



Minutes of the Council

3 February 2016

-: Present :-

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

The Mayor of Torbay (Mayor Oliver)

Councillors Amil, Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, King, Kingscote, Lang, Lewis, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield

111 Opening of meeting

The meeting was opened with a prayer.

112 Apologies for absence

Apologies for absence were received from Councillors Manning and Stringer.

113 Minutes

The Minutes of the meeting of the Council held on 10 December 2015 were confirmed as a correct record and signed by the Chairman.

114 Declarations of interests

Councillor O'Dwyer declared a non-pecuniary interest in respect of Minute 118 as he was a Board Member for Sanctuary Affordable Housing Ltd.

115 Communications

The Chairman advised that he undertook both Boxing Day Dips in Torquay and Paignton and thanked all those Members who attended to support these fundraising events.

The Overview and Scrutiny Co-ordinator updated Members on the recent work of Overview and Scrutiny including: the Priorities and Resources Panel review of the Mayor's budget proposals; and a training/workshop event on the Constitution and the Overview and Scrutiny work programme.

116 Order of Business

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable agenda Item 7 (Members' Questions) to be considered after Item 18 (Urgent Decision taken by the Executive Director of Operations and Finance).

117 Public question time

In accordance with Standing Order A24, the Council heard from Ms Jeannie Green who had submitted a statement and question in relation to the Transatlantic Trade and Investment Partnership. The Mayor responded to the statement and question that had been put forward, plus a supplementary question asked by Ms Green.

118 Torbay Housing Strategy - 2015 2020 - Mayor's Response to Council Recommendations

Further to the Council meeting held on 10 December 2015, Members considered the submitted report on the Mayor's response to the objections raised by the Council and proposed a revised Torbay Housing Strategy 2015-2020.

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

that Torbay's Housing Strategy including "My Home is My Life" and the new Homelessness Strategy set out at Appendices 2, 3 and 4 to the submitted report be approved.

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

- (i) that, subject to (ii) below, Torbay's Housing Strategy including "My Home is My Life" and the new Homelessness Strategy set out at Appendices 2, 3 and 4 to the submitted report be approved; and
- (ii) that the following table be added to the Housing Strategy as an action plan:

Increasing the supply of affordable homes		
Initiative	Key Actions	Milestones (Dates):
1. Work with developers to ensure early delivery of affordable homes on S106 sites	Affordable Housing Coordinator to discuss delivery proposals with private development partners to look at ways at securing early delivery	Write to and meet with developers currently on site or about to be on site – May 2016

2. Work with an RP partner to accelerate the delivery of affordable homes at Hatchcombe Nurseries	Look at options to unblock this site for affordable housing including close liaison with the HCA to maximise funding into the project	Work with an RP partner to produce a detailed timeline and action plan which will include tenure options and value engineering solutions. June 2016
3. Identify potential Council owned sites that could be used for affordable housing delivery	Identify possible sites in partnership with strategic land task group	Identify 2 x sites and produce a cost benefit analysis linked to the Council priorities. This will include the various outputs along with the level of receipt the Council would forgo by not disposing of these sites on the open market. Sept 2016
4. Identify possible open market residential sites for acquisition to deliver affordable housing	Assess value for money on using affordable housing grant to purchase open market sites to meet strategic needs and accelerate delivery	Write to land agents operating in Torbay for current and future opportunities. Assess options and consider purchase. April 2016 and ongoing
5. Investigate the benefits of using providing grant funding to RPs to assist with purchasing additional properties 'off the shelf'.	Investigate opportunities to accelerate affordable housing delivery through providing grants to allow RPs to purchase of completed units on open market sites	Write to and meet with developers currently on site or about to be on site and assess VFM of providing grant funding to RPs to purchase clusters of properties to use as affordable housing. June 2016
6. Maximise the potential from the existing stock	Review allocation criteria to consider prioritising households that will be downsizing	Review current policy and consider prioritising all new affordable housing stock for 'downsizers' and/or increase priority within Devon Home Choice Dec 2016
7. Incentivise downsizing	Use affordable housing grant to fund a suite of incentives to free up family accommodation from householders currently under occupying	Look at financial assistance measures to assist with removals, carpets, curtains, white goods. Consider officer support to assist with logistical issues of phone and services. Dec 2016

8. Provide affordable housing grant to subsidise affordable housing delivery through Registered Providers	Provide subsidy to RPs to ensure the delivery of a variety of tenures and to unblock potentially unviable sites	Write to all RPs making them aware of grant availability for developments within Torbay. April 2016
Dealing with our Care Homes		
We will explore the potential for re-use /development of care homes, by working with the private sector and care home owners to find viable development solutions for those care homes that need to exit the care market. Outcomes will include: more family homes, fewer empty / poorly maintained properties; Edwardian / Victorian Villa revival; better health outcomes.		
Land availability		
Unless there is specific approval at full Council to the contrary, the Council will not restrict or reduce the current or future value of its assets through the use of contractual restrictions, covenants, peppercorn rents (such an approach is consistent with the emerging Corporate Asset Management Plan).		

In accordance with Standing Order A19.4, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (23); Against: The Mayor, Councillors Mills, and Stublely (3); Abstaining: Councillors Amil, Brooks, Excell, Haddock, Hill, King, Lang, Morris and Parrott (9); Absent: Councillors Manning and Stringer (2). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the amendment it was declared carried.

The substantive motion (amended (i) and additional (ii)) was then before Members for consideration.

In accordance with Standing Order A19.4, a recorded vote was taken on the substantive motion. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, King, Kingscote, Lang, Lewis, Morey, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (26); Against: The Mayor, Councillors Mills, and Stublely (3); Abstaining: Councillors Amil, Brooks, Excell, Haddock, Hill and Morris (6); Absent: Councillors Manning and Stringer (2). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the substantive motion it was declared carried.

(Note: Prior to the consideration of Minute 118, Councillor O'Dwyer declared his non-pecuniary interest.)

119 Devolution for the Heart of the South West - A Prospectus for Productivity

Further to Minute 68/9/15, the Council considered the submitted report updating Members on the work of the Devolution for the Heart of the South West and introduced the completed prospectus 'Devolution for the Heart of the South West - A Prospectus for Productivity'. It was noted the prospectus set out formal devolution proposals with a view to negotiating a deal with the Government thereafter. Any final devolution deal with the Government would be subject to further approval by all partners individually.

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

- (i) that the Council endorses the Mayor's current approach to devolution and the drafting of proposals, their submission and negotiation of a deal for the Heart of the South West, namely:

Working with local authorities, National Parks and the Heart of the South West Local Enterprise Partnership to deliver full proposals for devolution which will seek a formal agreement with Government on a formal devolution deal;

- (ii) that the submission of the final draft of the Heart of the South West Devolution Prospectus (Appendix 2 to the submitted report) to Government, be approved subject to any changes made to the final draft prior to submission; and
- (iii) that the Executive Director of Operations and Finance, in consultation with the Mayor, be authorised to make any final changes and approve the submission of the 'Heart of the South West Devolution – A Prospectus for Productivity' to Government.

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

120 Local Government Association (LGA) Corporate Peer Challenge of Torbay Council and resulting outline Action Plan

The Council considered the submitted report on the outcome of the recent Local Government Association (LGA) Corporate Peer Challenge. The report set out the LGA's Corporate Peer Challenge feedback report and resulting outline action plan which responded to the recommendations of the LGA's report.

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

- (i) that the Local Government Association (LGA) Corporate Peer Challenge Feedback Report (as set out at Appendix 1 to the submitted report) and the resulting outline action plan (as set out at Appendix 2 to the submitted report) be endorsed;
- (ii) that the outline action plan be refined and reported as follows:

- a) an all Member/officer workshop be held, with assistance from the LGA if possible, to enable all Members and relevant officers to contribute towards the development of the outline action plan;
 - b) a joint Member and officer working group (comprising 15 Members politically balanced (11 Conservatives, 3 Liberal Democrats and 1 Independent Group) and lead officers for each of the action plan themes) be established to further refine the details of the action plan during February 2016; and
 - c) the final detailed action plan be presented to Council meeting on 25 February 2016 for adoption; and
- (ii) that the implementation of the action plan be monitored by the Audit Committee.

An amendment was proposed by Councillor O'Dwyer and seconded by Councillor Thomas (D):

- (iii) that a six monthly report be presented to full Council for debate.

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

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

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

121 Corporate Plan Delivery Plans 2015-2019

This item was deferred to the meeting of Council to be held on 25 February 2016.

122 Revenue Budget 2016/17

At the invitation of the Chairman, the Mayor outlined his budget proposals for 2016/2017.

A copy of the record of decision setting out the recommendations of the Mayor in respect of the revenue budget proposals is attached to these Minutes.

The Chairman advised that in accordance with Standing Orders F2.13 and F3.12 in relation to the Budget and Policy Framework this item was referred to an adjourned meeting of Council to be held on 11 February 2016 to enable full consideration to be given to the implications of the proposals set out in the report circulated on 3 February 2016.

123 Capital Plan Budget 2016/2017 to 2019/2020

At the invitation of the Chairman, the Mayor outlined his capital plan budget proposals for 2016/2017 to 2019/2020.

A copy of the record of decision setting out the recommendations of the Mayor in respect of the capital plan budget proposals is attached to these Minutes.

The Chairman advised that in accordance with Standing Orders F2.13 and F3.12 in relation to the Budget and Policy Framework this item was referred to an adjourned meeting of Council to be held on 11 February 2016 to enable full consideration to be given to the implications of the proposals set out in the report circulated on 3 February 2016.

124 Proposed Disposal of Surplus Asset - Lincombe Court, Lincombe Hill Road, Torquay (Mayoral Decision)

The Council made the following recommendation to the Mayor:

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

that the Mayor be recommended to:

- (i) consider any feedback received from Ward Members and the relevant Community Partnerships to the disposal of Lincombe Court as set out in Appendix 3 to the submitted report; and
- (ii) that subject to (i) above Lincombe Court be declared no longer required for service delivery and that the Head of Commercial Services be requested to advertise the intended disposal in accordance with the Council's Community Asset Transfer Policy 2008.

An amendment was proposed by Councillor Carter and seconded by Councillor Darling (S):

- (iii) that the Council be recommended to allocate any funds received from the sale of Lincombe Court, Torquay, to the development of social housing i.e. secure tenancy with socially regulated rent.

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

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

The Mayor considered the recommendations of the Council set out above at the meeting and the record of his decision, together with further information is attached to these Minutes.

125 Chairman/woman and Vice-Chairman/woman Select

In accordance with the Council's Standing Orders (A9.1), the Council was requested to consider selecting the Chairman/woman-Elect and Vice-Chairman/woman-Elect for the next Municipal Year 2016/2017.

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

- (i) that Councillor Hill be selected as Chairman (Elect) for the 2016/2017 Municipal Year; and
- (ii) that Councillor Brooks be selected as Vice-Chairwoman (Elect) for the 2016/2017 Municipal Year.

An amendment was proposed by Councillor Amil and seconded by Councillor Excell:

- (i) that Councillor Brooks be selected as Chairwoman (Elect) for the 2016/2017 Municipal Year.

In accordance with Standing Order A16.9, Councillor Amil, with the consent of Councillor Excell as seconder, withdrew her amendment.

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

126 Composition and Constitution of Executive and Delegation of Executive Functions

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

127 Urgent Decision taken by the Executive Director of Operations and Finance

Members noted the submitted report setting out details of an urgent decision taken by the Executive Director of Operations and Finance in respect of the creation of the Torbay Public Service Trust (SWIFT Project).

128 Members' questions

Members received a paper detailing the questions, attached to the agenda, notice of which had been given in accordance with Standing Order A13.

Verbal responses were provided at the meeting. Supplementary questions were then asked and answered in respect of the questions.

129 Adjournment

At this juncture, the Chairman adjourned the meeting to 5.30 p.m. on Thursday, 11 February 2016.

Chairman

Record of Decision

Revenue Budget 2016/17

Decision Taker

Mayor on 03 February 2016

Decision

That it be recommended to Council:

- (a) that the net revenue expenditure and council tax requirement for 2016/17 as shown in paragraph 3.3, that includes the funding raised by the 2% council tax increase specifically for adult social care, be approved;
- (b) that in relation to (a) above Council confirms its commitment (by a statement signed by the s151 officer) to allocate the additional funding raised by the 2% council tax increase to adult social care in 2016/17 and in future years;
- (c) that the 2016/17 allocation of the revenue budget to services as per the budget digest and the associated fees and charges (both circulated separately) be approved;
- (d) that the Dedicated Schools Grant be used in accordance with the nationally laid down Schools Financial Regulations (para 11) and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed and this authorisation be included in the officer scheme of delegation;
- (e) that in accordance with the requirement of the Local Government Act 2003, to consider and note the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's reserves (para 12);
- (f) that Council approve the temporary use of £2.5m from the Insurance Reserve in 2015/16 to fund the projected 2015/16 overspend, which is to be repaid from the 2016/17 budget;
- (g) that Council note that Brixham Town Council have yet to set their budget for 2016/17 and this precept, when known, will be included as part of the Torbay Council budget for Council Tax setting purposes;
- (h) that, subject to clarification of the acceptance process from DCLG, that Council delegate acceptance of a four year funding settlement for Revenue Support Grant to the Chief Finance Officer in consultation with the Mayor and Executive Director of Operations and Finance;
- (i) that, the Review of Reserves 2016/2017 as set out in the submitted report attached at appendix 3, be approved; and
- (j) that, the Treasury Management Strategy 2016/2017 (incorporating the Annual Investment Strategy 2016/2017 and the Minimum Revenue Provision Policy 2016/2017) as set out in the submitted report attached at appendix 4 be approved.

Reason for the Decision

The Council has a statutory obligation to set a budget each year. The approval of the 2016/2017 revenue budget will assist the Council in delivering its key objectives and meet its statutory obligations.

For the Mayor to respond to the recommendations of the Overview and Scrutiny Board.

Implementation

The recommendation of the Mayor will be considered at the adjourned meeting of Council to be held on 11 February 2016.

Information

Further to the Mayor's provisional revenue budget proposals issued on 6 November 2015 for consultation, the submitted report outlined the basis of the Mayor's Revenue Budget proposals for 2016/2017, provided a summary of the approach for developing the proposals and the outcome of the local government finance settlement for 2016/2017 and the provisional allocation for 2016/2017, together with its affect on the overall financial position of the Council. The report also included the Chief Finance Officer's statement on the robustness of the budget proposals.

In addition to the Revenue Budget proposals for 2016/2017, the report also encompassed the following:

- Proposals for service change, income generation and savings for 2016/2017;
- Equality Impact Assessments 2016/2017;
- Fees and Charges 2016/2017;
- Review of Reserves 2016/2017;
- Treasury Management Strategy 2016/2017 (incorporating the Annual Investment Strategy 2016/2017 and the Minimum Revenue Provision Policy 2016/2017);
- Revenue Budget Monitoring 2015/2016 – Quarter three; and
- Children's Financial Plan – Progress Report

Due to the scale of the reductions faced by the Council, extensive consultation had been undertaken on the budget proposals. The report had been compiled taking into account the findings and conclusions reached by the Priorities and Resources Review Panel which had considered the proposals put forward by the Mayor as part of the budget consultation process.

At the Council meeting on 3 February 2016, the Mayor made a statement on the revenue budget 2016/2017 and responded to the Priorities and Resources Panel, as outlined in paragraph 6.7 of the submitted report.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the report and not discussed at the meeting.

Is this a Key Decision?

Yes – Reference Number: I021319

Does the call-in procedure apply?

No

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

8 February 2016

Signed: _____
Mayor of Torbay

Date: 3 February 2016

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Record of Decision

Capital Plan Budget 2016/2017 to 2019/2020

Decision Taker

Mayor on 03 February 2016

Decision

That it be recommended to the Council:

- (i) that the latest position for the Council's Capital expenditure and funding for 2015/16 be noted;
- (ii) that 2016/17 Capital Strategy (set out at Appendix 1 to the submitted report) be approved;
- (iii) that prudential borrowing of £10 million for an Investment Fund to enable acquisition of properties for investment purposes to be funded from future rental income be approved and that purchases within the Fund to be subject to specific criteria:
 - Rate of Return expected to exceed 6% per annum net of costs;
 - Property assessed as an asset life in excess of 50 years (or repayment period);
 - Tenants assessed as reasonable credit quality and pre lets agreed if possible;
 - Independent valuation of asset to support purchase price
 - Any UK property to be considered subject to no more than 50% in any county area;
 - Any sale proceeds of assets purchased to be reinvested in fund;

and that the allocation of the Fund, if the criteria is met, be agreed by Executive Director of Operations and Finance in consultation with the Chief Finance Officer and the Mayor and Group Leaders with the Overview and Scrutiny Co-ordinator being notified in advance of any decisions;

- (iv) that prudential borrowing of £3 million for essential capital repair works be approved with the cost of borrowing to be included in future year revenue budgets and that the allocation of the budget be agreed by the Executive Head – Business Services in consultation with the Chief Finance Officer and the Mayor and Group Leaders with the Overview and Scrutiny Co-ordinator being notified in advance of any decisions;
- (v) that prudential borrowing of £0.350 million to upgrade and update the Council's CCTV equipment be approved with the cost of borrowing to be included in future year revenue budgets offset by any future external contributions and any resulting revenue savings;
- (vi) that prudential borrowing of £1.0 million for an IT Investment Fund for 2016/17 to 2019/20 be approved with the cost of borrowing to be included in future year revenue budgets and that the allocation of the Fund be agreed by Executive Director of Operations and Finance consultation with the Chief Finance Officer, the Executive Head – Customer Services and the Executive Lead for Customer Services;

- (vii) that the reallocation of £0.5m within the existing schools capital allocation to provide two mobile accommodation buildings at Paignton Community Sports Academy be approved to meet an immediate need for pupil places;
- (viii) that the allocation of £0.350m to improvements at The Strand in Torquay in line with the proposed Corporate Plan Delivery Plans be approved and that the Council determine whether this is funded from:
 - Option 1: prudential borrowing when the scheme is deemed to be self financing; or
 - Option 2: the Comprehensive Spending Review Reserve;
- (ix) that the Council will not take up the option in 2016/17 of using capital receipts to fund one off revenue costs of transformation to meet future budget reductions;
- (x) that, subject to approval of (iii) to (ix) above, the budget forecast for 2016/17 to 2019/20 at Appendix 2 to the submitted report be approved as the Capital Plan;
- (xi) that the Corporate Asset Management Plan for 2015 – 2019 (as set out in Appendix 4 to the submitted report) be approved.

Reason for the Decision

The Council has a statutory obligation to set a budget each year. The approval of the 2016/2017 to 2019/2020 capital budget will assist the Council in delivering its key objectives and meet its statutory obligations.

For the Mayor to respond to the recommendations of the Overview and Scrutiny Board.

Implementation

The recommendation of the Mayor will be considered at the adjourned meeting of Council to be held on 11 February 2016.

Information

Further to the Mayor's provisional capital budget proposals issued on 23 November 2015 for consultation, the submitted report outlined the basis of the Mayor's Capital Budget proposals for 2016/2017 to 2019/2020 and provided a summary of the approach for developing the proposals.

In addition to the Capital Budget proposals for 2016/2017 to 2019/2020 the report also encompassed the following:

- Capital Plan Update – Quarter 3 – 2015/2016;
- Capital Strategy
- Asset Management Plan (incorporating the Community Asset Transfer Policy)

Due to the scale of the reductions faced by the Council, extensive consultation had been undertaken on the budget proposals. The report had been compiled taking into account the findings and conclusions reached by the Priorities and Resources Review Panel which had considered the draft Capital Plan, Capital Strategy and Asset Management Plan.

At the Council meeting on 3 February 2016, the Mayor made a statement on the Capital Budget 2016/2017 to 2019/2020 and responded to the Priorities and Resources Panel, as outlined in paragraph 4.1 of the submitted report.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the report and not discussed at the meeting.

Is this a Key Decision?

Yes – Reference Number: I021319

Does the call-in procedure apply?

No

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

8 February 2016

Signed: _____
Mayor of Torbay

Date: 3 February 2016

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Record of Decisions

Proposed Disposal of Surplus Asset - Lincombe Court, Lincombe Hill Road, Torquay

Decision Taker

Mayor on 03 February 2016

Decision

That, having considered the feedback received from Ward Members and the relevant Community Partnerships to the disposal of Lincombe Court as set out in Appendix 3 to the submitted report, Lincombe Court be declared no longer required for service delivery and that the Assistant Director Corporate and Business Services be requested to advertise the intended disposal in accordance with the Council's Community Asset Transfer Policy 2008.

Reason for the Decision

Lincombe Court is an empty property which has been declared surplus to operational requirements and is available for disposal which will enable the capital receipt to be reinvested into the Council's existing capital programme.

Implementation

This decision will come into force and may be implemented on 16 February 2016 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

Lincombe Court was vacated by Torbay and South Devon NHS Foundation Trust in 2014 and the existing 10 year lease to the Foundation Trust expired on 30 November 2015 and the property is no longer required for service delivery.

Lincombe Court is a vacant property and will start incurring business rates liabilities potentially by late April 2016. The Property is a dated Victorian villa. In order to maintain the integrity of the vacant building a programme of planned maintenance would be required to prevent deterioration. The asset will quickly become a maintenance liability otherwise.

The Mayor considered the recommendations of the Council made on 3 February 2016 and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the submitted report but not discussed at the meeting.

Is this a Key Decision?

Yes – Reference Number: I022290

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

8 February 2016

Signed: _____
Mayor of Torbay

Date: 8 February 2016