the Council's Capital Plan to reflect this change; and**
- (iii) that any further work on the business case should only be supported by external funding and/or collaborative work with partner organisations and/or transport providers.**

#### **107 0-19 Years Integrated Commissioning Project**

The Council considered the submitted report on proposals for a recommissioning programme and budget allocation for the procurement of an integrated 0 to 19 years service for Torbay. It was noted the newly designed service would provide a joined up service and be underpinned by the principle that all children (including those looked after and care leavers) would have comprehensive health care, consistent education and the use of specialist advice and therapeutic interventions when required.

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

- (i) that the Directors' of Children's Service and Director of Public Health be given delegated authority, in consultation with the Chief Finance Officer and the Executive Lead for Adults and Children to undertake the 0-19yrs Integrated Commissioning Project recommissioning programme;**

- (ii) that the budget allocation of £18,475,905 identified within the submitted report for the period of 5 years be approved to enable contract mobilisation and delivery from 2019- 2024; and**
- (iii) that delegated authority be given to the Director of Children's Services and the Director of Public Health, in consultation with the Chief Finance Officer and relevant Executive Lead Members, to award the contract once the tender process has been completed.**

### **108 Oxen Cove Landing Jetty**

The Council considered the submitted report on a proposal for a capital scheme at Brixham Harbour for the construction of a new landing jetty adjacent to Oxen Cove to support new infrastructure for the shellfish sector.

The Elected Mayor, Mayor Oliver proposed and Councillor Bye seconded a motion as set out below:

- (i) that the proposal to construct a new landing jetty at Brixham harbour is approved as detailed in the business case set out in Appendix 1 to the submitted report and that the scheme be included in the Council's Capital Plan;
- (ii) that, subject to a successful application(s) for external grant funding, an appropriate level of prudential borrowing is approved in line with the business case set out in Appendix 1 to the submitted report;
- (iii) that authority to determine the exact level of borrowing, which is expected to be between £1m and £1.5m, be delegated to the Chief Financial Officer, in consultation with the Mayor, the Chairman of the Harbour Committee and the Executive Head of Business Services.

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

- (i) that the proposal to construct a new landing jetty at Brixham harbour is approved as detailed in the business case set out in Appendix 1 to the submitted report and that the scheme be included in the Council's Capital Plan. Subject to a further review of the business case being delegated to the Chief Executive, in consultation with the Elected Mayor and Chairman of the Harbour Committee, so as to ensure that the business case demonstrates that the landing of harvested shellfish is sufficient to support the proposed borrowing;

The amendment was put to the vote and declared lost.

The Elected Mayor, Mayor Oliver's and Councillor Bye's original motion was then considered by the Council which was agreed (unanimously), as set out below:

- (i) that the proposal to construct a new landing jetty at Brixham harbour is approved as detailed in the business case set out in Appendix 1 to the submitted report and that the scheme be included in the Council's Capital Plan;
- (ii) that, subject to a successful application(s) for external grant funding, an appropriate level of prudential borrowing is approved in line with the business case set out in Appendix 1 to the submitted report;
- (iii) that authority to determine the exact level of borrowing, which is expected to be between £1m and £1.5m, be delegated to the Chief Financial Officer, in consultation with the Elected Mayor, the Chairman of the Harbour Committee and the Executive Head of Business Services.

(Note 1: Prior to consideration of Minute 108, Councillor Haddock declared his pecuniary interest and withdrew from the meeting; and

Note 2: The Vice-Chairman, Councillor Doggett, joined the meeting during this item.)

## 109 Adjournment

At this juncture the meeting was adjourned until 5.30 pm on Thursday 19 October 2017.

## 110 Petition for Debate - Request for the Council to place a covenant on Torquay harbourside and sea-front

In accordance with Standing Order A12, the Council received a petition requesting the Council to place a covenant on Torquay harbourside and sea front areas (approximately 1,038 signatures).

At the invitation of the Chairwoman, Mr Griffey and Mr Short addressed the Council in relation to the petition.

The Chairwoman advised that the petition had reached the 1,000 signature threshold, therefore, in accordance with the Council's Petition Scheme, it was subject to debate by the Council.

The Monitoring Officer outlined the options open to the Council.

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

- (i) that the Council notes that the land is already covered by the variety of existing designations as set out within the Torbay Local Plan 2012-2030.

The designations include:

- Conservation Area/Historic Park and Garden (SS10)
- Coastal Change Management Area (C3)
- Urban Landscape Protection Area (C5)
- Protected Site (Locally important site) (NC1)

More broadly the area is also covered by:

- Strategic Delivery Area (SS1, SS5, SS12)
- Community Investment Area (SS11)
- Core Tourism Investment Area (TO1, TO2)

These policies collectively set the policy framework, along with other wider policy matters such as transport, design, environment, waste and employment, within which a decision would be made for any planning application; and

- (ii) that, in accordance with the Council's Corporate Asset Management Plan, the Council does not pursue imposing a covenant on the land on Torquay harbourside and the seafront as shown on the attached map.

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

that the petition is referred to the Overview and Scrutiny Board to explore with the petitioners what opportunities there are to protect and improve the areas identified within the petition.

The amendment was put to the vote and declared lost.

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

- (i) **that the Council notes that the land is already covered by the variety of existing designations as set out within the Torbay Local Plan 2012-2030.**

**The designations include:**

- **Conservation Area/Historic Park and Garden (SS10)**
- **Coastal Change Management Area (C3)**
- **Urban Landscape Protection Area (C5)**
- **Protected Site (Locally important site) (NC1)**

**More broadly the area is also covered by:**

- **Strategic Delivery Area (SS1, SS5, SS12)**
- **Community Investment Area (SS11)**
- **Core Tourism Investment Area (TO1, TO2)**

**These policies collectively set the policy framework, along with other wider policy matters such as transport, design, environment, waste and employment, within which a decision would be made for any planning application; and**

- (ii) that, in accordance with the Council's Corporate Asset Management Plan, the Council does not pursue imposing a covenant on the land on Torquay harbourside and the seafront as shown on the attached map.**

#### **111 Public question time**

In accordance with Standing Order A24, the Council received questions submitted by Mr Carpenter, Ms Tucker, Mr Faulkner and Mr Loxton, in relation to the sports pitch facilities at Clennon Valley, Paignton. The Chairwoman advised that Ms Tucker and Mr Faulkner were unable to attend the meeting and she agreed that Mr Loxton would present their questions. Councillor Excell, Executive Lead for Community Safety, and Councillor King, Executive Lead for Planning, Transport and Housing, responded to the questions that had been put forward, plus Councillor Excell responded to a supplementary question asked by Mr Loxton on behalf of Mr Carpenter.

#### **112 Review of Sports Pitch Surface at Clennon Valley Leisure Centre**

Further to the Council's decision on 22 June 2017 to enter into a new lease for Torbay Leisure Centre (to include the adjacent Velopark), members considered the submitted report on proposals which were different to terms originally approved by the Council.

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

- (i) that Elected Members note that the extensions of the lease to 12 years is from the end of the current agreement expiring in 2019, to 2031; and**
- (ii) that officers be instructed to enter into the lease and loan agreement as soon as possible on the basis that they are drafted so as to permit further negotiations in respect of the future of the current sand-dressed football/hockey pitch. The further negotiations to include all relevant sports partners, officers, members and Parkwood Leisure.**

(Note: During consideration of Minute 112, Councillor Amil declared her non-pecuniary interest as President of the Torbay Easter Hockey Festival.)

**113 Notice of Motion - Vote of No Confidence in TOR2**

Members considered a motion in relation to a vote of no confidence in TOR2, 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 Stocks proposed and Councillor Carter seconded the motion, as set out below:

this Council notes:

- the failure of TOR2 to present a specific business case to improve recycling levels in Torbay; and
- the chaotic management of waste management by TOR2 in Torbay, thereby bringing Torbay Council and its parent company Kier, into disrepute.

In light of this we wish to seek a vote of 'no confidence' in TOR2.

The motion was put to the vote and declared lost.

(Note 1: Councillor Bent declared his non-pecuniary interest as the Council's representative on the Board of Directors of Tor2; and

Note2: Councillor Kingscote joined the meeting during consideration of this item.)

**114 Notice of Motion - Access All Areas**

Members considered a motion in relation to access for assistance dog owners to taxis or private hire vehicles, notice of which was given in accordance with Standing Order A14. In the absence of Councillor Darling (M), Councillor Darling (S) presented the motion.

It was proposed by Councillor Darling (S) and seconded by Councillor Doggett:

This Council notes:

- that a Guide Dogs' survey found that 42% of assistance dog owners were refused by a taxi or Private Hire Vehicle (PHV) driver over a one-year period despite this being a criminal offence under the Equality Act 2010;
- the significant impact such refusals can have on assistance dog owners' lives, leading to feelings of embarrassment and anger as well as to a loss of independence, mobility and an associated detrimental impact on mental health; and
- that disability equality training for taxi and PHV drivers has helped to reduce the number of access refusals; and

This Council believes:

- that as a local authority, we are responsible for ensuring that taxis and PHVs are safe to travel on and that drivers provide good service and do not discriminate against disabled people, including those with assistance dogs; and
- that disability equality training should be a priority amongst plans to improve local taxi and PHV services.

This Council resolves:

- to review its Hackney Carriage (Taxi) and Private Hire Policy and introduce a provision for all drivers to undertake disability equality training when obtaining their Torbay Council drivers licence and at regular intervals;
- to only issue a medical exemption certificate when it is evidenced by a medical practitioner and accompanied by medical evidence, for example a blood test, a skin prick test or clinical history;
- to investigate all reported access refusals with a view to pursuing a conviction under the Equality Act 2010, and ensuring appropriate penalties are imposed in line with the distressing impact a refusal can have on an assistance dog owner; and
- to undertake periodic test purchasing on licenced vehicles to ensure that licensing requirements are being complied with.

In accordance with Standing Order A14.3(a), the motion stood referred to the Licensing Committee to be held on 23 November 2017.

(Note: Councillor Morris left the meeting before consideration of this item.)

#### **115 Notice of Motion - Dedication of King George V Playing Field and Easterfield Lane**

Members considered a motion in relation to an extension to the registration of the areas of King George V Playing Fields with the National Memorial Scheme, 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. The Chairwoman reported that a revised motion had been published to incorporate officer technical changes.

Councillor Darling (S) proposed and Councillor Pentney seconded the motion, as set out below:

further to the Council's decision made on 2 February 2017, to register King George V Playing Fields with the National Memorial Scheme, the Council

agrees to extend the registration to include the area commonly known as the BMX track and Easterfield Lane as set out in the attached map.

At this juncture, a procedural motion (in accordance with Standing Order A16.11(a)(iv)) to move to the vote was proposed by Councillor Tyerman and seconded by Councillor King and was declared carried. Accordingly, the motion was put to the vote and declared lost.

#### **116 Notice of Motion - Crisis in Front Line Policing on Torbay**

Following submission of a notice of motion in relation to a vote of no confidence in the Police and Crime Commissioner, the Chairwoman reported (in accordance with Standing Order A14.2(c)) that Councillors Pentney and Stocks had withdrawn their motion.

#### **117 Torbay Economic Strategy 2017-2022**

Members considered the submitted report on a revised Economic Strategy which provided a five year plan for growing the economy based on sustainable productive growth. It was noted the revised strategy included objectives and actions for the growth of the Torbay economy and played a key role in enhancing the strengths in Torbay and capitalise on opportunities whilst addressing some of the key challenges.

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

**that the Council be recommended that the Torbay Economic Strategy 2017-2022, as set out in Appendix 2 to the submitted report be approved, noting that the Policy Framework element of the Strategy starts at Page 10 of Appendix 2.**

(Note: During consideration of Minute 117 Councillor Winfield left the meeting.)

#### **118 English Riviera Destination Management Plan 2017-2021**

The Council considered the submitted report setting out the new Destination Management Plan (DMP) which was a wider development of the new Tourism Strategy. The DMP set out the framework for the on-going development of Torbay as a tourism destination and helped shape the future development of Torbay as a place. It was noted the DMP provided focus for collaborative effort and established a shared approach between key stakeholders to effectively manage tourism as a whole for Torbay.

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

**that the Council be recommended that the English Riviera Destination Management Plan 2017-2021 Pride in Place, as set out in Appendix 2 to**

**the submitted report be adopted as a sub-strategy of the Torbay Economic Strategy.**

(Note: Prior to consideration of Minute 118, the Elected Mayor, Mayor Oliver declared his pecuniary interest and withdrew from the meeting.)

**119 Town Centre Regeneration Programme Fund**

Members considered the submitted report on proposals for establishing a £25 million Town Centre Regeneration Programme Fund, as part of the Council's Transformation Strategy for Torbay's town centres, and business cases for four projects in Torquay and Paignton.

The Chairwoman reported that a revised officer recommendation had been circulated prior to the meeting.

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

- (i) that prudential borrowing of £25 million is approved to create a Town Centre Regeneration Programme Fund that will support delivery of the projects identified within Phase 1 of the Town Centre Regeneration (TCR) Programme, as set out in the Council's Transformation Strategy for Town Centres, with any draw down against this sum being delegated to the Chief Executive in consultation with the Elected Mayor, Group Leaders and Chief Finance Officer, in accordance with the approved Business Case at (iii) below;
- (ii) that any income (revenue or capital) from the projects within Phase 1 of the TCR Programme, in excess of the amount required to cover the prudential borrowing costs for the £25 million and sustain service delivery (including any increased service costs/forecast income), be re-invested into the delivery of the Town Centre Regeneration Programme;
- (iii) that the Town Centres Regeneration Programme Board must submit for approval by the Chief Executive, in consultation with the Elected Mayor and Group Leaders, an initial 5 year Town Centres Regeneration Business Plan, including delivery timescales and interdependencies between the projects demonstrating how the prudential borrowing will be used. The Business Plan needs to be regularly reviewed, with the Board submitting amendments for approval. The Overview and Scrutiny Board will periodically review progress against the business plan;
- (iv) that the Town Centres Regeneration Business Plan will include the delivery of at least two public realm projects, one for Paignton and one for Torquay, at a combined cost of approximately £3 million, and the delivery of a refurbished Lower Union Lane Multi Storey Car Park at a cost of approximately £3.5 million, subject to the completion of

Heads of Terms and a signed Agreement to Lease for the development of student accommodation at Upton Place (or another project that can cover the prudential borrowing costs of the car park refurbishment and public realm projects), with detailed proposals to be included in the Business Plan as per (iii) above. Final approval of public realm schemes and car park refurbishment to be delegated to the Executive Head of Business Services in consultation with the Chief Finance Officer and the Chairman of the Town Centres Regeneration Board, with the drawdown of the Prudential Borrowing to be approved in accordance with (i) above;

- (v) that, if necessary, the £25 million Town Centre Regeneration Programme Fund can be used to make strategic acquisitions of property, with the revenue and/or capital income from such purchases being reinvested into the delivery of the TCR Programme. The authority to make such acquisitions is delegated to the Executive Head of Business Services, in consultation with the Chief Finance Officer and the Town Centres Regeneration Programme Board, following assessment of a clear business case. The drawdown of the Prudential Borrowing to be approved in accordance with (i) above. Any purchase of property in excess of £5 million will need full Council approval; and
- (vi) that the outline business cases included as part of the submitted report (Appendices 1 to 4) are approved in principle and that authority to proceed with each project is delegated to the Executive Head of Business Services, in consultation with the Chief Finance Officer and the Town Centres Regeneration Programme Board, following an assessment of more detailed and complete business cases.

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

- (vi) that, the outline business cases included as part of the submitted report (Appendices 1, 3 and 4) are approved in principle and that authority to proceed with each project is delegated to the Executive Head of Business Services, in consultation with the Chief Finance Officer and the Town Centres Regeneration Programme Board, following an assessment of more detailed and complete business cases. That the business case for mixed used development at South Quay, Paignton Harbour (Appendix 2 to the submitted report), is not approved.

The amendment was put to the vote and declared lost.

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

- (i) that prudential borrowing of £25 million is approved to create a Town Centre Regeneration Programme Fund that will support**

delivery of the projects identified within Phase 1 of the Town Centre Regeneration (TCR) Programme, as set out in the Council's Transformation Strategy for Town Centres, with any draw down against this sum being delegated to the Chief Executive in consultation with the Elected Mayor, Group Leaders and Chief Finance Officer, in accordance with the approved Business Case at (iii) below;

- (ii) that any income (revenue or capital) from the projects within Phase 1 of the TCR Programme, in excess of the amount required to cover the prudential borrowing costs for the £25 million and sustain service delivery (including any increased service costs/forecast income), be re-invested into the delivery of the Town Centre Regeneration Programme;
- (iii) that the Town Centres Regeneration Programme Board must submit for approval by the Chief Executive, in consultation with the Elected Mayor and Group Leaders, an initial 5 year Town Centres Regeneration Business Plan, including delivery timescales and interdependencies between the projects demonstrating how the prudential borrowing will be used. The Business Plan needs to be regularly reviewed, with the Board submitting amendments for approval. The Overview and Scrutiny Board will periodically review progress against the business plan;
- (iv) that the Town Centres Regeneration Business Plan will include the delivery of at least two public realm projects, one for Paignton and one for Torquay, at a combined cost of approximately £3 million, and the delivery of a refurbished Lower Union Lane Multi Storey Car Park at a cost of approximately £3.5 million, subject to the completion of Heads of Terms and a signed Agreement to Lease for the development of student accommodation at Upton Place (or another project that can cover the prudential borrowing costs of the car park refurbishment and public realm projects), with detailed proposals to be included in the Business Plan as per (iii) above. Final approval of public realm schemes and car park refurbishment to be delegated to the Executive Head of Business Services in consultation with the Chief Finance Officer and the Chairman of the Town Centres Regeneration Board, with the drawdown of the Prudential Borrowing to be approved in accordance with (i) above;
- (v) that, if necessary, the £25 million Town Centre Regeneration Programme Fund can be used to make strategic acquisitions of property, with the revenue and/or capital income from such purchases being reinvested into the delivery of the TCR Programme. The authority to make such acquisitions is delegated to the Executive Head of Business Services, in

**consultation with the Chief Finance Officer and the Town Centres Regeneration Programme Board, following assessment of a clear business case. The drawdown of the Prudential Borrowing to be approved in accordance with (i) above. Any purchase of property in excess of £5 million will need full Council approval; and**

- (vi) that the outline business cases included as part of the submitted report (Appendices 1 to 4) are approved in principle and that authority to proceed with each project is delegated to the Executive Head of Business Services, in consultation with the Chief Finance Officer and the Town Centres Regeneration Programme Board, following an assessment of more detailed and complete business cases.**

## **120 Proposal to Vary Parking Charges**

The Council considered the submitted report on a decision taken by the Chief Finance Officer to vary the off street parking charges from 1 November 2017 and to vary the on-street parking charges from 2 November 2017 to move from seasonal parking charges to fixed year-round tariffs across all parking places managed by the Council in Torbay. It was noted the Elected Mayor had requested that Council reconsider the decision of the Chief Finance Officer and recommended that the scheduled winter tariff should remain in place for 2017/18 in accordance with the approved budget.

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

- (i) that the decision taken by the Chief Finance Officer to vary the off street parking charges from 1 November and to vary the on street parking charges from 2 November, set out in Appendices 1 and 2 to the submitted report, be rescinded and the original parking charges (set out in Appendices 3 and 4 to the submitted report) be implemented; and
- (ii) that the Executive Head of Business Services be requested to publish the relevant Traffic Regulation Orders (TROs) to Revoke the 'Borough of Torbay (Street Parking Places {Pay & Display}) Order No2 2017' and 'Borough of Torbay (Off Street Parking Places) Order No3 2017' and implement the TROs set out in (i) above.

At this juncture, a procedural motion (in accordance with Standing Order A16.11(a)(iv)) to move to the vote was proposed by Councillor Darling (S) and seconded by Councillor Carter and was declared lost.

During the debate Councillor Tyerman proposed and Councillor Lewis seconded an amendment to the motion as follows:

that the decisions taken by the Chief Finance Officer on 29 September 2017 to vary the off street parking charges from 1 November and to vary the on street parking charges from 2 November, set out in Appendices 1 and 2 to the submitted report, be approved by Council and implemented as advertised.

The amendment was put to the vote and declared lost.

At this juncture, a procedural motion (in accordance with Standing Order A16.11(a)(iv)) to move to the vote was proposed by Councillor Mills and seconded by Councillor Excell and was declared carried. Accordingly, Councillor Excell's and Councillor Mills' original motion was then considered by the Council which was agreed, as set out below:

- (i) that the decision taken by the Chief Finance Officer to vary the off street parking charges from 1 November and to vary the on street parking charges from 2 November, set out in Appendices 1 and 2 to the submitted report be rescinded and the original parking charges (set out in Appendices 3 and 4 to the submitted report) be implemented; and**
- (ii) that the Executive Head of Business Services be requested to publish the relevant Traffic Regulation Orders (TROs) to Revoke the 'Borough of Torbay (Street Parking Places {Pay & Display}) Order No2 2017' and 'Borough of Torbay (Off Street Parking Places) Order No3 2017' and implement the TROs set out in (i) above.**

(Note: Councillor Thomas (J) left the meeting prior to consideration of this item.)

## **121 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 22 (Future Operating Model: Clarification for Plymouth City Council) must be transacted at the meeting. Therefore, the meeting continued.

## **122 Future Operating Model : Clarification for Plymouth City Council**

The Council considered a late report following a request from Plymouth City Council to provide clarity and certainty as the Council's future operating model. It was noted Plymouth City Council took an in principle decision on 25 September 2017 to develop a delivery contract with Torbay Council in respect of Torbay's Children's Services functions following the Statutory Direction issued to Torbay Council and Department for Education Commissioner's view of the need to identify a partner.

Following the Chief Executive's report to Council on 27 September 2017 on the Council's operating model, Plymouth City Council sought reassurance that Torbay Council's existing service delivery model is maintained as far as possible to inform their due diligence. Members noted this would provide Plymouth City Council with

certainty and stability and provide a firm foundation upon which they can assist the Council in improving Torbay's Children's Services.

The Elected Mayor, Mayor Oliver proposed and Councillor Tyerman seconded a motion, which was agreed (unanimously) by the Council as set out below:

**that Full Council confirms the following so as to inform Plymouth City Council's due diligence in respect of arrangements for Children's Services:**

- (a) the current operating model of Torbay Council is flexible, evolving and based upon the most appropriate fit for each service. The model is not designed or anticipated to lead to a single strategic partnership;**
- (b) Torbay Council will use all reasonable endeavours to commit to its current operating model for a period not less than 3 years;**
- (c) if during the contract term Torbay Council determines that there is an overwhelming business case for it to enter into a single strategic partnership with another Council, Plymouth City Council reserves the right to review its position in relation to delivery of Children's Services and if Plymouth City Council withdraws as a result, Torbay Council will cover all costs relating to the termination of the arrangement;**
- (d) should Plymouth City Council decide to unilaterally end the contract before the end of the contract term under circumstances other than those set out in the contractual agreement then Plymouth City Council will cover all costs relating to the termination of the agreement;**
- (e) should Torbay Council and Plymouth City Council decide, with permission of the Secretary of State, to end the contract before the end of the contract term then Torbay Council and Plymouth City Council will share equally all costs relating to the termination of the agreement; and**
- (f) the notice period for early termination under all the above circumstances would be 6 months to allow reasonable time to disengage, unless there was agreement that it could be achieved within a shorter period.**

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Chairwoman

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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><b>Question (1) by Councillor Darling (M) to the Executive Lead for Community Services (Councillor Excell)</b></p>	<p><b>Fly tipping has been collecting over the summer at the rear of St Martin's Court, (accessed by Corfe Crescent), Hele, Torquay. This rubbish is a health hazard, encourages rats and is a danger to children playing in the area. It is also unsightly and encourages further fly tipping.</b></p> <p><b>Over many months the local community have been trying to ascertain a way forward to getting this area cleared but with little effect. Westward Housing say that it is not their land, Sanctuary refute responsibility and the Council have confirmed that the land behind St martin's Court is not in their ownership or responsibility.</b></p> <p><b>The local community in the area are extremely concerned and unhappy about this situation but the Council seems to be unwilling to establish a way forward. This situation cannot go on. It is only a matter of time before a child is injured or we have rats entering properties.</b></p> <p><b>Please can this Council provide a way forward in order to resolve this situation and clear this festering eyesore?</b></p>
<p>Councillor Excell</p>	<p>The garages behind St Martins Court are privately owned by nine houses in the vicinity. This also includes the land in front of the garages. Community Safety have made enquiries and been unable to ascertain who is responsible for the fly-tipping. As the waste is spread across the entire area we have therefore hand-delivered letters to the owners of the garage area asking them to take steps to tidy the area and remove the fly-tipped waste.</p> <p>If no action is taken by the owners of the land we will consider serving enforcement notices requiring this waste to be removed. If works are undertaken in default then any costs involved will be recovered from the individual households responsible.</p>
<p><b>Question (2) by Councillor Darling (S) to the Executive Lead for Planning, Transport and Housing (Councillor King)</b></p>	<p><b>I understand that Torbay Council instructed the TDA to object to all 99 Local Green spaces designations in the Torquay Neighbourhood Plan and chose not to object to any local green spaces designations in the Paignton or Brixham neighbourhood plan, during their consultation period. Can you explain why Torbay Council is determined on turning Torquay into a concrete jungle but respects the views of the communities of Brixham and Paignton?</b></p>
<p>Councillor King</p>	<p>The response to the consultation on the Torquay Neighbourhood Plan from the TDA, on behalf of the Council, is consistent with the Council's adopted Asset Management Strategy. Although there were objections made to a number of proposed Local Green Spaces in both the Brixham Peninsula and Paignton Neighbourhood Plans, the Council accepts there has been some inconsistency between those earlier responses and the most recent response submitted to the Torquay Neighbourhood Forum. However, this latest response correctly reflects the position of the Council's Asset Management Strategy. The proposed Neighbourhood plans will be published for a period of at least 6 weeks prior to Examination. The Council will have an opportunity to</p>

	further respond to each of the plans. In many instances, the proposed Local Green Spaces within the neighbourhood plans already benefit from various protective designations afforded to them through the Torbay Local Plan.
<b>Question (3) by Councillor Doggett to the Executive Lead for Community Services (Councillor Excell)</b>	<b>The reversal of the decision to allow Paignton Rugby Clubs under 10s and 9s teams to play on Torbay Park, Paignton brings this Council into disrepute. Can you explain why permission was granted and then withdrawn for this activity?</b>
Councillor Excell	Torbay Council has agreed for Paignton Rugby Club's Under 10s to use Torbay Park on a short term basis in accordance with the current agreement for training purposes until a more permanent solution is in place. We are extremely keen to work with all stakeholders to find a permanent solution that meets the needs of the club and the community and will be progressing this as quickly as possible.
<b>Question (4) by Councillor Sanders to the Executive Lead for Community Services (Councillor Excell)</b>	<b>How banning organised rugby football on Torbay Park for children meets the aims and aspirations of the Torbay Local Plan and other Council policies in relation to a) promoting people to adopt active lifestyles, 2) encouraging young people to engage in sport, c) reducing the risk of diabetes and its comorbidities, d) reducing crime and vandalism.</b>
Councillor Excell	Paignton Rugby Football Club have a short term agreement to use Torbay Park on a Sunday morning for their U10's Rugby Fixtures as part of their ongoing rugby programme. A meeting is being arranged in respect of finding a long term solution for them. The use of this park is one element of engagement in sport and in particular rugby. There are a number of physical activity programmes that are delivered across Torbay that encourage young people to engage in both sport and physical activity in accordance with the Council's policies. Our newest 'rugby' programme will be working in partnership with Exeter Chiefs and Torquay United Community Sport Trust to deliver 'Project Rugby' in both Torquay and Paignton at our Street Games sessions. These 12 week programmes aim to encourage young people aged between 12-20 into the game of rugby.
<b>Question (5) by Councillor Stringer to Executive Lead for Community Services (Councillor Excell)</b>	<b>Over the past 12 months how often have our Civil Enforcement Officers conducted parking enforcement outside the three schools on Moor Lane?</b>
Councillor Excell	There have been 9 visits in total. Since the restriction changed when visiting the area Civil Enforcement Officers have reported compliance is good.

## Second Round

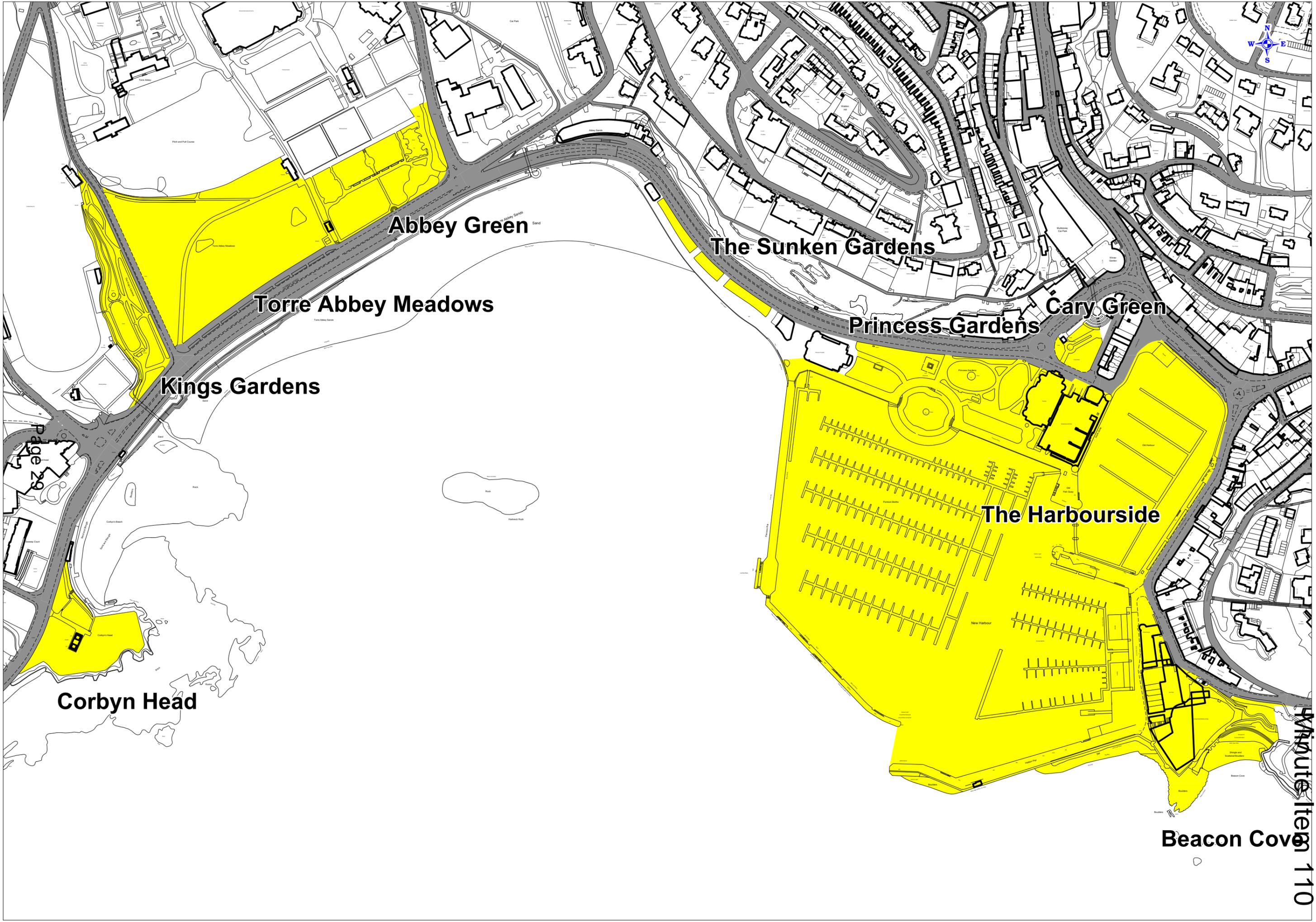
<b>Question (6) by Councillor Darling (S) to the Executive Lead for Planning, Transport and Housing (Councillor King)</b>	<b>At our July Full Council meeting Torbay Council agreed to establish a Housing Rental Company. In light of this decision can you advise me what staffing provision you have made for this in the current financial year and plan to make next financial year?</b>
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Councillor King	The Housing Company is developing its business plan using existing staff and will contract as needed staff and expertise using TDA and other suppliers. An additional housing officer will join us in December (fully funded) to boost capacity.
<b>Question (7) by Councillor Sanders to the Mayor and Executive Lead for Finance, Regeneration and Corporate Services (Mayor Oliver)</b>	<b>Who will decide the fate of the Monastery in the Clifton with Maidenway Ward when Anode surrenders its lease?</b>
Mayor Oliver	The current occupiers, Anode will be surrendering the property back to the Council shortly. The TDA, as agent for the Council will assess the condition of the property and will seek to re-market the asset under a leasehold arrangement as soon as possible thereafter. The TDA will seek informal bids for the property, which will be assessed on rental level and proposed use. The outcome of the tender process will be presented to the Head of Business Services and or the Mayor for a decision depending upon the level of offers received and where these sit under Scheme of Delegation.

### Third Round

<b>Question (8) by Councillor Sanders to the Executive Lead for Community Services (Councillor Excell)</b>	<b>Can the Executive Lead for Community Services list the arboricultural justifications for the proposed removal of trees from Victoria Street and Torbay Road in Paignton.</b>
Councillor Excell	The health of the trees is under review and their condition, and the damage the root systems of the trees is currently causing to the path, road and drainage systems is considerable. Inspections are being carried out to assess the economic retention over the wider amenity value of the trees. Currently the trees do not pose any health and safety issue and are not being removed.
<b>Question (9) by Councillor Darling (S) to the Executive Lead for Planning, Transport and Housing (Councillor King)</b>	<b>In light of the failure of TOR2 to develop a specific business case to improve our recycling levels. Does the Executive Lead for Planning, Transport and Housing feel that TOR2 have now breached the terms of their contract and we should seek to terminate said contract?</b>
Councillor King	Tor2 are not in breach of contract, they are undertaking the service they specified, and even though it is not as successful as assumed, the performance deductions with regard to low recycling rates are being implemented as per the contract. The officers and TOR2 are currently reviewing the collection system to see if a different methodology would give better performance as well as budget savings.

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**Abbey Green**

**The Sunken Gardens**

**Torre Abbey Meadows**

**Princess Gardens**

**Cary Green**

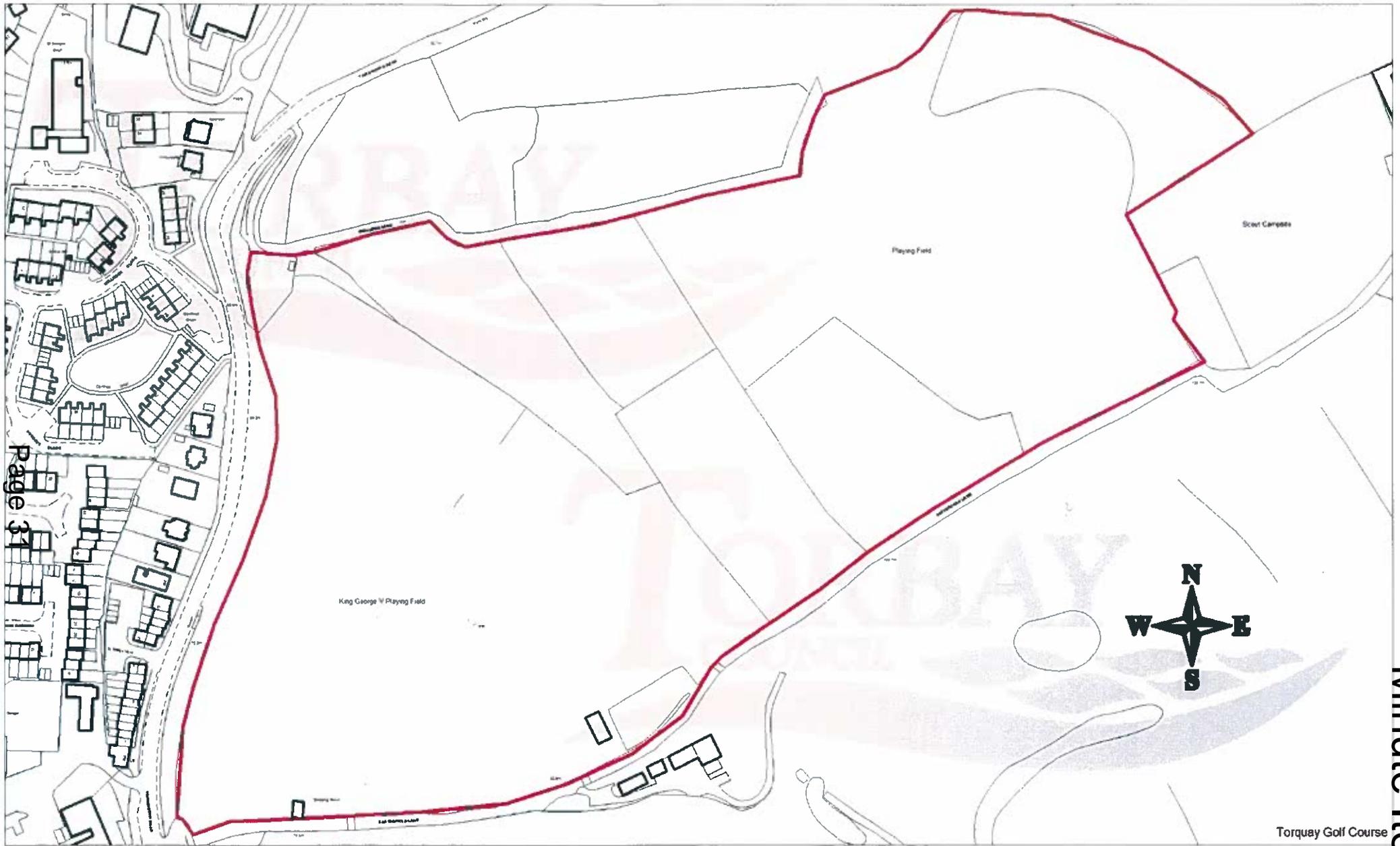
**Kings Gardens**

**The Harbourside**

**Corbyn Head**

**Beacon Cove**

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Page 31

### King George V Playing Fields, Teignmouth Road, Torquay.

Scale- 1:2500

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Minute Item 115

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**Minutes of the Extraordinary Meeting of the Council  
(Council decisions shown in bold text)**

**9 November 2017**

**-: Present :-**

**Chairwoman of the Council (Councillor Brooks) (In the Chair)**

Councillors Barnby, Bye, Darling (M), Darling (S), Excell, Haddock, Hill, Morey, Robson, Sanders, Stockman, Stocks, Stubbley, Thomas (D), Tolchard and Tyerman

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**123 Opening of meeting**

The meeting was opened with a short period of reflection.

**124 Apologies for absence**

Apologies for absence were received from Councillors Amil, Bent, Carter, Doggett, Ellery, King, Kingscote, Lewis (B), Lewis (C), Manning, Elected Mayor, Mills, Morris, O'Dwyer, Parrott, Pentney, Sykes, Thomas (J) and Winfield.

**125 Exclusion of the Press and Public**

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

**that the press and public be excluded from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.**

Prior to consideration of the item in Minute 126 the press and public were formally excluded from the meeting.

**126 Investment Committee Recommendation - Investment Opportunity**

The Council considered the recommendations of the Investment Committee on an investment opportunity. Members received details of the proposals as set out in the exempt report circulated prior to the meeting.

The decision of the Council meeting is restricted due to exempt information contained within the decision.

(Note: Councillors Darling (M) and Excell left during the debate on this item.)

Chairwoman

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**Petition - Request for one way system with residents parking in Victoria Road,  
Torquay**

**Council Meeting 7 December 2017**

**26 paper signatures**

We the undersigned would petition Torbay Council to reconsider making Victoria Road, Torquay a one way system with residents parking due to the congestion and accidents that occur on the said road.

**Submitted by Richard Prowse**

## Council Meeting 7 December 2017

### Public Questions

<p><b>Question from Mr and Mrs Orme to the Executive Lead for Tourism, Culture and Harbours (Councillor Amil)</b></p>	<p><b>These questions relate to the Statutory Notice about the Oxen Cove Fish Processing Unit, which refers to the need for new infrastructure to support the fishing industry in Brixham and states that capital expenditure of +£250,000 is required:</b></p> <p><b>1 – As this capital expenditure proposal is for <i>more than</i> £250,000, what is the estimated <i>total</i> cost of constructing the jetty, the mussel processing plant and any other infrastructure components and how is the estimated total cost broken down between all the components?</b></p> <p><b>2 – What is the funding strategy for raising the total cost? We have heard that it is a combination of local authority funding and EC grants.</b></p>
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## 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><b>Question (1) by Councillor Darling (S) to the Executive Lead for Community Services (Councillor Excell)</b></p>	<p><b>Torbay Council plans to close Watcombe Beach Car Park, due to anti-social behaviour, were met with horror by many members of the local community. Whilst the stay of execution for the car park is welcome, what action has the local authority taken to tackle the anti-social activities that led to the plans to close this popular car park?</b></p>
<p><b>Question (2) by Councillor Darling (M) to the Executive Lead for Community Services (Councillor Excell)</b></p>	<p><b>A number of residents in Magdalene Road, Torquay have complained to me about the double yellow lines being unenforceable on this highway. Despite numerous requests I understand that Tor2 have not been able to provide a date when work can be undertaken to bring these lines up to an enforceable standard. I would be grateful if you could advise me what action you intend to take to get this matter resolved?</b></p>
<p><b>Question (3) by Councillor Sanders to The Elected Mayor and Executive Lead for Finance, Regeneration and Corporate Services (Mayor Oliver)</b></p>	<p><b>Will the Elected Mayor a) circulate to elected members and b) post on Torbay Council's website the agreement Torbay Council has signed to participate in a joint committee with the other local authorities in Devon &amp; Somerset?</b></p>
<p><b>Question (4) by Councillor Kingscote to The Elected Mayor and Executive Lead for Finance, Regeneration and Corporate Services (Mayor Oliver)</b></p>	<p><b>Could The Elected Mayor please advise the Council, how much money (gross and net) the Investment Strategy fund will bring into this authority from 1<sup>st</sup> April 2018.</b></p>
<p><b>Question (5) by Councillor Lewis to The Elected Mayor and Executive Lead for Finance, Regeneration and Corporate Services (Mayor Oliver)</b></p>	<p><b>Taking Torbay Leisure Centre as a recent example of Council offering its buildings on a long term lease free of income in order to keep services both offered and running. Is this a principle that the Mayor now supports and is looking at being one of the solutions in helping to close the ongoing financial gap this Council is experiencing?</b></p>
<p><b>Question (6) by Councillor Pentney to the Executive Lead for IT, Libraries and</b></p>	<p><b>I note that Cllr Stringer put the following question in on the 5 February 2015.</b></p> <p><b>"In recent weeks Devon County Council have stopped Torbay residents from using the Recycling Centre at Brunel Industrial Estate Newton</b></p>

<p><b>Waste (Councillor King)</b></p>	<p><b>Abbot. What representations have you made to try to ensure that our residents continue to have use of this valued facility.”</b></p> <p><b>There is no record of the Councils response. What progress have the Council made in the last two years for Torbay residents to gain access to this facility?</b></p>
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**Second Round**

<p><b>Question (7) by Councillor Darling (S) to the Executive Lead for Community Services (Councillor Excell)</b></p>	<p><b>I understand from the Community Development Trust and officers of Torbay Council that plans are progressing for a replacement bus service for the 65/64 bus service. Many of my residents remain stranded with no buses. Will this service be introduced in time for Christmas 2017?</b></p>
<p><b>Question (8) by Councillor Sanders to The Elected Mayor and the Executive Lead for Finance, Regeneration and Corporate Services (Mayor Oliver)</b></p>	<p><b>What is the current level of Council borrowing so far in this financial year and what were the levels of Council borrowing in each of the last four completed financial years?</b></p>
<p><b>Question (9) by Councillor Darling (M) to the Deputy Mayor and Executive Lead for Planning (Councillor Mills)</b></p>	<p><b>Both residents and tourists continue to complain about the blot on the landscape caused by the lack of progress on the Torwood Street development.</b></p> <p><b>Would you agree with me that this situation has gone on long enough and it is time that Torbay Council started to move towards a compulsory purchase order so as to bring things to a satisfactory conclusion?</b></p>
<p><b>Question (10) by Councillor Pentney to The Elected Mayor and Executive Lead for Finance, Regeneration and Corporate Services (Mayor Oliver)</b></p>	<p><b>What is the current number of families in Torbay bidding for social housing?</b></p>

**Third Round**

<p><b>Question (11) by Councillor Darling (S) to the Executive Lead for Community Services (Councillor Excell)</b></p>	<p><b>I understand that following the loss of the 32 bus services officers are exploring the 34 bus service to be extended to Torbay hospital. Can you give us an update on progress in improving this service and particularly when any such changes may be implemented?</b></p>
<p><b>Question (12) by Councillor Darling (M) to the</b></p>	<p><b>Some time ago residents raised the issue of the bollards outside 2 Plantation Way, Torquay. These bollards were originally sited incorrectly. The bollards were then re-sited but constructed with</b></p>

<b>Executive Lead for Community Services (Councillor Excell)</b>	<b>inappropriate material. Following this the bollards were removed and to date have not been replaced in the correct location. Please could you advise when these bollards will be put back in situ?</b>
<b>Question (13) by Councillor Sanders to The Elected Mayor and Executive Lead for Finance, Regeneration and Corporate Services (Mayor Oliver)</b>	<b>How many units of regulated rent secure tenancy (social housing) have been constructed in Torbay in each of the past 5 years for which figures are available?</b>

## **Notice of Motion – Council 7 December 2017**

### **Safety of Fishermen (Mayoral Decision)**

This Council notes that the fishing industry is a dangerous industry to work in, with several lives lost across the UK each year. Such a tragic loss of life has a far reaching impact upon the fisherman's family, friends and community. Personal Floatation Devices and Personal Locator Beacons would greatly improve the chances of the fisherman being rescued. Unfortunately not all fishermen can afford this equipment.

Therefore this Council requests the Executive Head Assets and Business Services to make an application to the Marine Management Organisation for funding through the European Maritime and Fisheries Fund to fully fund the purchase of Personal Floatation Devices equipped with Personal Locator Beacons and to develop a delivery scheme in partnership with the local fishing industry. This would ensure that those local fishermen who would struggle financially to buy one of these potentially lifesaving pieces of equipment can be provided to them at no cost.

This Council also requests the Chief Executive to write to the Local Government Association to request they encourage all other councils with fishing communities to follow suit and support the fishing industry nationally.

Proposer: Councillor Ellery

Seconder: Councillor Amil



**Meeting:** Council

**Date:** 7 December 2017

**Wards Affected:** All Wards

**Report Title:** Draft recommendations on the new electoral arrangements for Torbay Council – Electoral Review – Submission by Torbay Council

**Is the decision a key decision?** Yes

**When does the decision need to be implemented?** as soon as possible

**Supporting Officer Contact Details:** Anne-Marie Bond, Director Corporate Services and Operations, (01803) 207160, anne-marie.bond@torbay.gov.uk

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## 1. Proposal and Introduction

- 1.1 Further to Council Minute 71/8/17, the Local Government Boundary Commission for England (LGBCE) has published its draft recommendations on the new electoral arrangements for Torbay Council – Electoral Review for formal public consultation. Their proposals are based on 16 Wards with 10 – two member Wards, 5 – three member Wards and 1 – one member Ward. Specific questions were included in the consultation which have been addressed in the Council's draft response.
- 1.2 This report sets out the recommendations of the Constitution Working Party on the proposed Council response in respect of the LGBCE draft recommendations on the new electoral arrangements for Torbay Council.

## 2. Reason for Proposal

- 2.1 The Council has an opportunity to influence the review and put forward its suggested proposals on Wards boundaries and number of Councillors per ward to the LGBCE.

## 3. Recommendation(s) / Proposed Decision

- 3.1 That the Proposed Changes to Warding Patterns – Submission by Torbay Council set out in Appendix 1 to the submitted report be approved for submission by the Director of Corporate Services and Operations to the Local Government Boundary Commission for England.

## Appendices

Appendix 1: Draft recommendations on the new electoral arrangements for Torbay Council – Electoral Review – Submission by Torbay Council

### Background Documents

Council report on Review of Electoral Arrangements – Submission by Torbay Council on Council Size -

<http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=163&MId=6622&Ver=4>

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

[www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=163&MId=8222&Ver=4](http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=163&MId=8222&Ver=4)

LGBCE Review - <http://www.lgbce.org.uk/current-reviews/south-west/devon/torbay>

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## 4. Background Information

- 4.1 The Local Government Boundary Commission for England (LGBCE) has commenced its formal public consultation on ward boundaries and number of Councillors per Ward for Torbay based on a proposed number of 36 Councillors. Full details of which can be found at <http://www.lgbce.org.uk/current-reviews/south-west/devon/torbay> the consultation closes on 11 December 2017.
- 4.2 Torbay Council currently has 36 Councillors and an Elected Mayor up until 2019, the Council will be moving to a Leader and Cabinet system of governance. The Council reviewed the number of Councillors it felt necessary to enable the Council to manage its business and for Councillors to perform the tasks and responsibilities expected of them and run the Council from 2019 in February 2017 and submitted a proposal to the LGBCE for it to remain at 36, which was accepted in principle. The 36 Councillors represent 15 Wards with either two or three Councillors representing electors within these Wards. The Council then put forward proposals on Warding patterns to the LGBCE in August 2017.
- 4.3 The LGBCE received a number of responses to their initial consultation on warding patterns and are now conducting formal consultation with the public and key stakeholders on the proposed Ward boundaries and number of Councillors per Ward for Torbay to ensure that the statutory criteria for the determination of electoral reviews is met.
- 4.4 The Constitution Working Party met on 1 and 15 November 2017 to consider the recommendations of the LGBCE and their recommended response to the consultation is set out at Appendix 1 to this report.



**Draft recommendations on the new electoral arrangements for Torbay Council  
– Electoral Review – Submission by Torbay Council**

**1. Introduction**

This submission sets out a response from Torbay Council to the Local Government Boundary Commission for England's (LGBCE) invitation to comment on their draft recommendations for new electoral arrangements for Torbay Council.

The Council has already submitted initial recommendations on proposed changes to warding patterns as part of an earlier consultation process. Details of these recommendations together with other responses can be found at <http://www.lgbce.org.uk/current-reviews/south-west/devon/torbay>

The cross party Constitution Working Party met on two occasions to consider the LGBCE's draft recommendations for new electoral arrangements for Torbay Council. This document sets out the recommendations from the Constitution Working Party, which were approved by the Council on 7 December 2017 (to be confirmed after the meeting).

**2. Torbay Council Submission**

Torbay Council acknowledges that it is extremely difficult to ensure exact electoral equality across Torbay, whilst keeping communities together and recognising geographical boundaries. The Council broadly supports the proposals set out in the LGBCE's draft recommendations for new electoral arrangements for Torbay Council, subject to the following recommendations:

- (a) Plainmoor should remain in the St Marychurch Ward, where it currently sits, as the residents of this area interact more with the St Marychurch area than the Ellacombe area in terms of their day to day activities;
- (b) in light of the proposed boundaries for the Wellswood Ward, the current Wellswood Ward name should be retained as this name is familiar with local residents;
- (c) based on the proposed boundaries for the Torwood Ward shown in the consultation proposals, the Tormohun Ward name should be retained as this is a historical name that has been used for this area for a long time and the community relate to this name;

- (d) the proposed new Collaton St Mary Ward should be combined with the Kings Ash Ward to make a three member Ward and the Ward should be named 'Kings Ash with Collaton', this fits with the current Blatchcombe Ward area. There is no direct community link between this area and Goodrington, whereas there is some link to residents in the southern part of the Kings Ash Ward and therefore it would sit better within this Ward.

Members feel that having a three member Ward will provide more flexibility for the Ward Councillors to be able to support their residents and enable them to work together on Ward issues. Residents in the area are likely to feel that they are being treated differently to people living in other wards in Torbay if they were to have only one member to represent them on the Council, when all other residents in Torbay have either two or three members. This would therefore not demonstrate electoral equality in terms of number of members available to represent residents.

The 21 properties, 31 electors on the Brixham Road at Tweenaway should be moved from the Collaton St Mary Ward to the Goodrington with Roselands Ward as they are the only properties on that side of the road that are in the proposed Collaton St Mary Ward;

- (e) no changes should be made to the current Tor Bay area which currently sits within the Wellswood Ward (comprising the coastline and sea area of Torbay) this is because there are no electors affected by the proposal and therefore keeping the boundaries the same will have no impact on electoral equality. This area is managed by the Council's Harbour Committee and it could cause confusion if it were split between the different Wards;
- (f) the Maidencombe area formerly known as Polling District HA up to and including Easterfield Lane should be moved from the new Barton with Watcombe Ward to the St Marychurch Ward as the Maidencombe residents feel they belong to the community within the St Marychurch area and carry out more of their day to day activities in this area. This equates to 625 electors (based on 2023 predictions). This would take the Barton with Watcombe to 8,242 electors with a variance of -4% and the St Marychurch Ward to 9,047 electors with a variance of 5% in 2023; and
- (g) the Churston with Galmpton Ward should be renamed 'Churston and Galmpton with Hookhills' as highest number of residents live within Galmpton and Hookhills and the people of Hookhills in Paignton feel no association with Churston and Galmpton which is in Brixham. Members feel that the name of the Ward should reflect that the area covers both Paignton and Brixham and Churston and Galmpton should remain in the name of the Ward as these two areas are familiar with local residents and this is reflected in the suggested Ward name.



**Meeting:** Council

**Date:** 7 December 2017

**Wards Affected:** All Wards

**Report Title:** Proposed Council Tax Support Scheme 2018/19

**Is the decision a key decision?** Yes

**When does the decision need to be implemented?**

**Executive Lead Contact Details:** Mark King, Executive Lead for Libraries, IT and Waste, (01803) 207114, mark.king@torbay.gov.uk

**Supporting Officer Contact Details:** Alison Whittaker, Head of Customer Services, Revenue & Benefits, (01803) 207221, alison.whittaker@torbay.gov.uk

## 1. Proposal and Introduction

- 1.1 This report provides members with the background of the current scheme and recommendations for the 2018/19 local Council Tax Support scheme.
- 1.2 Schedule 1A of the Local Government Finance Act 2012 requires local authorities to annually review their local scheme.
- 1.3 Within the scheme Personal Allowances and Premiums for Council Tax Support are annually uprated in line with the prescribed pensioner scheme and national working-age benefits, which are both set by the Government.

## 2. Reason for Proposal

- 2.1 The Council must approve the final scheme by the 31st January each year, even if no changes are proposed.
- 2.2 If Personal Allowances and Premiums were not uprated in line with the prescribed Pensioner scheme and national working-age benefits residents would effectively have a cut in their entitlement.

## 3. Recommendation(s) / Proposed Decision

- 3.1 That Personal Allowances and Premiums for Council Tax Support are uprated from 1 April 2018 in line with the prescribed pensioner scheme and national working-age benefits, which are both set by the Government.
- 3.2 That the Exceptional Hardship Fund of £80,000, which is used to top up Council Tax Support awards in appropriate cases, be continued.

- 3.3 That the Chief Accountant be given delegated authority, in consultation with the Elected Mayor and Executive Lead for Planning, Transport and Housing, to make any further adjustments required to the Exceptional Hardship Policy and Fund and the Vulnerable policy.
- 3.4 That the scheme be updated to include “we may use DWP notifications to update Council Tax Support”.
- 3.5 That the scheme be updated to include “For the avoidance of doubt, the authority will decide what constitutes a claim for Council Tax Support. In the case of applicants who have applied for Universal Credit, the authority shall decide on a case by case basis when a claim is required from the applicant and by what method the claim is made. The authority may accept information received (in whatever format) from the DWP (Secretary of State for Work and Pensions) as a claim for Council Tax Support.”
- 3.6 That members note that Council Tax Support for working age households will be restricted to a Band D property and maximum entitlement will reduce from 72.5 % to 70%, from April 2018, as agreed by Council in December 2016.

## **Appendices**

Appendix 1 DWP notification text change

Appendix 2 Additional text to support application process

Appendix 3 Current 2017/18 schemes for other Devon Authorities

Appendix 4 Proposed 2018/19 schemes for other Devon Authorities

## **Background Documents**

Equality Impact Assessment Council Tax Support Scheme

## Section 1: Background Information

1.

### What is the proposal / issue?

Implement changes originally approved by members in December 2016.

For each financial year, the Council must consider whether to revise its scheme or to replace it with a replacement scheme. It must make any revision to its scheme, or any replacement scheme, no later than 31 January for the subsequent financial year.

In order to maintain the balance between the Council Tax Support scheme and the allowances to which claimants are entitled the Council uprate allowances on an annual basis in line with national changes.

The scheme is amended to state "We may use DWP notifications to update Council Tax Support". This proposal will ensure there is sufficient flexibility to support customers as they migrate to Universal Credit Full Service from May 2018.

The scheme is amended to state "For the avoidance of doubt the authority will decide what constitutes a claim for Council Tax Support. In the case of applicants who have applied for Universal Credit, the authority shall decide on a case by case basis when a claim is required from the applicant and by what method the claim is made. The authority may accept information received (in whatever format) from the DWP (Secretary of State for Work and Pensions) as a claim for Council Tax Support."

This proposal will further support customers to claim as they migrate to Universal Credit Full Service from May 2018.

2.

### What is the current situation?

In March 2012, the Welfare Reform Bill received Royal Assent and contained provisions for the abolition of Council Tax Benefit. In October 2012, the Local Government Finance Act became law and included the framework for localised Council Tax Reduction schemes which is known as the Council Tax Support scheme.

Entitlement to a reduction is based on a means test, by taking into consideration a customer's income and comparing this with any personal allowances, premiums and disregards to which they may be entitled.

Pensioners are protected in accordance with regulations set by Central Government and are able to claim support at up to 100% of their Council Tax liability. Mandatory protection of pension credit claimants applies to existing and new claimants that reach pensionable age.

For people of working age, the current scheme has the following key elements:

- All working age customer awards are based on 72.5% of the Council Tax charge for the property. This means that the maximum a working age

	<p>household can receive is 72.5% of the Council Tax due. These households have to pay a minimum of 27.5% of the Council Tax due;</p> <ul style="list-style-type: none"> <li>• Second Adult Rebate for working age claimants is not available;</li> <li>• No entitlement if working age claimants have savings over £6,000;</li> <li>• Additional support for exceptional financial hardship is available through a hardship fund, that's funded by the Council.</li> </ul> <p>The components used to calculate Council Tax Support consist of the following:</p> <ul style="list-style-type: none"> <li>• <b>Personal Allowances</b> - the basic amounts of money the government says a claimant needs to live on. The level depends on the claimant's age and whether they are part of a couple. There are additional allowances for dependent children.</li> <li>• <b>Premiums</b> - additional amounts added to the personal allowance because of claimant's personal circumstances. The government recognises that it is more expensive to live with a family or if someone has a disability or caring responsibilities. Extra amounts are added to income based benefits to account for this.</li> <li>• <b>Disregards</b> - the amount of earnings not taken into account when calculating entitlement to benefits. There are standard earnings disregards for singles, couples and lone parents. People in certain groups, such as carers and people with disabilities are eligible for a higher disregard.</li> <li>• <b>Non Dependant Deductions</b> - the amount that is deducted for other people who are 18 or over and live in the household. The deduction rates for non-dependants are set according to their income, as it is assumed that they can make a financial contribution to the household.</li> </ul> <p>Under the current scheme pensioners are protected and the level of entitlement for them must remain. Protection will be achieved by keeping in place the existing national rules, with eligibility and rates defined in Regulations broadly similar to those that already exist. This is known as the Prescribed pensioners scheme.</p>
<p>3.</p>	<p><b>What options have been considered?</b></p> <p>None for the purpose of this report.</p>
<p>4.</p>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</b></p> <p>This proposal supports the Corporate Plan ambitions and targeted actions, particularly protecting the vulnerable and work towards achieving a more prosperous Torbay.</p>

<p><b>5.</b></p>	<p><b>How does this proposal contribute towards the Council's responsibilities as corporate parents?</b></p> <p>This scheme supports providing means tested financial support to families within the bay on low incomes, including looked after children and care leavers to reduce their Council Tax charges to pay for local services. New working relationships to be developed with Adult services, Children's service and other local support agencies to improve communications with vulnerable households and ensure that take up is maximised.</p>
<p><b>6.</b></p>	<p><b>How does this proposal tackle deprivation?</b></p> <p>Council Tax Support provides proportioned financial assistance to low income households. In addition to this means tested scheme, the exceptional hardship fund provides an additional funding stream to further support deprived households in most need.</p>
<p><b>7.</b></p>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>This proposal will affect all working age households receiving Council Tax Support from 1 April 2018 to 31 March 2019.</p> <p>There are no requirements to undertake additional public consultation as the scheme changes were previously consulted on and approved by members in 2016.</p>
<p><b>8.</b></p>	<p><b>How will you propose to consult?</b></p> <p>Not applicable for this proposal.</p>

## Section 2: Implications and Impact Assessment

9.	<p><b>What are the financial and legal implications?</b></p> <p>Schedule 1A of the Local Government Finance Act 2012 requires local authorities to consider whether to revise or to replace its scheme each year. Any revisions or a replacement scheme must have been considered and agreed no later than the 31st January 2018 for operation by 1st April 2018.</p> <p>For this proposal there are no requirements to undertake public consultation.</p>
10.	<p><b>What are the risks?</b></p> <p>The council continues to face the financial risk of receiving less Council Tax income than budgeted due to:</p> <ul style="list-style-type: none"><li>• Any significant increase in caseload during the year, not provided for when the Council Tax taxbase is set;</li><li>• A greater than anticipated impact of the wider welfare reform changes on the level of Council Tax Support awarded;</li><li>• A reduction in the level of Council Tax collection, not provided for when the Council Tax taxbase is set.</li></ul>
11.	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>The procurement of services or provision of services is not relevant for this report.</p>
12.	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>Prior to April 2013 the national Council Tax Benefit scheme was available to taxpayers on low incomes to assist them with their Council Tax.</p> <p>The Government announced the abolition of Council Tax Benefit as part of the Spending Review 2010, with the intention to replace it with a localised support scheme from 1 April 2013.</p> <p>Torbay's scheme was prepared as part of a Devon wide approach, where the overarching principle was to develop a cost neutral scheme. However, it was unlikely that each authority's scheme would be identical, or produce the same end result for residents across the county, because of the different local demographics and the constraints placed on the design of local schemes by the government.</p> <p>Torbay's draft scheme was published in July 2012 to form the basis of the public consultation, which ran from 6 August to 1 October 2012 as part of a co-ordinated, Devon wide approach.</p> <p>Following the consultation process the new scheme was approved by members at Full Council in December 2012.</p>

	<p>The schemes adopted from 2014/15 to 2016/17 remained unchanged with the additional clause to uprate personal allowances, premiums and non-dependant deductions.</p> <p>From 2017/18 the current scheme was introduced following consultation and agreement by members in December 2016.</p>
<b>13.</b>	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>Not applicable for this proposal</p>
<b>14.</b>	<p><b>Amendments to Proposal / Mitigating Actions</b></p> <p>Not applicable for this proposal</p>

## Equality Impacts

15	<b>Identify the potential positive and negative impacts on specific groups</b>			
There are no equality/community issues arising from this report. The local scheme criteria for 2018/19 remains unchanged with the exception of the previously approved change to restrict to Band D and maximum award of 70% for working age claimants. This was subject to extensive consultation and supported by a full Equality impact Assessment in 2016.				
		<b>Positive Impact</b>	<b>Negative Impact &amp; Mitigating Actions</b>	<b>Neutral Impact</b>
Older or younger people		If Personal Allowances and Premiums were not uprated in line with the prescribed pensioner scheme and national working-age benefits residents would effectively have a cut in their entitlement should their income increase.		
People with caring Responsibilities				Protection for those receiving a carers allowance is in line with the old Council Tax Benefit scheme.
People with a disability				Protection for disabled people is in line with the old Council Tax Benefit scheme. Disability benefits, such as Disability Living Allowance, will continue to be fully disregarded as well as the associated personal allowances and premiums that are currently awarded to people with disabilities.
Women or men				Although this information is recorded, there is no adverse impact on the grounds of gender. Torbay's scheme is open to applications from persons of any gender and there are no aspects

			of the scheme which impact in any way on the availability of support to claimants based solely on gender.
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact
Religion or belief (including lack of belief)			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
People who are lesbian, gay or bisexual			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
People who are transgendered			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or

			complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
	People who are in a marriage or civil partnership		This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
	Women who are pregnant / on maternity leave		There is no differential impact
	Socio-economic impacts (Including impact on child poverty issues and deprivation)		There is no differential impact
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		There is no differential impact
<b>16</b>	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	Not applicable for this proposal.	

17	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	Not applicable for this proposal.
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Appendix 1: DWP notification text change

**Sections 91 – 94**

**Collection, holding and forwarding of information for Council tax reduction purposes**

**91.0 Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC)**

91.1 The authority **will** use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012 and the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013

91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements<sup>32</sup>.

**92.0 Collection of information**

92.1 The authority may receive and obtain information and evidence relating to claims for council tax reduction, the council may receive or obtain the information or evidence from–

- (a) persons making claims for council tax reduction;
- (b) other persons in connection with such claims;
- (c) other local authorities; or
- (d) central government departments including the DWP and HMRC

92.2 The authority may verify relevant information supplied to, or obtained.

**93.0 Recording and holding information**

93.1 The authority may

- (a) may make a record of such information; and
- (b) may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering council tax reduction.

**94.1 Forwarding of information**

94.2 The authority may forward it to the person or authority for the time being administering claims to or awards of council tax reduction to which the relevant information relates, being

- (i) a local authority;
- (ii) a person providing services to a local authority; or
- (iii) a person authorised to exercise any function of a local authority relating to council tax reduction.

### Appendix 2 - Additional text to support application process

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The Council currently receives electronic notifications from the Department for Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC) when a claimant's income changes. The monthly calculation of Universal Credit means that it is expected that the volumes of referrals received will increase. Each change of income will potentially lead to a change in Council Tax Support and a change in Council Tax liability and instalments.

These changes will allow discretion to;

- Ignore minimal changes in income and minimise multiple changes, which will both help to reduce confusion to residents and help to keep down administration costs.
- Keep new applications to a minimum, as it will not be necessary to reapply in some circumstances, following a period of nil entitlement for households that have fluctuating earned income.

Refer to paragraph 69.7 of the **current** scheme, as detailed below.

Additional text will be added for clarification.

*“For the avoidance of doubt, the authority will decide what constitutes a claim for Council Tax Support. In the case of applicants who have applied for Universal Credit, the authority shall decide on a case by case basis when a claim is required from the applicant and by what method the claim is made. The authority may accept information received (in whatever format) from the Secretary of State for Work and Pensions as a claim for Council Tax Support”.*

Refer to paragraph 91.1 of the **current** scheme, which is at Appendix 1.

This will be changed to “*may*”.

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**Section 68 – 74A**

**Claiming and the treatment of claims for Council Tax Reduction Purposes**

68.1 **Making an application**<sup>20</sup>

68.2 In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.

68.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and;

- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
- (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
- (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

68.4 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.

68.5 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).

68.6 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);

- (a) it may at any time revoke the appointment;
- (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
- (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).

68.7 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.

68.8 The authority must;

- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a);
- (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

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<sup>20</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

**69.0 Procedure by which a person may apply for a reduction under the authority's scheme<sup>21</sup>**

69.1. Paragraphs 2 to 7 apply to an application made under the authority's scheme.

69.2. An application may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance with sections 101 – 106A of this scheme, or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

69.3 (1) An application which is made in writing must be made to the designated office on a properly completed form.  
(2) The form must be provided free of charge by the authority for the purpose.

69.4 (1) Where an application made in writing is defective because—  
(a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or  
(b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,  
the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

(2) An application made on a form provided by the authority is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.

69.5. (1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

69.6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.

69.7 (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

**69.7 Notwithstanding other paragraphs within this section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered.**

- (1) Where an applicant ;
  - (a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made;and

<sup>21</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

(b) from a day in that period, up to the date he made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period),

the application is to be treated as made on the date determined in accordance with sub-paragraph (2).

(2) That date is the latest of;

- a. the first day from which the applicant had continuous good cause;
- b. the day 1 month before the date the application was made;
- c. the day 1 month before the date when the applicant requested that the application should include a past period.

Appendix 3

**Council Tax Support Schemes in Devon (2017/18)**

All schemes are based on the Council Tax Benefit rules but with the changes shown below.

<b>Name of Authority</b>	<b>Limit Liability</b>	<b>Second Adult Rebate</b>	<b>Band Restriction</b>	<b>Capital Limit</b>	<b>Hardship Fund</b>
East Devon District Council	80%	Withdrawn	Band D	£8,000	Yes
Exeter City Council	80%	Withdrawn	No restriction	£6,000	Yes
Mid Devon District Council	80%	Withdrawn	Band D	£8,000	Yes
North Devon District Council	75%	Withdrawn	Band D	£6,000	Yes
South Hams District Council	80%	Withdrawn	Band D	£16,000	Yes
Teignbridge District Council	100%	Withdrawn	Band D	£6,000	No
Torridge District Council	75%	Withdrawn	Band D	£6,000	Yes
West Devon District Council	80%	Withdrawn	Band D	£16,000	Yes
Torbay Council	72.5%	Withdrawn	No restriction	£6,000	Yes
Plymouth City Council	80%	Withdrawn	Band E	£6,000	Yes

**Appendix 4**

Proposed 2018/19 scheme changes for other Devon Authorities

All are based on their current 2017/18 local schemes with the uprate of Personal Allowances, Premiums and Non Dependant deductions in line with national welfare benefits .

**East Devon District Council**

That the policy be updated to include “The authority may use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement”

Currently in consultation regarding:  
Fixed period averages for Universal Credit claims.  
Disregarding Bereavement Support payments  
Disregarding charitable emergency payments

**Exeter City Council**

There are no other changes.

**Mid Devon District Council**

There are no other changes.

**North Devon District Council**

That the policy be updated to include “The authority may use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement”

**South Hams District Council & West Devon District Council**

That the policy be updated to include “The authority may use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement”

**Teignbridge District Council**

That the policy be updated to include “The authority may use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement”

**Torrige District Council**

That the policy be updated to include “The authority may use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement”

**Plymouth City Council**

That the policy be updated to include “The authority may use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement”



**Meeting: Council**

**Date: 7 December 2017**

**Wards Affected: All**

**Report Title: Appointment of Heart of the South West Joint Committee**

**Is the decision a key decision? Yes**

**When does the decision need to be implemented? Immediately**

**Executive Lead Contact Details: Elected Mayor Gordon Oliver, 01803 207001, mayor@torbay.gov.uk**

**Supporting Officer Contact Details: Anne-Marie Bond, Assistant Director – Corporate Support, 01803 207160, anne-marie.bond@torbay.gov.uk**

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## **1. Proposal and Introduction**

1.1 In February 2017 the Council gave ‘in principle’ approval to the establishment of a Heart of the South West Joint Committee, subject to approving the Joint Committee’s constitutional arrangements and an inter-authority agreement necessary to support the Joint Committee. This report sets out the necessary documents which, if agreed, will enable the Joint Committee to be formally established.

## **2. Reason for Proposal**

2.1 Working together will deliver better results if we are to help our businesses improve their productivity levels and deliver greater prosperity across the Heart of the South West. By collaborating across local geographies we will strengthen the area’s voice to Government and strengthen the actions the area can take to improve productivity.

2.2 The Productivity Strategy will replace the Local Enterprise Partnership’s Strategic Economic Plan. It will be the key strategic document for the partners to engage with Government and each other on a range of investment opportunities and powers emerging from the Industrial Strategy, Brexit and other policy opportunities.

2.3 The HotSW Joint Committee will provide a formal strategic partnership to complement and maximise the ability of individual authorities and sub-regional arrangements to deliver their aspirations. It will provide the formal arrangements for collaboration on productivity.

2.4 Through the Joint Committee the partners can test and improve their ability to work together as a potential precursor to the possible establishment of a Combined Authority at some point in the future. It will also provide a mechanism to further

strengthen democratic input and influence with the LEP and align more effectively with the LEP's new model of governance and accountability.

- 2.5 Without a Joint Committee in place, the HotSW area will continue to struggle to position itself to be able to take advantage of Government policy initiatives and new funding opportunities compared to those areas that have and are establishing formal strategic partnerships.

### **3. Recommendation(s) / Proposed Decision**

- 3.1 That the recommendation of the Heart of the South West's Leaders (meeting as a shadow Joint Committee) to form a Joint Committee for the Heart of the South West be approved;
- 3.2 That the Arrangements and Inter-Authority Agreement documents set out in appendices 1 and 2 for the establishment of the Joint Committee with the commencement date of Monday 22 January 2018 be approved;
- 3.3 That the Elected Mayor (Gordon Oliver) and the Deputy Mayor (Councillor Derek Mills) be appointed as Torbay Council's named representative and substitute named representative on the Joint Committee;
- 3.4 That Somerset County Council be appointed as the Administering Authority for the Joint Committee for a 2 year period commencing 22 January 2018;
- 3.5 That the transfer of the remaining joint devolution budget to meet the support costs of the Joint Committee for the remainder of 2017/18 financial year subject to approval of any expenditure by the Administering Authority be approved;
- 3.6 That an initial contribution of £4000 for 2018/19 to fund the administration and the work programme of the Joint Committee, noting that any expenditure will be subject to the approval of the Administering Authority, be approved;
- 3.7 That it be agreed that the key function of the Joint Committee is to approve the Productivity Strategy;
- 3.8 That the initial work programme of the Joint Committee aimed at the successful delivery of the Productivity Strategy be authorised; and
- 3.9 That the proposed meeting arrangements for the Joint Committee including the timetable of meetings for the Joint Committee as proposed in section 1 of the Background Information be agreed.

### **Appendices**

Appendix 1: Heart of the South West Joint Committee – Draft Arrangements

Appendix 2: Heart of the South West Joint Committee – Inter-Authority Agreement

Appendix 3: Heart of the South West Productivity Strategy and Joint Committee Work Programme

## Section 1: Background Information

### 1. What is the proposal / issue?

On 23 February 2017 (Minute 157 refers) the Council gave 'in principle' approval to the establishment of a HotSW Joint Committee, subject to approving the Joint Committee's constitutional arrangements and an inter-authority agreement necessary to support the Joint Committee. This report sets out the necessary documents which, if agreed, will enable the Joint Committee to be formally established.

The detail of the proposed functions of the Joint Committee and how it will operate are set out in Appendix 1 attached – the Arrangements document. Appendix 2 attached sets out an Inter-Authority Agreement for consideration which details how the Joint Committee will be supported and sets out the obligations of the Council if it agrees to become a constituent member.

The documents detail the Administering Authority functions in support of the operation of the Committee including the provision of financial, legal, constitutional and administrative support to the Committee.

At this stage the Arrangements and Inter-Authority documents have been 'scaled' to fit the functions of the Joint Committee and the limited liabilities that each authority faces in signing up to be a Constituent Authority. In the event that the remit of the Joint Committee expands to take on more decision-making responsibilities and functions of the constituent authorities, the Arrangements and Inter-Authority agreement will be revisited to ensure that they remain fit for purpose and proportionate. Any expansion of the functions and responsibilities would require the approval of the Constituent Authorities.

The Joint Committee has a much more limited role than a Combined Authority. It does not have the statutory or legal status of a Combined Authority and cannot deliver the full range of benefits that a Combined Authority can, but it does have the potential to provide cohesive, coherent leadership and a formal governance structure. Its role will focus on collaboration, negotiation and influencing with full decision making responsibilities limited to developing and agreeing the Productivity Strategy. The principle of subsidiarity will apply to the relationship between the Joint Committee, the Constituent Authorities and local Sub-Regional Partnerships with decisions to deliver the Productivity Strategy and decisions necessary as a result of the other functions of the Joint Committee being taken at the most local and appropriate level.

The aim of the Joint Committee through the delivery of the Productivity Strategy will be to:

- Improve the economic prosperity of the wider area by bringing together the public, private and education sectors;
- Work together to realise opportunities and mitigate impacts resulting from Brexit;

- Increase understanding of the local economy and what needs to be implemented locally to improve prosperity for all;
- Ensure the necessary strategic framework, including infrastructure requirements, is in place across the HotSW area to enable sub-regional arrangements to fully deliver local aspirations; and improve the efficiency and productivity of the public sector. This work will be supported by a Joint Committee budget based on an agreed work programme.

The creation of a single strategic public sector partnership covering the HotSW area will: facilitate collaborative working; help us to remove barriers to progress; as well as provide a formal structure to engage with Government at a strategic level on major areas of policy. It also has the potential to enable the Constituent Authorities and partners to have discussions with neighbouring Councils / Combined Authorities / LEPs on South West peninsula priorities and issues as well as the ability to move swiftly towards a Combined Authority model in the future (by potentially acting as a shadow Combined Authority) if the conditions are deemed acceptable to the Constituent Authorities.

Critically, the Joint Committee will also provide a formal mechanism for the Constituent Authorities to engage effectively with the LEP across common boundaries and agendas. District Council partners, in particular, might view this as an opportunity to engage more effectively with the LEP. The LEP, which will sit alongside the Joint Committee, has recently adopted new governance requirements to ensure greater transparency and accountability and wishes to further improve its democratic accountability in discussion with HotSW partners. The Joint Committee will provide a formal structure to take these discussions forward and for the Constituent Authorities to have greater influence over the activities of the LEP on our common agendas.

In terms of the proposed meeting arrangements for the Joint Committee, it is recommended:

- (a) That the Joint Committee should meet formally immediately after the LEP Board meetings to assist with engagement and co-operation between the bodies and allow co-ordination of the respective work programmes.
- (b) That the following dates are reserved for meetings of the Joint Committee in 2018:
  - Friday 26<sup>th</sup> January
  - Friday 23<sup>rd</sup> March
  - Friday 25<sup>th</sup> May
  - Friday 20<sup>th</sup> July
  - Friday 28<sup>th</sup> September
  - Friday 30<sup>th</sup> November
- (c) That the Joint Committee meetings should start at 10am with the venues rotated throughout the HotSW area. The assumption will be that the host authority for that meeting will provide appropriate accommodation and facilities 'in kind'.

	<p>Details of the Heart of the South West’s Productivity Plan and the Joint Committee Work Programme are included at Appendix 3.</p>
<p><b>2.</b></p>	<p><b>What is the current situation?</b></p> <p>Since August 2015, Devon and Somerset County Councils, all Somerset and Devon Districts, Torbay Council, Plymouth City Council, Dartmoor and Exmoor National Parks, the Local Enterprise Partnership (LEP) and the three Clinical Commissioning Groups have worked in partnership to progress towards securing a devolution deal for the Heart of the South West (HotSW) area focusing on delivering improved productivity. Since that time the partnership has continued to progress its objectives in spite of policy shifts at a national level.</p> <p>The General Election has further shifted the national policy position. On the 13 October 2017 representatives of HotSW (from the Somerset, Devon, Plymouth and Torbay upper tier authorities) met Jake Berry MP, Minister for Devolution to clarify the position of the Government and the HotSW Partnership on the devolution issue. The meeting was very positive and although no agreements were reached at the meeting, the partnership’s representatives were given a clear message that the Government would welcome a bid from the partnership to progress our productivity ambitions by identifying areas where we can work together with Government. Importantly the Minister indicated that there would be no requirement to have an elected mayor for Devon and Somerset as a condition of any deal. This statement has removed one significant blockage to moving our ambitions forward and we now need to agree what we want from this initiative and then find practical ways to work with the Government on delivery.</p> <p>There is now no doubt that the Government is keen to engage with wider areas that can demonstrate:</p> <ul style="list-style-type: none"> <li>• Unity, clarity of purpose and a shared, ambitious vision built on local strengths</li> <li>• Strong partnership between business and the public sector with solid governance arrangements that provide assurance in capacity to deliver</li> <li>• Compelling ideas that can help to deliver Government objectives</li> <li>• Clarity about the offer to Government in terms of savings and is prepared to take hard decisions based on a robust analysis of risk and benefits.</li> </ul> <p>The Joint Committee will provide the ideal governance framework at this stage to take forward this dialogue with Government.</p> <p>The key role of the HotSW Joint Committee is to develop, agree and ensure the implementation of the Productivity Strategy. This can only be achieved by working, where appropriate, in collaboration with the individual constituent authorities and the LEP. The Strategy will agree a common vision for increased prosperity through economic growth informed by a local evidence base and engagement with local stakeholders. It will also link to Government policy initiatives, particularly in relation to the Industrial Strategy, and will form the basis for developing our collective ‘ask’ of Government.</p>

<p><b>3.</b></p>	<p><b>What options have been considered?</b></p> <p>There are two options and alternatives that Members might consider:</p> <p>Option 1 – Do nothing and continue with informal arrangements within the Partnership. The feedback from Government is they prefer to work ‘at scale’ and are looking more favourably at areas that have a unity of vision and purpose.</p> <p>Option 2 – move to a Combined Authority. The Partnership now need to review the option of establishing a Combined Authority at some point following the indication from the Minister that there will be no requirement to have an elected mayor in order to pursue our ambitions. Establishing a Combined Authority requires a substantial lead in time to allow for the Parliamentary approval process and would inevitably require the creation of a shadow Combined Authority to test and confirm the concept. The potential benefits of moving to a Combined Authority model will have to be judged against the implications of doing so, including the cost implications. The Joint Committee has the benefit of allowing the Partnership to move relatively quickly to establish a Combined Authority if that is the wish of the partners.</p>
<p><b>4.</b></p>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</b></p> <p>The ambition within the proposed Productivity Strategy is to double the size of the Heart of the South West economy in 18 years. The aim is for businesses across the region (in each place and sector) to realise the benefits of becoming more productive. This in turn will lead to increased prosperity for our communities.</p> <p>This fits with the ambitions of Torbay Council’s Corporate Plan of creating a prosperous and healthy Torbay.</p> <p>By being part of the Joint Committee, Torbay Council will have a voice amongst the other local authorities all seeking to improve prosperity.</p>
<p><b>5.</b></p>	<p><b>How does this proposal contribute towards the Council’s responsibilities as corporate parents?</b></p> <p>Creating a prosperous Torbay within a prosperous Heart of the South West will benefit all of our communities and create opportunities for our children and young people.</p>
<p><b>6.</b></p>	<p><b>How does this proposal tackle deprivation?</b></p> <p>Creating a prosperous Torbay within a prosperous Heart of the South West will benefit all of our communities and create opportunities within and for our deprived wards.</p>

	<p>There is a strong correlation between economic prosperity and health of the population. Public Health specialists will be key stakeholders within the consultation process and will be asked to advise on ways in which the Productivity Strategy could be connected to public health strategies to maximise the benefits to our communities.</p>
7.	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>Members, partners and the public have been kept informed of developments of the HotSW Devolution Partnership and the Productivity Strategy through press releases, newsletters, presentations, workshops and publications. This information flow will be maintained by the Joint Committee. In addition, all of the Authorities within the Partnership have taken formal decisions as required during the various stages of consideration of devolution proposals and the proposed creation of the Joint Committee.</p>
8.	<p><b>How will you propose to consult?</b></p> <p>Other than discussions with the Leaders and Chief Executives within the Heart of the South West Partnership, it is not proposed to consult on the proposal to establish a Joint Committee.</p> <p>However, a draft Productivity Strategy has been released for public consultation . To complement the on-line consultation there will be; Council-based briefings and targeted key stakeholder events through 6 sub-regional roadshows held in Plymouth, Northern Devon, Cullompton/Exeter, Torbay, Taunton/Bridgwater and Yeovil/Shepton Mallet. The consultation will end on 30 November 2017 and feedback will influence the final strategy which is due for approval in early 2018.</p>

## Section 2: Implications and Impact Assessment

9.	<p><b>What are the financial and legal implications?</b></p> <p><u>Financial Implications</u></p> <p>The costs associated with the early work on the Productivity Strategy preparation largely relate to officer time which is being provided ‘in kind’ by the authorities and partners. Specifically the LEP has met some direct costs.</p> <p>Although the Joint Committee is a cost-effective formal structure, some provision needs to be made to meet the support costs of what will be a fully constituted local authority joint committee. It is proposed that Somerset County Council (who have provided the lead for the governance workstream of the devolution project over the last two years) takes on the support role (with the option of rotating the role after 2 years of operation), to provide the financial, legal, democratic support to the Joint Committee from 22 January 2018.</p>
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There is currently the remainder of the joint devolution budget raised from an initial contribution from all Authorities and the LEP in 2015. It is recommended that the remaining funds from this budget - £42,000 - are transferred to the Administering Authority and the budget is used to support the costs of the Joint Committee for the remainder of 2017/18 financial year and for some of 2018/19.

In addition, the Joint Committee will need a budget to undertake its work programme in order to oversee the implementation of the Productivity Strategy. The overall budget required to support the Joint Committee and enable it to undertake its work programme will be dependent, to an extent, on the level of 'in-kind' officer resources provided to the Committee by the constituent authorities. The Administering Authority will review the in-kind support which has been provided for the devolution project in consultation with the constituent authorities and bring forward revised budget figures as part of a budget and cost sharing agreement as necessary in due course to the Joint Committee for consideration and recommendation to the Constituent Authorities. The budget figures set out in this report are therefore provisional at this stage. The initial Joint Committee work programme is set out in Appendix 3.

Through work undertaken by the partners it is estimated that the operating cost of a Joint Committee will be £89,000 in 2018/19 (and to cover the remainder of 2017/18) excluding any in-kind support. This estimate is made up of the following:

- £40,000 for the Administering Authority to undertake its duties. This is seen as a minimum cost and assumes that 'in-kind' officer resource remains in place at the same level; the Joint Committee meeting venues are provided by partners as 'in-kind' contribution
- £25,000 (estimate) for work the Joint Committee would wish to commission
- £24,000 for the Brexit Resilience and Opportunities Group Secretariat.

The Shadow Joint Committee recommends the budget is met by contributions from the Constituent Authorities. This would exclude the LEP and the CCGs from contributing as non-voting partners. As stated above it is estimated there will be a funding carry forward of £42,000 from the 2015 devolution budget. This would leave a shortfall of £47,000 to meet the total estimated budget requirement of the Joint Committee in 2018/19. Using the formula of contributions agreed in 2015 to support the devolution project the contribution requested of each Constituent Authority for 2018/19 is set out below. This assumes that all authorities agree to become members of the Joint Committee and would have to be recalculated should fewer than 19 Authorities become Members.

- County Councils - £10,500
- Unitary Councils - £4,000
- District Councils and National Parks £1,400

Under this formula it is recommended this Council contributes £4000 for 2018/19 as a Constituent Authority. Any expenditure against this budget would be subject to the formal approval of the Administering Authority.

	<p>In coming to their decision about a Joint Committee and whether the potential costs provide good value for money, Members might like to consider the potential cost/impact of not working in this way and the potential loss of influence with the Government and investment to the area. Through recent funding initiatives and policy – including through the recent meeting with the Minister, it is clear that Government is looking for areas to come together and articulate their vision and priorities across footprints wider than their organisational boundary or sub-regional areas.</p> <p>The proposal put before Members sets out a low risk, low cost option to work in a more formal way to capitalise on opportunities arising from future Government strategies, funding announcements and in preparation for Brexit.</p> <p><u>Legal Implications</u></p> <p>Each of the partners’ legal teams and Monitoring Officers have been involved in the development of the Arrangements and Inter-Authority documents set out as Appendices 1 and 2. The documentation also aligns to the LEP’s Assurance Framework.</p> <p>This simple documentation sets out the functions, membership and operations of the Joint Committee and the requirements upon the constituent authorities in supporting it.</p>
<p><b>10.</b></p>	<p><b>What are the risks?</b></p> <p>The creation of a Joint Committee will place a formal governance structure around the preparation and implementation of the Productivity Strategy. The Strategy will be used as a tool to attract a greater share of Government funding around the Industrial Strategy to mitigate the risk of Devon and Somerset being left behind other areas of the country.</p> <p>Without a Productivity Strategy and Joint Committee in place, the Council and its partners will lack credibility and be at a disadvantage in negotiating and lobbying Government on a range of policy initiatives including the growth agenda and are likely to miss out on potential funding streams.</p> <p>The individual financial risk to the individual Constituent Authorities of establishing the Joint Committee is limited to their financial contributions to the running and operational costs of the Joint Committee. The risk is shared between all of the Constituent Authorities.</p>
<p><b>11.</b></p>	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>Not applicable</p>

## HEART OF THE SOUTH WEST (HOTSW) JOINT COMMITTEE – DRAFT ARRANGEMENTS

### 1. Introduction:

1.1 Legal status: The HotSW Joint Committee is a Joint Committee of the local authorities listed in 1.5 below that comprise the HotSW area and established under Sections 101 to 103 of the Local Government Act 1972 and all other enabling legislation to undertake the functions detailed in section 2 of this Agreement.

1.2 Key purpose: The key purpose of the Joint Committee is to be the vehicle through which the HotSW partners will ensure that the desired increase in productivity across the area is achieved.

1.3 Aims and objectives: The aim is to provide a single strategic public sector partnership that covers the entire area and provides cohesive, coherent leadership and governance to ensure delivery of the Productivity Strategy for the HotSW area. The specific objectives of the Joint Committee are to:

- (a) Improve the economy and the prospects for the region by bringing together the public, private and education sectors;
- (b) Increase our understanding of the economy and what needs to be done to make it stronger;
- (c) Improve the efficiency and productivity of the public sector;
- (d) Identify and remove barriers to progress and maximise the opportunities /benefits available to the area from current and future government policy.

1.4 Commencement: The Joint Committee will be established in accordance with the resolutions of the Constituent Authorities listed below in paragraph 1.5 with effect from the Commencement Date (22nd January 2018) and shall continue in existence unless and until dissolved by resolution of a majority of the Constituent Authorities.

1.5 Membership: Each of the Constituent Authorities listed below shall appoint 1 member and 1 named substitute member to the Joint Committee on an annual basis. Each member shall have 1 vote including substitute members. For the Councils, the member appointed shall be that Council's Leader except in the case of Torridge District Council where the member appointed by the Council shall have authority to speak and vote on matters on behalf of the Council. Political balance rules do not apply to the Joint Committee membership. The substitute member shall also be a cabinet member where the Council is operating executive arrangements. For the National Park Authorities the member appointed shall have authority to speak and vote on matters on behalf of the Authority:

- Dartmoor National Park Authority
- Devon County Council
- East Devon District Council
- Exeter City Council

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- Exmoor National Park Authority
- Mendip District Council
- Mid Devon District Council
- North Devon Council
- Plymouth City Council
- Sedgemoor District Council
- Somerset County Council
- South Hams District Council
- South Somerset District Council
- Torbay Council
- Taunton Deane Borough Council
- Teignbridge District Council
- Torrington District Council
- West Devon Borough Council
- West Somerset Council.

1.6 In addition to the Constituent Authorities the partner organisations listed below shall each be invited to appoint 1 co-opted representative and 1 named substitute co-opted representative to the Joint Committee. Co-opted members shall not have voting rights:

- Heart of the South West Local Enterprise Partnership (the LEP)
- NHS Northern, Eastern and Weston Devon Clinical Commissioning Group
- NHS South Devon and Torbay Clinical Commissioning Group
- NHS Somerset Clinical Commissioning Group

1.7 The Joint Committee may co-opt further non-voting representatives from the private, public and/or voluntary sectors at any time.

1.8 Each appointed member / representative shall remain a member of the Joint Committee until removed or replaced by the appointing authority / organisation. Appointments to fill vacancies arising should be notified to the Joint Committee Secretary as soon as possible after the vacancy occurs.

1.9 Standing Orders / Rules of Procedure: Outside of the contents of this 'Arrangements' document, the Standing Orders and Rules of Procedure for the Joint Committee shall be those contained in the Constitution of the Administering Authority to the Joint Committee, subject, in the event of any conflict, to the provisions in the Arrangements document taking precedent.

1.10 Administering Authority: A Council shall be appointed by the Constituent Authorities as the Administering Authority for the Joint Committee and shall provide legal, democratic services, financial and communications support to the Committee. The Joint Committee's Forward Plan of business and papers for its meetings shall be published on the Administering Authority's website with links provided to the websites of the other Constituent Authorities and partner organisations.

## 2. Joint Committee Functions:

2.1 The only delegated function of the Joint Committee relates to the approval of the HotSW Productivity Strategy. All other matters referred to in 2.3 are 'referred' matters where the Joint Committee will make recommendations to the Constituent Authority or Authorities for decision. Additional delegated or referred functions may be proposed for the Joint Committee in the future by the Joint Committee or any of the Constituent Authorities, but shall only be agreed if approved by all of the Constituent Authorities.

2.2 The principle of subsidiarity will apply to the relationship between the Joint Committee, the Constituent Authorities and local Sub-Regional Partnerships with decisions being made at the most local and appropriate level on all matters to do with the delivery of the Productivity Strategy and in relation to the other functions of the Joint Committee.

2.3 The Joint Committee shall:

- (a) Develop and agree the HotSW Productivity Strategy in collaboration with the LEP.
- (b) Ensure delivery of the HotSW Productivity Strategy in collaboration with the LEP and the Constituent Authorities.
- (c) Continue discussions /negotiations with the Government on the possibility of achieving devolved responsibilities, funding and related governance amendments to assist with the delivery of the Productivity Strategy. Joint Committee proposals arising from these discussions /negotiations would require the formal approval of the Constituent Authorities / partner agencies.
- (d) Continue discussions / negotiations with the Government / relevant agencies to secure delivery of the Government's strategic infrastructure commitments, eg, strategic road and rail transport improvements
- (e) Work with the LEP to identify and deliver adjustments to the LEP's democratic accountability and to assist the organisation to comply with the revised (November 2016) LEP Assurance Framework. This includes endorsing the LEP's assurance framework on behalf of the Constituent Authorities as and when required. However, this is subject to the Framework being formally approved by the LEP's Administering Authority.
- (f) Ensure that adequate resources (including staff and funding) are allocated by the Constituent Authorities to enable the objectives in (a) to (e) above to be delivered.

### **3. Funding**

3.1 The Constituent Authorities shall agree each year and in advance of the start of the financial year (except in the year of the establishment of the Joint Committee) a budget for the Joint Committee in accordance with a Budget and Cost Sharing Agreement to cover the administrative costs of the Joint Committee and costs incurred in carrying out its functions. All funds will be held and administered by the Administering Authority on behalf of the Constituent Authorities and spent in accordance with that Authority's financial regulations and policies.

3.2 In the Joint Committee's first year of operation, the budget will be approved by the constituent authorities on the recommendation of the Joint Committee as soon as possible after the establishment of the Joint Committee.

3.3 Joint Committee members' costs and expenses will be funded and administered by the respective Constituent Authority.

### **4. Review of the Joint Committee Arrangements**

5.1 The Joint Committee may at any time propose amendments to the Arrangements document which shall be subject to the approval of all of the Constituent Authorities.

5.2 Any Constituent Authority may propose to the Joint Committee amendments to the Arrangements. Such amendments shall only be implemented if agreed by all of the Constituent Authorities on the recommendation of the Joint Committee.

### **5. Members' Conduct**

5.1 All members of the Joint Committee shall observe the "Seven Principles of Public Life" (the 'Nolan' principles) and will be bound by their own authority's code of conduct in their work on the Joint Committee.

5.2 Joint Committee members / representatives shall be subject to the code of conduct for elected members adopted by the Constituent Authority that nominated them to be a Joint Committee member or to the conduct requirements of the organisation that appointed them. This includes the requirement to declare relevant interests at formal meetings of the Joint Committee.

### **6. Requirements of Joint Committee members**

6.1 Joint Committee members shall:

- (a) Act in the interests of the Joint Committee as a whole except where this would result in a breach of a statutory or other duty to their constituent authority or would be in breach of their Constituent Authority's Code of Conduct.

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- (b) Be committed to, and act as a champion for, the achievement of the Joint Committee's aims.
- (c) Be an ambassador for the Joint Committee and its work.
- (d) Attend Joint Committee meetings regularly, work with others to achieve consensus on items of business and make a positive contribution to the Committee's work.
- (e) Act as an advocate for the Joint Committee in any dealings with their organisation including seeking any approvals from their Constituent Authority/partner organisation to Joint Committee recommendations.
- (f) Adhere to the requirements of the 'Arrangements' document and maintain high ethical standards.

## **7. Appointment of Chairman and Vice-Chairman**

7.1 The Joint Committee shall elect a Chairman and Vice-Chairman from amongst the voting membership as the first items of business at its inaugural meeting and at each Joint Committee Annual General Meeting thereafter. The appointments shall be confirmed by a simple majority vote of Constituent Authority members. If a deadlock occurs between two or more candidates a secret ballot shall immediately be conducted to confirm the appointment. If there is still deadlock following a secret ballot then a further meeting of the Joint Committee shall be held within 14 days and a further secret ballot shall be held to resolve the appointment.

7.2 A vacancy occurring in the positions of Chairman or Vice-Chairman between Annual General Meetings shall be filled by election at the next meeting of the Joint Committee. The person elected will serve until the next Annual General Meeting.

7.3 The Chairman and Vice-Chairman shall, unless he or she resigns the office or ceases to be a member of the Joint Committee and subject to 7.5 below, continue in office until a successor is appointed.

7.4 In the absence of the Chairman and the Vice-Chairman at a meeting, the voting members of the Committee present shall elect a Chairman for that meeting.

7.5 The Chairman or Vice-Chairman may be removed by a vote of all of the Constituent Authority members present at a meeting of the Joint Committee.

## **8. Quorum**

The quorum for any meeting of the Joint Committee shall be 9 Constituent Authority members. The Chairman will adjourn the meeting if there is not a quorum present. In the absence of a quorum, the meeting shall be adjourned to a date, time and venue to be agreed by the Chairman.

## **9. Voting**

9.1 Wherever possible the elected and co-opted members of the Joint Committee shall reach decisions by consensus and shall seek to achieve unanimity.

9.2 In exceptional circumstances where a formal vote is required, the proposal will be carried by a simple majority agreement of the voting members present and voting by a show of hands. The Chairman of the Joint Committee shall not have a casting vote in the event of a tied vote.

## **10 Decision making Arrangements**

10.1 Only the Joint Committee shall approve the Productivity Strategy.

10.2 The Joint Committee may at any time appoint working groups consisting of Joint Committee members and/or co-opted representatives / officers to consider specific matters and report back / make recommendations to the Joint Committee.

## **11 Formal Meeting Arrangements**

11.1 The Joint Committee will hold an Inaugural Meeting within 30 days of the agreed commencement date and thereafter shall meet on a regular basis as agreed by the Joint Committee annually at its Annual General Meeting.

11.2 The Chairman or in his/her absence the Vice-Chairman, may call a special meeting of the Joint Committee following consultation with the Chief Executives' Advisory Group to consider a matter that falls within the Committee's remit but cannot be deferred to the next scheduled meeting, provided that at least ten clear working days notice in writing is given to the Joint Committee membership.

11.3 Formal meetings of the Joint Committee shall normally be held in public, in accordance with the Access to Information Rules and the Standing Orders / Rules of Procedure of the Administering Authority.

11.4 Meetings of any working groups or task groups established by the Joint Committee shall, unless otherwise agreed, be held in private.

## **12. Who can put items on the Joint Committee's agenda?**

- (a) The Joint Committee itself;
- (b) Any of the members of the Joint Committee appointed by the Constituent Authorities
- (c) A Constituent Authority by way of a formal resolution
- (d) The Chief Executives' Advisory Group
- (e) The Monitoring Officer and / or the Chief Finance Officer of the Administering Authority.

## **13. Reporting Arrangements**

13.1 In addition to any ad hoc reports to the Constituent Authorities, the Joint Committee shall supply an annual report of its activities to the Constituent Authorities in May of each year.

13.2 The Joint Committee shall co-operate with the public scrutiny arrangements of the Constituent Authorities.

## **14 Record of attendance**

14.1 All members present during the whole or part of a meeting are asked sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

Julian Gale  
Monitoring Officer  
Somerset County Council

30.10.17



**HOTSW JOINT COMMITTEE  
DRAFT INTER – AUTHORITY AGREEMENT**

Para 11.5 – original wording:

11.5 A Constituent Authority shall not make any public statement or issue any press release or publish any other public document relating to, connected with or arising out of the work of the Joint Committee without obtaining the other Constituent Authorities' prior approval as to the contents thereof and the manner of its presentation and publication.

**AGREED** revised wording.

11.5 All press releases and public statements to be sent out on behalf of the Joint Committee shall be the responsibility of the press office of the Administering Authority.

Julian Gale  
Monitoring Officer  
Somerset County Council

14.11.17

### Heart of the South West Productivity Plan and the Joint Committee Work Programme

The Partnership has, since its inception, been focused on working together to tackle low productivity as this is seen as the key to future economic growth. The academic research undertaken in the HotSW Green Paper on Productivity - <http://www.torbay.gov.uk/productivity-plan-green-paper/> highlighted that whilst Devon and Somerset have one of the highest employment rates in the country too many of those jobs are part-time and low paid. This means that our area has one of the lowest productivity rates in the Country and this is a major barrier to future prosperity.

The Partnership has continued to lobby Government to work more closely with our area in order to make good on its promise to spread economic growth across the Country and we now need to build on the recent meeting of the Minister and the momentum achieved. This work is urgently needed to ensure that areas such as the Heart of the South West don't get left behind as Government look to focus investment in areas where there are strong, cross boundary strategic partnership arrangements such as the six Mayoral Combined Authorities.

The Productivity Strategy is being developed through an academic evidence base and engagement with stakeholders and the community. The draft plan is currently out to consultation (<http://www.torbay.gov.uk/devolution>). The deadline for response is 30 November 2017 . Members are encouraged to respond to the draft strategy.

In summary the Strategy proposes to deliver prosperity and productivity across the entire HotSW and to do so in an inclusive way. It proposes to build on existing strengths such as aerospace, advanced manufacturing, nuclear energy and agri-tech as well as exploiting new opportunities and releasing untapped potential.

The Strategy is built around three key objectives:

- Developing **leadership and knowledge** within businesses in our area;
- Strengthening the **connectivity and infrastructure** our businesses and people rely on; and
- Developing the ability of people in our area to **work and learn** in a rapidly changing economy.

	Leadership and knowledge	Connectivity and infrastructure	Working and learning
<b>Aspiration</b>	To substantially improve the productivity of businesses in the area.	Improve our physical and natural assets to support wellbeing and economic opportunities.	Meet the potential of every individual within the area to work and contribute to our shared prosperity.
<b>High-level aim</b>	Help develop innovative, ambitious, growing businesses that can compete internationally.	Create vibrant places that are attractive to skilled people and new investment, with infrastructure to support productivity growth.	Develop, attract and retain a highly skilled and adaptable workforce.
<b>Strategic objective</b>	<b>Programmes</b> <ul style="list-style-type: none"> <li>• Management excellence</li> <li>• New markets, new opportunities</li> <li>• Remove barriers to expansion</li> <li>• Attract talent and investment</li> </ul>	<b>Programmes</b> <ul style="list-style-type: none"> <li>• Clean energy infrastructure</li> <li>• Connectivity and resilience</li> <li>• Land for business and housing needs</li> <li>• Natural capital to support productivity</li> </ul>	<b>Programmes</b> <ul style="list-style-type: none"> <li>• Skills for a knowledge-led economy</li> <li>• Pathways to success</li> <li>• Access to work and opportunities</li> <li>• Skills for our 'golden opportunities'</li> </ul>

It is recommended that one of the first tasks of the Joint Committee will be to approve the Productivity Strategy early in the New Year.

The Partnership has been meeting as a Shadow Joint Committee since 22<sup>nd</sup> September 2017. Its focus is to ensure the Joint Committee can immediately move into action and take advantage of major funding streams, national policy debates and lobbying around the economy. The Partnership will be working with the LEP to deliver the Productivity Strategy and will be supporting a joint work programme which initially will involve:

- Developing and recommending a delivery and investment Framework, to implement the Productivity Strategy and demonstrating our capacity to deliver. This will complement the LEP's Strategic Investment Panel which oversees the LEP's investments;
- Investigating ways to complement existing work to draw out opportunities to attract infrastructure investment in line with the Productivity Strategy aims, building our track record for ambitious and compelling propositions;

- Investigating ways to complement existing work on improving the delivery of skills in line with the Productivity Strategy aims
- Investigating ways to complement existing work on strengthening leadership & knowledge within the area's SMEs in line with the Productivity Strategy aims;

Any Joint Committee expenditure on the joint work programme will be subject to approval by the Administering Authority.



**Meeting:** Council

**Date:** 7 December 2017

**Wards Affected:** All Wards

**Report Title:** Budget Monitoring 2017/18 – Quarter 2

**Is the decision a key decision?** No

**When does the decision need to be implemented?** n/a

**Executive Lead Contact Details:** Elected Mayor Gordon Oliver, [mayor@torbay.gov.uk](mailto:mayor@torbay.gov.uk)

**Supporting Officer Contact Details:** Martin Phillips, Head of Finance,  
[Martin.phillips@torbay.gov.uk](mailto:Martin.phillips@torbay.gov.uk), 01803 207285

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## 1. Purpose and Introduction

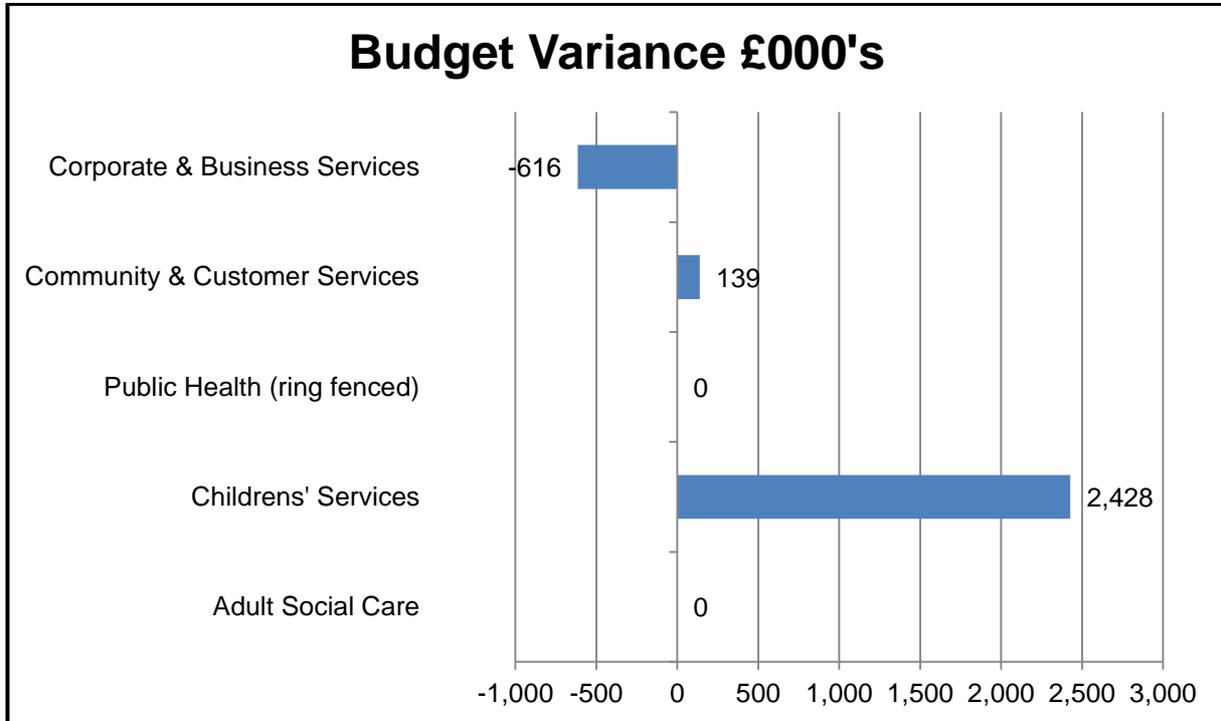
- 1.1. This report provides a high level budget summary of the Council's revenue and capital income and expenditure for the financial year 2017/18.
- 1.2 As at the end of quarter two 2017/18 the Council's **Revenue** budget is predicting an over spend of £1.9m primarily as a result of expenditure pressures in children's social care. This level of overspend is a cause for concern and has been reflected in the Mayor's budget proposals for 2018/19 which were published in October 2017. In the absence of any compensating savings in other services the Council will need to identify options to fund the over spend. The 2018/19 Review of Reserves report will address this issue.
- 1.3 The **Capital** Plan budget totals £191.8 million for the 4 year programme, with £104 million currently scheduled to be spent in 2017/18, including £68m on Investment Fund acquisitions, £15m on a number of regeneration projects, and £7m on the major Transport schemes (i.e. South Devon Highway/Western Corridor). The capital plan only reflects investments purchased to date, however this could increase by £133m if the expenditure increases to the level of the £200m approved investment budget. The Capital Plan requires £0.9 million from (new) capital receipts and capital contributions over the life of the Plan

## 2. Recommendation (s) / Proposed Decision

- 2.1 That the Council notes the current position and considers any comments and/or recommendations from the Overview and Scrutiny Board.
- 2.2 That the Council approves a loan to Torquay Academy of £0.225m to be repaid over seven years to fund additional teaching space at Torquay Academy.

### 3. 2017/18 Revenue Budget Summary Position

3.1 As at Quarter 2 the Council's revenue budget is predicting an over spend of £1.9m, primarily as a result of issues in Children's Services, offset in part by under spends or additional income on other services. A bar chart summarising the projected budget variance by service for 2017/18 is as follows:



#### Children's Services

3.2 The Children's Services' Medium Term Financial Strategy (MTFS) focuses on bringing the two main areas of expenditure – placements and staffing, in line with comparators over time. Our spending on placements is projected to be marginally above last year's outturn and has been significantly impacted by a recent sibling group of five children and two very complex young people requiring residential placements. Overall our Children Looked After population is static, notwithstanding this recent intake, which is in contrast to the national position which is showing year on year growth. The staffing outturn for the current year is currently projected to be broadly in line with last year's outturn and has been affected by recent investment to stabilise the Social Care workforce and ensure that children were not subject to repeated change in their allocated Social Worker. A dedicated Social Worker, funded by Transformation, will shortly be commencing to support children leaving care through Special Guardianship, alongside senior management oversight of placement decisions which is ongoing. Some of the staffing pressure is due to the overlap of agency with our International Social Workers which will reduce as the former are judged capable of taking up a full caseload.

- 3.3 Funding for schools activities are primarily funded through the dedicated schools grant (DSG). The Council does not receive any schools funding within its own grant and funding allocations. This grant is allocated in “blocks” to cover different activities – in 17/18 these “blocks” are early years, higher needs and schools. The higher needs block has in the past 12 months been under financial pressure as a result of an increasing level of referrals from schools for higher needs support for children resulting in an over spend in 2017/18 of £1.1m. In 2016/17 the over spend in the higher needs block was funded from the DSG reserve.
- 3.4 The Council does not receive any funding for schools therefore the over spend will remain in the DSG to be funded in future years and is not a cost the Council will fund. As a recognition of this pressure the Schools Forum, (who have a governance role in the allocation of schools funding), have been supportive and have agreed an allocation of 0.5% of the 18/19 schools block of the DSG (approx. £0.350m) to part fund this overspend. The Council considered submitting to Department of Education a request (a disapplication) to Department of Education that additional funds are transferred from the schools block in 2018/19 to fully fund the 2017/18 overspend. However this was not submitted as it was considered that a better approach to reducing this demand, (and therefore cost), is to work directly with schools to jointly work on a solution to this issue.
- 3.5 The increase in costs from higher needs block is not solely a Torbay issue but a pressure that a number of upper tier councils are facing. In essence the rising demand and cost for higher need support has not been matched by an appropriate increase in funding.

#### Adults Services

- 3.6 The Council and the other two partners have signed a revised risk share which caps the Council risk. It should be noted however that the CCG need to get approval for this from NHSE as their regulator. On the assumption that the formal agreement is completed then the budget variance for the Council’s contribution will be nil for 2017/18.
- 3.7 The revised risk share is as previously reported in that for 2017/18, (2018/19 and 2019/20), the Council is to fund a (fixed) amount of £3.1m each year that is in addition to the previously agreed annual fixed amount contained in the previous RSA with no exposure to any further ICO budget variances. This fixed payment is to be funded from the allocation in the 2017/18 budget for the Council’s exposure to its 9% risk share plus an allocation of £0.9m from the £3.8m Improved Better Care Fund (IBCF) allocation to the Council in 2017/18.
- 3.8 The IBCF is to be invested in line with national guidance. The remaining balance of the £3.8m of the IBCF in 2017/18 was to be allocated as £0.9m for care home fees, £1.0m for targeted investment in adult social care improvements and £1.0m held in reserve for the ICO to be invested in line with the guidance.
- 3.9 The Council’s appeal on the Judicial Review on Care Home fees was heard in June 2017, the judgement received in October upheld the Council’s appeal. Officers are

evaluating the implication of the judgement and any financial consequence will be reported to Members as part of the 2018/19 Review of Reserves report and the Mayor's final budget proposals in January 2018.

### Investment Property

- 3.10 In the second quarter 2017/18 the Council purchased two further investment properties.
- 3.11 In respect of one of these investments it was decided that "the net income received in 2017/2018 be ring fenced for use on regeneration in Torbay". This is estimated to be £0.2m and will be transferred to the Council's regeneration reserve.
- 3.12 As the Council purchases these properties the relevant budgets in both treasury management and investment properties will be updated to reflect the current borrowing and net income position.
- 3.13 Detailed Position

The budget position for each service is shown in the table below:

Service	2017/18 Budget			Forecast Full Year Variance
	Expenditure £000s	Income £000's	Net £000's	
Adult Social Care	49,520	(10,479)	39,041	<b>0</b>
Children's Services	77,460	(48,733)	28,727	<b>2,428</b>
Public Health	11,115	(1,479)	9,636	<b>0</b>
<b>Joint Commissioning</b>	<b>138,095</b>	<b>(60,691)</b>	<b>77,404</b>	<b>2,428</b>
Community Services	30,652	(6,840)	23,812	<b>(11)</b>
Customer Services	73,716	(70,225)	3,491	<b>150</b>
<b>AD Community &amp; Customer Services</b>	<b>104,368</b>	<b>(77,065)</b>	<b>27,303</b>	<b>139</b>
Commercial Services	6,481	(1,969)	4,512	<b>200</b>
Finance	18,709	(16,708)	2,001	<b>(644)</b>
Business Services	8,602	(13,179)	(4,577)	<b>102</b>
Regeneration & Assets	8,959	(5,515)	3,444	<b>(274)</b>

<b>AD Corporate &amp; Business Services</b>	<b>42,751</b>	<b>(37,371)</b>	<b>5,380</b>	<b>(616)</b>
	Expenditure	Income	Net	
	£000s	£000's	£000's	£000's
<b>Gross Revenue Budget</b>	<b>285,214</b>	<b>(175,127)</b>	<b>110,087</b>	<b>1,951</b>
Sources of Funding	-	(110,087)	(110,087)	<b>(11)</b>
<b>Net Revenue Budget</b>	<b>285,214</b>	<b>(285,214)</b>	<b>0</b>	<b>1,940</b>

A narrative of the position in each service area is as follows:

<b>Service</b>	<b>Variance to Budget £m</b>	<b>Main Variances in 2017/18</b>
Adult Social Care	0	As paragraph 4.6 above.
Children's Services	2.4	As paragraph 4.2 above
Public Health	0	Ring fenced budget
Community and Customer Services	0.1	Community Services:  Income budgets not being achieved. Projected over spends on events, CCTV, concessionary fares and Torre Abbey. Offset by salary, waste tonnages, housing options and temporary accommodation savings. Also included are assumed savings from the new contract with Parkwood Leisure for Torbay Leisure Centre and the Velopark due to be in place during 2017/18.
Corporate and Business Services	(0.6)	Projected over spend on coroner, legal services, spatial planning and lower than forecast car park income, offset by additional confirmed investment properties to date.  Expected savings in pension payments (both discretionary and deficit related) based on expenditure profile to date and the release of a number of contingency budgets.
Sources of Funding	0	
<b>Total</b>	<b>1.9</b>	Projected over spend

3.14 Risks & Sensitivity

3.15 The predictions for the full year outturn in this report are based on six months of financial information and will be subject to changes in both assumptions and demand.

3.16 Historically the Council's overall position improves in the last quarter of the year as actual expenditure and income for the year is finalised and impact of some future year savings are realised in year.

3.17 There are a number of financial risks facing the Council. Key risks are shown below:

<b>Risk</b>	<b>Impact</b>	<b>Mitigation</b>
Achievement of approved savings for 2017/18	High	17/18 Budget monitoring and "saving tracker" monitored by senior staff.
Potential impact and costs of judicial review for care home fees	Low	Judgement in Council's favour – October 2017
Risk that current ASC/ICO proposals are not formally agreed.	Low	The 3 bodies of CCG, ICO and Council have signed a revised risk share which caps council risk but CCG need be get approval from NHSE as their regulator.
Achievement of Childrens' Services cost reduction plan	High	Regular monitoring of performance and recovery plan.
Identification, and achievement, of £17.4m of savings for 2018/19 to 2020/21 per Medium Term Resource Plan April 2017	High	Transformation Team set up to coordinate the implementation of potential transformation savings.  Mayors 2018/19 budget proposals released in October 2017
Additional demand for services particularly in childrens' social care	High	17/18 Budget monitoring, use of service performance data and recovery plan.

#### **4. 2018/19 Budget Process**

4.1 The Mayor presented his budget proposals for 2018/19 as planned on the 23<sup>rd</sup> October 2017 for consultation. The 2018/19 budget will be presented to Council for approval in February 2018.

4.2 The Mayor's 2018/19 budget proposals are available on the Council's website:

<http://www.torbay.gov.uk/council/finance/budget/budget-201819/>

#### **5. Balance Sheet issues**

##### Borrowing

5.1 Since end of June 2017 the Council has borrowed a further £55m, primarily to fund investment property acquisitions. Total borrowing as at 1<sup>st</sup> November 2017 was £223m.

5.2 The interest cost and voluntary repayment of principal on this new borrowing will increase revenue expenditure, which, in 2017/18 will be more than offset by increased rental income from the investment property.

5.3 Council in September 2017 approved a (revised) 2017/18 operational boundary of £310m comprising £290m for external borrowing and £20m for other liabilities. This is the limit beyond which external borrowing is not normally expected to exceed during the year but this is a working limit which can be varied depending on schemes and approvals.

5.4 The Treasury Management midyear review was presented to Council on the 19<sup>th</sup> October, this report contained more information on the Council's current and future borrowing requirements.

5.5 2018/19 Capital Strategy will report explicitly on the delivery, affordability and risk associated with that strategy in particular the level of borrowing.

##### Council Subsidiary Companies

5.6 The Council has interests in a number of companies. The financial performance for 2016/17 of these companies is included in the Council's statement of accounts (link below).

<http://www.torbay.gov.uk/council/finance/statement-of-accounts/>

The Council has now set up Torbay Housing Company Ltd for the aim of buying domestic dwellings for rent in line with the Council's housing strategy.

## Debtor – Write offs

5.7 The total value of debtor write offs in the second quarter of 2017/18 was:

Service	Number of records written off	Value of write offs £000's	Number over £5,000
Council Tax	857	257	0
NNDR	59	272	12
Housing Benefit	197	83	5

## 6. Capital Plan Summary Position

- 6.1 This is the monitoring report for the second quarter of 2017/18 and includes variations arising in this quarter to the end September 2017. The 4-year Capital Plan Budget is £191.8 million, covering the period 2017/18 – 2020/21. This is primarily fully funded but still relies upon the generation of £0.9m of capital income from capital receipts and capital contributions over the life of the Capital Plan.
- 6.2 There is a project to provide additional space at Torquay Academy to meet existing demand for secondary school places. The Academy have requested the scope of works be increased to provide additional teaching space for which they would provide additional funds of £0.225m however they would like to arrange this by using a loan facility from the Council to be repaid over 7 years as an unsecured loan at market rate. If this loan request is approved, it is planned to complete these works by August 2018 and the additional budget and funding have been added to next financial year.
- 6.3 The movements in the estimate of expenditure in 2017/18 on the Capital Plan between the last monitoring report at June 2017 of £84.2 m and the current budget for 2017/18 of £104.0 m are shown below.

Scheme	Changes £m	New Schemes £m	Reason
<b>Budget changes since last report (Q1 2017/18 - £84.2m)</b>			Capital Plan Update – 2017/18 Quarter 1 (Report 13 Sep 2017)
<b>Protecting Children:</b>			
Capital repairs & maintenance	(0.1)		Saving transferred to Education Review projects for reallocation
Education Review Projects	0.1 (0.2)		Net transfer of budgets. Re profile spend to 2018/19

Torquay Secondary School places	0.2 (0.2)	0.2 (0.2)	Additional teaching space funded by school to be spent in 18/19
<b>More Prosperous Torbay</b>			
Investment Fund		20.8 1.0	Investment Property acquisition. Loan approved by Investment Committee September 2017 to support adult social care
Transport – Edginswell Station	(0.1)		Delayed to 2018/19 pending funding options
<b>Attractive and Safe place</b>			
Parkwood Leisure loan re TLC	(1.0)		Reviewed likely expenditure pattern to be in part in 2018/19
Paignton Harbour Lights Redevelopment	(0.6)		Redevelopment expected in 2018/19
Princess Gardens Fountain		0.1	Major structural repair work agreed by officers to be funded from site related income and s106 contributions
<b>Corporate Support</b>			
Essential capital repairs	(0.4)		Review of likely expenditure needs
Enhancement of Development sites	(0.1)		Part budget transferred to next year
Flexible Use of Capital Receipts		0.3	To reflect 2017/18 budget to use capital receipts to fund costs of service reform
<b>Estimate – Quarter Two 2017/18, total £104.0m</b>	<b>(2.4)</b>	<b>22.2</b>	

## 7. Receipts & Funding

7.1 The funding identified for the latest Capital Plan budget is shown in Appendix 1. This is based on the latest prediction of capital resources available to fund the budgeted expenditure over the next 4 years.

## 8. Grants

8.1 Since the last Capital Plan update (Quarter 1 2017/18) reported to Council in September 2017, the Council has not been notified of any additional capital grant allocations.

## 9. Capital Receipts

9.1 The approved Plan relies on the use of £3.4m capital receipts. The Council already holds a capital receipts reserve of £2.1 m at 31 March 2017 and a further £0.4m was received by the end of September 2017, leaving a target of £0.9m still to be achieved.

- 9.2 This target is expected to be achieved provided that approved disposals currently “in the pipeline” are completed, the Council continues with its disposal policy for surplus and underused assets no more new (or amended) schemes are brought forward that rely on the use of capital receipts for funding.
- 9.3 The Government has allowed more flexible use of capital receipts to fund revenue expenditure on projects which will generate ongoing revenue savings. In 2017/18 the Council has budgeted to use £0.3m capital receipts in this way and a further £0.3m in 2018/19.

## **10. Capital Contributions – S106 & Community Infrastructure Levy**

- 10.1 Income from Section106 capital contributions so far in 2017/18 amount to £0.2 million.

### **Appendices:**

Appendix 1 – Capital Plan 2017/18 – Performance Summary

CAPITAL PLAN - QUARTER 2 2017/18 - EXPENDITURE

Appendix 1

							Revised 4-year Plan Sept 2017				
	Latest Est Scheme Cost	Expend in Prev Years (active schemes only)	Actuals & Commitments 2017/18 Qtr 2	Previous 2017/18 (@ Q1 17/18)	2017/18 Q2 Adjustments	New Schemes 2017/18	Total 2017/18 Revised	2018/19	2019/20	2020/21	Total for Plan Period
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>PB = Approved Prudential Borrowing schemes</b>											
<b>Protecting children and giving them the best start in life</b>											
Brookfield House Site	550	465	23	64			64				64
Capital Repairs & Maintenance 2014/15 (incl. Furzeham)	902	668		159	(150)		9				9
Capital Repairs & Maintenance 2015/16	256	21	1	51	(51)		0				0
Capital Repairs & Maintenance 2016/17 & 2017/18	866		235	704			704				704
Cockington Primary expansion	3,142	3,074		1	6		7				7
Devolved Formula Capital			107	223			223				223
Early Years - Ellacombe Academy Nursery	721		18	657	25		682				682
Early Years - White Rock Primary Nursery	313		93	293	85		378				378
Education Review Projects			28	208	(102)		106	200	559		865
Ellacombe Primary expansion	552	469	11	6	6		12				12
New Paignton Primary school	509	2		502			502				502
Paignton Academy Places - mobiles	500	1		19	(19)		0				0
Secondary School places	2,132	185	139	687			687	1,225			1,912
Special Provision Fund	500						0	166	167	167	500
Torbay School Relocation	2,800	35	12	630			630	2,000			2,630
Whiterock Primary expansion	3,930	3,574	31	43			43				43
Youth Modular Projects	409	372		37			37				37
	<b>26,948</b>	<b>8,866</b>	<b>698</b>	<b>4,284</b>	<b>(200)</b>	<b>0</b>	<b>4,084</b>	<b>3,591</b>	<b>726</b>	<b>167</b>	<b>8,568</b>
<b>Working towards a more prosperous Torbay</b>											
<b>PB</b> Claylands Redevelopment	10,000	0	154	478			478	5,500	4,000		9,978
DfT Better Bus Areas	462	263	2	87			87				87
DfT Local Sustainable Transport Fund (Ferry/Cycle)	1,643	1,639		4			4				4
<b>PB</b> Edginswell Business Park	6,620			3,000			3,000	3,620			6,620
<b>PB</b> Employment Space	6,644	0	6,552	5,644			5,644	1,000			6,644

CAPITAL PLAN - QUARTER 2 2017/18 - EXPENDITURE

Appendix 1

							Revised 4-year Plan Sept 2017					
		Latest Est Scheme Cost	Expend in Prev Years (active schemes only)	Actuals & Commitments 2017/18 Qtr 2	Previous 2017/18 (@ Q1 17/18)	2017/18 Q2 Adjustments	New Schemes 2017/18	Total 2017/18 Revised	2018/19	2019/20	2020/21	Total for Plan Period
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>PB</b>	<b>= Approved Prudential Borrowing schemes</b>											
<b>PB</b>	Investment Fund	88,999	21,054	46,314	46,133	(2)	21,814	67,945	0	0		67,945
<b>PB</b>	NGP - Torbay Innovation Centre Ph 3 (EPIC)	7,740	696	371	2,125			2,125	4,862	677		7,664
	Old Toll House, Torquay	150	4	2	146			146				146
<b>PB</b>	South Devon College - Loan	4,000		4,000	4,000			4,000				4,000
<b>PB</b>	South Devon Highway - Council contribution	20,224	12,670	49	1,361			1,361	1,000	407		2,768
<b>PB</b>	Street Lighting - Energy reduction Ph2	1,132	1,131	2				0				0
<b>PB</b>	TEDC Capital Loans/Grant	2,690	1,327		725			725				725
	Transport - Edginswell Station	520	511	9	101	(91)		10	2,600	1,400		4,010
	Transport Integrated Transport Schemes			129	1,630	(9)		1,621	1,063	1,063	1,063	4,810
	Transport Structural Maintenance			280	1,673			1,673	1,174	1,174	1,174	5,195
	Transport - Torquay Gateway Road Improvements	3,875	604	295	82			82	1,800	1,000		2,882
	Transport - Torquay Town Centre Access	625	208	36	327			327				327
	Transport - Tweenaway Junction	4,871	4,775	23				0				0
	Transport - Western Corridor	7,803	1,571	3,014	3,945			3,945				3,945
<b>PB</b>	Upton Place, Lymington Road (Student Accom - Town Hall Car Park)	14,200			200			200	10,000	4,000		14,200
		182,198	46,453	61,232	71,661	(102)	21,814	93,373	32,619	13,721	2,237	141,950
<b>Ensuring Torbay remains an attractive and safe place to live and visit</b>												
	Babbacombe Beach Road	70	0		70			70				70
	Beacon Quay Toilets refurbishment	117	0	39	11			11				11
<b>PB</b>	CCTV equipment	372	0		372	13		385				385
	Clennon Valley Sport Improvements	70		1	69			69				69
	Flood Defence schemes (with Env Agency)	686	625	16	56			56				56
<b>PB</b>	Freshwater Cliffs Stabilisation	375	0	11	16			16				16
	Haldon Pier - Structural repair Phase I&2	3,064	3,012	7	18			18				18
	Harbour Workboat	45	0	11	11			11				11
	Hollicombe Cliffs Rock Armour	1,544	0	528	855			855				855
<b>PB</b>	Paignton Harbour Lights Redevelopment	600	0		600	(600)		0	600			600

CAPITAL PLAN - QUARTER 2 2017/18 - EXPENDITURE

Appendix 1

							Revised 4-year Plan Sept 2017					
		Latest Est Scheme Cost	Expend in Prev Years (active schemes only)	Actuals & Commitments 2017/18 Qtr 2	Previous 2017/18 (@ Q1 17/18)	2017/18 Q2 Adjustments	New Schemes 2017/18	Total 2017/18 Revised	2018/19	2019/20	2020/21	Total for Plan Period
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>PB</b>	<b>= Approved Prudential Borrowing schemes</b>											
<b>PB</b>	Parkwood Loan re Torbay Leisure Centre	1,701	0		1,701	(1,000)		701	1,000			1,701
	Princess Gardens Fountain	122					122	122				122
	Princess Pier - Structural repair (with Env Agency)	1,744	0	1	544			544	1,200			1,744
	Torbay Leisure Centre - structural repairs	545	535		3			3				3
	Torre Abbey Renovation - Phase 2	5,010	4,992		18			18				18
	Torre Valley North Enhancements	127	3	2	105			105				105
	Torquay Harbour -Town Dock Pontoons replacements	220		15	220			220				220
		<b>16,412</b>	<b>9,167</b>	<b>631</b>	<b>4,669</b>	<b>(1,587)</b>	<b>122</b>	<b>3,204</b>	<b>2,800</b>	<b>0</b>	<b>0</b>	<b>6,004</b>
<b>Protecting and supporting vulnerable adults</b>												
	Adult Social Care		0		631			631				631
	Affordable Housing	2,404			0			0	1,430	974		2,404
<b>PB</b>	Housing Rental Company - Loan							0	5,000	10,000	10,000	25,000
	Sanctuary HA - Hayes Road Pgn	500	250		250			250				250
	Disabled Facilities Grants			435	1,216			1,216				1,216
	Empty Homes Scheme	500	39		0			0	457			457
	Private Sector Renewal				0			0	113			113
		<b>3,404</b>	<b>289</b>	<b>435</b>	<b>2,097</b>	<b>0</b>	<b>0</b>	<b>2,097</b>	<b>7,000</b>	<b>10,974</b>	<b>10,000</b>	<b>30,071</b>
<b>Corporate Support</b>												
<b>PB</b>	Corporate IT Developments	1,000	0	104	499			499	250	250		999
<b>PB</b>	Council Fleet Vehicles	463	322		141			141				141
<b>PB</b>	Essential Capital repair works	2,625	0		625	(400)		225	1,400	1,000		2,625
	Enhancement of Development sites	278	75	5	203	(150)		53	150			203
	Flexible Use of Capital Receipts	600					300	300	300			600
	Payroll Project	370	346	3	22			22				22

CAPITAL PLAN - QUARTER 2 2017/18 - EXPENDITURE

Appendix 1

							Revised 4-year Plan Sept 2017					
		Latest Est Scheme Cost	Expend in Prev Years (active schemes only)	Actuals & Commitments 2017/18 Qtr 2	Previous 2017/18 (@ Q1 17/18)	2017/18 Q2 Adjustments	New Schemes 2017/18	Total 2017/18 Revised	2018/19	2019/20	2020/21	Total for Plan Period
<b>PB = Approved Prudential Borrowing schemes</b>		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
General Capital Contingency		631	0		0			0	631			631
		5,967	743	112	1,490	(550)	300	1,240	2,731	1,250	0	5,221
<b>TOTALS</b>			<b>65,518</b>	<b>63,108</b>	<b>84,201</b>	<b>(2,439)</b>	<b>22,236</b>	<b>103,998</b>	<b>48,741</b>	<b>26,671</b>	<b>12,404</b>	<b>191,814</b>
<b>CAPITAL PLAN - QUARTER 2 2017/18 - FUNDING</b>												
Unsupported Borrowing					65,361	(2,082)	21,814	85,093	28,916	19,618	10,000	143,627
Grants					16,191	(100)		16,091	16,200	6,040	2,404	40,735
Contributions					631			631	198	240		1,069
Reserves					684	93	22	799	1,528			2,327
Revenue					399		100	499	79	39		617
Capital Receipts					935	(350)	300	885	1,820	734		3,439
<b>Total</b>					<b>84,201</b>	<b>(2,439)</b>	<b>22,236</b>	<b>103,998</b>	<b>48,741</b>	<b>26,671</b>	<b>12,404</b>	<b>191,814</b>



**Meeting:** Council

**Date:** 7 December 2017

**Wards Affected:** All Wards

**Report Title:** Provisional Calendar of Meetings for 2018/2019

**Is the decision a key decision?** No

**When does the decision need to be implemented?** As soon as possible

**Executive Lead Contact Details:** Mayor Oliver, The Elected Mayor and Executive Lead for Finance, Regeneration and Corporate Services

**Supporting Officer Contact Details:** June Gurry, Governance Support Manager, (01803) 207012, [june.gurry@torbay.gov.uk](mailto:june.gurry@torbay.gov.uk)

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## 1. Proposal and Introduction

1.1 To seek approval for the provisional calendar of meetings for the 2018/2019 Municipal Year.

## 2. Reason for Proposal

2.1 The provisional calendar of meetings for 2018/2019 (attached at Appendix 1) has been prepared based on the Council's decision-making structure and in accordance with the Council's Standing Orders.

## 3. Recommendation(s) / Proposed Decision

3.1 That the provisional calendar of meetings for 2018/2019, set out in Appendix 1 to the submitted report, be approved for final ratification at the Annual Council Meeting.

3.2 That meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman/woman.

## Supporting Information

### 4. Position

4.1 Before the end of each Municipal Year the Council considers the provisional calendar of meetings for the following Municipal Year, which is then ratified at the Annual Council Meeting.

The following meetings have been scheduled in the calendar for 2018/2019.

- Council;
- Policy Development Decision Group (Joint Operations Team);
- Policy Development Decision Group (Joint Commissioning Team);
- Overview and Scrutiny Board;
- Development Management Committee;
- Licensing Committee;
- Licensing Sub-Committee;
- Harbour Committee;
- Investment Committee;
- Health and Wellbeing Board;
- Housing Rental Company Committee
- Standards Committee;
- Audit Committee;
- Appeals Committee (Transport).

4.2 The meetings of the Council have been programmed to allow sufficient reporting time between the meetings for the plans and strategies which are required to be approved through the Council's Policy Framework process and for the budget setting process.

4.3 The draft calendar has also been structured to allow, wherever possible, for each type of meeting to be allocated a certain day e.g. Development Management Committee to meet on Mondays, Licensing Sub-Committees and Council on Thursdays.

4.4 Meetings of the Employment Committee and Civic Committee are proposed to be held on an ad hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman/woman.

## **5. Possibilities and Options**

5.1 Wherever possible the timings of meetings have been set in accordance with the needs of the Committee Members and the public, for example the Licensing Sub-Committees convene at 9:30 a.m. which is suitable for those making representations. Timings are kept under constant review by the Governance Support Manager. There is a small risk that some people will still not be able to attend these meetings, however, in most cases where public participation is permitted, the Council will accept written representations to enable people to put their points of view across.

## **6. Preferred Solution/Option**

6.1 Members may wish to set alternative dates for meetings. However, the meetings have been timetabled to allow sufficient time for the reporting of the plans and strategies which make up the Council's Policy Framework and the Council's budget setting process. A calendar of meetings is required under Standing Orders and facilitates the organisation of the Municipal Year.

## **7. Consultation**

- 7.1 The Elected Mayor, Group Leaders, Head of Financial Services and the Chief Executive have been consulted on the draft provisional calendar of meetings for 2018/2019.

## **Appendices**

Appendix 1: Provisional Calendar of Meetings 2018/2019

## **Background Documents**

Constitution of Torbay Council -

<http://www.torbay.gov.uk/DemocraticServices/ieListMeetings.aspx?CIId=458&info=1>

Calendar of Meeting for 2018-2019 Municipal Year

		MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
Appeals Committee (Transport)	9.30 am		6	4		5	3	7	5	9	6	6	3	
Audit Committee	2.00 pm	23		25		26				23		27		
Council	5.30 pm	14 Annual Council (Mon) Adjourned Annual Council (Mon)	21 (Extraordinary)	19		20	18		5 (Wed)		7 14 21		3 Extraordinary (Wed)	21 Annual Council (Tue) 21 Adjourned Annual Council (Tue)
Development Management Committee	2.00 pm		11	9	13	10	8	12	10	14	11	11	8	
Harbour Committee	5.30 pm		18						17			18		
Health and Wellbeing Board	1.30 pm			12										
Housing Rental Company Committee	2.00 pm		25			12		19		21		25		
Investment Committee	4.00 pm	15 29	12 26	10 24	7 21	4 18	2 16 30	13 27	11	15 29	12 26	12 26	9 23	
Licensing Sub-Committee	9.30 am	17 24 31	7 14 21 28	5 12 19 26	2 9 16 23 30	6 13 20 27	4 11 18 25	1 8 15 22 29	6 13 20	3 10 17 24 31	7 14 21 28	7 14 21 28	4 11 18 25	
Overview and Scrutiny Board	5.30 pm		13	11		12	10	28	12	30	20	27		
Policy Development and Decision Group (Joint Commissioning Team)	5.00 pm		4	2		3	1	5 26		7	4	4	1	

<b>Policy Development and Decision Group (Joint Operations Team)</b>	4.00 pm		4	2		3	1	5 26		7	4	4	1	
<b>Standards Committee</b>	2.30 pm		20							16				

## Schedule 5 - Scheme of Delegation of Executive Functions to the Executive, Committees of the Executive and Officers

This report is presented to the meeting of Council on 7 December 2017 in accordance with Standing Order C4.2(a) for inclusion in the Council’s Scheme of Delegation (Schedule 5 of Part 3) of the Constitution of Torbay Council.

1. The names, addresses and wards of the people appointed to the Executive by the elected Mayor are set out below:

Name	Address	Electoral Ward
Deputy Mayor and Executive Lead Planning - Councillor Derek Mills	5 Bascombe Close Churston Brixham TQ5 0JR	Churston with Galmpton
Executive Lead for Tourism, Culture and Harbours - Councillor Amil	c/o Town Hall Castle Circus Torquay TQ1 3DR	Cockington with Chelston
Executive Lead for Environment – Councillor Vic Ellery	3 Alma Road Brixham TQ5 8QR	Berry Head with Furzeham
Executive Lead for Community Services - Councillor Robert Excell	Excell Studio 203 Union Street Torre Torquay TQ1 4BY	Tormohun
Executive Lead IT, Libraries and Waste – Councillor Mark King	5B Coburg Place Torquay TQ2 5SU	Cockington with Chelston
Executive Lead for Customer Services and Town Centre Regeneration – Councillor Richard Haddock	Churston Farm Shop Dartmouth Road Brixham TQ5 0LL	St Marys with Summercombe
Executive Lead for Adults and Children – Councillor Julien Parrott	51 Princes Road Torquay TQ1 1NW	Ellacombe
Executive Lead for Health and Wellbeing – Councillor Jackie Stockman	Winsome Higher Furzeham Road Brixham TQ5 8QP	Berry Head with Furzeham

<b>Name</b>	<b>Address</b>	<b>Electoral Ward</b>
Executive Lead for Housing – To be confirmed		

2. The elected Mayor is responsible for the discharge of all executive functions (except as specified in paragraph 3. below). Executive Leads will have an advisory role in relation to the areas of responsibility set out below.

Executive Lead	Portfolio/Service Area:	Main Director/Assistant Director/Executive Head/Lead Officer
<p>Elected Mayor Gordon Oliver</p> <p>Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation</p>	<p><b>Transformation:</b> Programme Management Project Management</p> <p><b>Economic Regeneration:</b> TDA Commissioning</p> <p><b>Assets:</b> Asset Management</p> <p><b>Business Services:</b> Events</p> <p><b>Finance:</b> Financial Services – Martin Phillips Creditors Debtors Payments Internal Audit Cashiers Procurement Systems Accountancy</p> <p><b>Governance and Corporate Services:</b> Communications Coroner Governance Support (Democratic and Electoral Services) Registrars Human Resources &amp; Payroll</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Chief Executive/Chief Executive TDA</li> <li><input type="checkbox"/> Director of Corporate Services and Operations</li> <li><input type="checkbox"/> Director of Commercial and Transformation</li> <li><input type="checkbox"/> Head of Financial Services</li> <li><input type="checkbox"/> Executive Head Assets and Business Services</li> </ul>

Executive Lead	Portfolio/Service Area:	Main Director/Assistant Director/Executive Head/Lead Officer
	<p>Corporate Support (Freedom of Information and Performance)                      Legal Services                      Policy and Overview &amp; Scrutiny                      Senior Leadership Team Strategic Support</p> <p><b>Business Development and Administration:</b>                      JOT administrative &amp; Technical Support                      JOT Contract Management:                      Leisure contracts                      Crematorium                      Waste Disposal                      Building Control                      Homes Improvement Agency                      Concessionary Fares                      Analysts</p>	
<p>Deputy Mayor and Executive Lead for Planning</p> <p>Councillor Derek Mills</p>	<p><b>Planning and Transport:</b>                      Planning Applications, Appeals &amp; Enforcements</p> <p><input type="checkbox"/> (Twinning)</p> <p><b>Delegated Decisions:</b> Executive functions in absence of Mayor (see paragraph 3(iv) below.</p>	<p><input type="checkbox"/> Director of Corporate and Services and Operations</p> <p><input type="checkbox"/> Executive Head of Assets and Business Services</p>

Executive Lead	Portfolio/Service Area:	Main Director/Assistant Director/Executive Head/Lead Officer
Executive Lead for IT, Libraries and Waste  Councillor Mark King	<p><b>Customer Services:</b>                      ICT                      Library Services</p> <p><b>Business Services:</b>                      TOR2 (Commissioning) &amp; Service Delivery</p>	<input type="checkbox"/> Director of Corporate and Services and Operations  <input type="checkbox"/> Executive Head of Customer Services  <input type="checkbox"/> Executive Head of Assets and Business Services
Executive Lead for Tourism, Culture and Harbours  Councillor Nicole Amil	<p><b>Business Services:</b>                      Harbour Authority                      Resort Services (Beaches)                      Theatres Arts &amp; Museums                      Culture</p> <p><input type="checkbox"/> (Armed Forces Champion)  <input type="checkbox"/> (Heritage Champion)</p> <p><b>Delegated Decision:</b> <i>Tourism</i></p>	<input type="checkbox"/> Director of Corporate Services and Operations  <input type="checkbox"/> Executive Head of Assets and Business Services

Executive Lead	Portfolio/Service Area:	Main Director/Assistant Director/Executive Head/Lead Officer
<p>Executive Lead for Community Services</p> <p>Councillor Robert Excell</p>	<p><b>Community Safety:</b>                      Corporate Health &amp; Safety                      Emergency Planning                      Anti-Social Behaviour and Vulnerability (excluding town centres)                      Safer Communities (excluding town centres)                      CCTV &amp; Security</p> <p><b>Business Services:</b>                      Parking Services                      Sports Development</p> <p><b>Transport:</b>                      Local Transport &amp; Strategic Transport                      Highways &amp; Street scene</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Director of Corporate Services and Operations</li> <li><input type="checkbox"/> Executive Head of Assets and Business Services</li> <li><input type="checkbox"/> Executive Head of Community Safety</li> </ul>
<p>Executive Lead for Adults and Children</p> <p>Councillor Julien Parrott</p>	<p><b>Children’s Safeguarding:</b>                      Early Help                      Targeted Support Services                      Multi Agency Safeguarding Hub                      Single Assessment                      Children in Need/Child Protection                      Children Looked After/Care Leavers                      Children with Disabilities                      Fostering                      Adoption                      Independent Reviewing                      Youth Offending Services                      Integrated Youth Support Services                      Quality Assurance                      Professional Support to Torbay Safeguarding Children Board</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Director of Adult and Housing</li> <li><input type="checkbox"/> Director of Children’s Services</li> <li><input type="checkbox"/> Assistant Director of Children’s Safeguarding</li> <li><input type="checkbox"/> Assistant Director Adults Services (NHS Trust Provider)</li> </ul>

Executive Lead	Portfolio/Service Area:	Main Director/Assistant Director/Executive Head/Lead Officer
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 110</p>	<p><b>Education Learning and Skills:</b>                      Early Years and Childcare                      Pupil Place Planning                      Special Education Needs &amp; Disability                      School Admissions                      School Improvement and Commissioning                      School Transport                      Virtual School                      Children’s Centres</p> <p><b>Adult Services (NHS Trust Provider):</b>                      Adult Mental Health                      Adult Safeguarding                      Care Homes                      Commissioning &amp; Management                      Community Alarms                      Community Equipment                      Domiciliary &amp; Day Care</p> <p><b>Adult Social Care Commissioning:</b>                      Community Engagement                      Healthwatch                      Housing Strategy &amp; Development                      NHS Advisory Service                      Performance Management</p>	

Executive Lead	Portfolio/Service Area:	Main Director/Assistant Director/Executive Head/Lead Officer
<p>Executive Lead for Customer Services and Town Centre Regeneration</p> <p>Councillor Richard Haddock</p>	<p><input type="checkbox"/> <b>Business Services:</b> Town Centres</p> <p><b>Customer Services:</b> Customer Services &amp; Connections Revenue &amp; Benefits Print &amp; post Room Website Support</p> <p><b>Community Safety:</b> Anti-Social Behaviour and Vulnerability (town centres only) Safer Communities (town centres only)</p> <p><i>Delegated Decision: Regeneration of the Castle Circus area of Torquay</i></p> <p><i>Delegated Decision: contract for housing pathway for single vulnerable adults</i></p>	<p><input type="checkbox"/> Director of Corporate Services and Operations</p> <p><input type="checkbox"/> Executive Head of Customer Services</p> <p><input type="checkbox"/> Executive Head of Community Safety</p>
<p>Executive Lead for Health and Wellbeing</p> <p>Councillor Jackie Stockman</p>	<p><b>Public Health:</b> Health Improvement Strategy and Policy Intelligence</p>	<p><input type="checkbox"/> Director of Public Health</p>

Executive Lead	Portfolio/Service Area:	Main Director/Assistant Director/Executive Head/Lead Officer
Executive Lead for Environment  Councillor Vic Ellery	<p><b>Business Services:</b>                      Flood Risk Management (client side)                      Natural Environment and Parks &amp; Open Spaces</p> <p><b>Community Safety:</b>                      Food &amp; Safety                      Licensing &amp; Public Protection                      Trading standards (DCC)</p>	<input type="checkbox"/> Executive Head of Assets and Business Services  <input type="checkbox"/> Executive Head of Community Safety
Executive Lead for Housing  To be confirmed	<input type="checkbox"/> <b>Housing:</b> Housing Strategy & Development Housing Options Housing Standards	<input type="checkbox"/> Director of Adults Services and Housing  <input type="checkbox"/> Executive Head of Community Safety

3.
  - (i) The Executive Lead for Customer Services and Town Centre Regeneration (Councillor Richard Haddock) will be responsible for the discharge of all executive functions relating to the regeneration of the Castle Circus area of Torquay as the elected Mayor owns properties in this area and has a pecuniary interest.
  - (ii) The Executive Lead for Customer Services and Town Centre Regeneration (Councillor Richard Haddock) will be responsible for the discharge of all executive functions relating to the contract for housing pathway for single vulnerable adults.
  - (iii) The Executive Lead for Tourism, Culture and Harbours will be responsible for the discharge of all executive functions relating to tourism due to the perceived concerns of the public in respect of the elected Mayor's interests in the tourism sector.
  - (iv) The Deputy Mayor will be responsible for the discharge of executive functions if the elected Mayor:
    - (a) is absent (e.g. on holiday) for a period of time or in cases of urgency where the Chief Executive is satisfied that the elected Mayor cannot be reasonably contacted;
    - (b) is incapacitated through illness; or
    - (c) has a pecuniary interest in any matter requiring determination.
  - (v) If the elected Mayor or the Deputy Mayor (Councillor Derek Mills) are unable to act on a matter requiring a decision then the Chief Executive shall have the power to determine any matter requiring a decision.
4. The elected Mayor has established two Executive Committees namely the Policy Development and Decision Group (Joint Operations Team) and the Policy Development Group (Joint Commissioning Team) which meet in public on a monthly basis in accordance with the Standing Orders – Executive, Committees, Access to Information and Budget and Policy Framework. Their membership and Terms of Reference are included in Schedule 4 – Terms of Reference of the Constitution.
5. No executive functions have been delegated to area committees, any other authority or any joint arrangements at the present time.
6. The elected Mayor has also (so far as lawful) delegated to officers the discharge of those functions that are referred to in Schedule 7 and are executive functions in the manner set out in that Schedule, in accordance with (and subject to) the Council's Standing Orders in relation to the Executive.
7. So far as the Constitution requires officers to consult with "the relevant member", the areas of responsibility of the Executive Leads are as set out paragraph 2 above.