



Minutes of the Council

8 December 2011

-: Present :-

Chairman of the Council (Councillor Mills) (In the Chair)
Vice-Chairman of the Council (Councillor Stringer)

The Mayor of Torbay (Mayor Oliver)

Councillors Addis, Amil, Baldrey, Barnby, Bent, Brooksbank, Cowell, Davies, Darling, Doggett, Ellery, Excell, Faulkner (A), Faulkner (J), Hill, Hytche, James, Lewis, McPhail, Morey, Parrott, Pentney, Pritchard, Richards, Scouler, Stockman, Thomas (D), Thomas (J) and Tyerman

405 Opening of meeting

Members observed a minute's silence as a mark of respect in memory of Lance Corporal Peter Eustace and Rifleman Sheldon Lee Jordan Steel both from the Rifles, who lost their lives serving in Afghanistan. The meeting was then opened with a prayer.

406 Apologies for absence

Apologies for absence were received from Councillors Bent (for the adjourned meeting only), Butt, Hernandez, Kingscote, Pountney and Stocks.

407 Minutes

The Minutes of the extraordinary meeting of the Council held on 31 October 2011 were confirmed as a correct record and signed by the Chairman.

408 Declarations of interests

The following personal interest was declared:

Councillor	Minute Number	Nature of interest
Pentney	418	Granddaughter attends Mayfield School

409 Communications

The Chairman:

- (a) congratulated all those involved in campaigning for funding for the South Devon Link Road. He especially thanked past and present members and officers, the former and current Mayors and local Members of Parliament for all their efforts;
- (b) advised that all members had received a briefing on the Love Life campaign, which was being run jointly with Public Health, the Council and the Herald Express. This year long campaign aimed to encourage communities, councillors and staff to make personal pledges to do something 'healthy' such as stopping smoking or losing weight. A number of members had already signed up with their personal pledges and the Chairman encouraged all members to sign-up and make their pledge. The Chairman announced that he would be making the 'Boxing Day Dip' in Torquay and Paignton as part of his pledge and encouraged members to join him; and
- (c) provided details of the Civic Carol Service which was taking place on 13 December 2011 at 7.30 p.m. at the Riviera International Conference Centre. All proceeds from the event would be donated to the Chairman's charity.

The Mayor:

- (a) referred to the Government's consultation on the changes to the 'feed in tariff' scheme in respect of photovoltaic panels and the work Councillor Darling had undertaken on this. The installation of photovoltaic panels on roofs had not only introduced environment benefits, but a range of activities such as the creation of new jobs, increased skills in the workforce and opportunities for new apprenticeships. The Government's proposed changes would impact on these benefits. Therefore, the Mayor advised that he would write to the Government requesting a review of the proposed changes to the 'feed in tariff' scheme. The Chairman invited the Group Leaders to comment on the Mayor's communication and Councillors Darling and Morey supported the Mayor; and
- (b) supported the Chairman on his communication in respect of the South Devon Link Road and also expressed his thanks to all of those involved.

410 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(g) (Mayoral Decision – Torbay and South Devon Growth Enterprise Task Force/Employment Growth and Enterprise Programme), item 9 (Beach Hut Charges) and item 12 (Torre Abbey Village Green Application), to be considered at the adjourned meeting commencing at 5.30 pm.

411 Members' questions

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

Verbal responses were provided at the meeting. Supplementary questions were then asked and answered by the Mayor for questions 1 and 2.

412 Mayoral Decision - Adoption Activity Report

The Council noted the activities of the Torbay Children's Services Adoption Agency for the period 1 April 2011 to 30 September 2011 as set out in the submitted report.

413 Mayoral Decision - Annual Report for the Virtual School for Children Looked After

The Council, as Corporate Parents, noted the annual report of the Governing Body of Torbay Virtual Report on the achievements of the Children Looked After and the work of the Torbay Virtual School for the academic year 2010/11.

414 Mayoral Decision - Revenue Budget Monitoring 2011/12 Quarter 2

The Council noted the submitted report setting out revenue budget monitoring information for 2011/12. The Chairman reported that the Overview and Scrutiny Board would review the submitted report and bring forward recommendations following its next meeting.

415 Mayoral Decision - Revenue Budget 2012/13 - Provisional Spending Targets

The Mayor presented his provisional spending targets for the revenue budget 2012/13 (details of which were circulated after the meeting) to enable the consultation process on the budget to begin. The Mayor's Record of Decision, which also includes further information on his decision, is attached to these minutes.

416 Mayoral Decision - Capital Investment Plan for 2012/13 to 2015/16

The Mayor presented his proposed capital investment plan for 2012/13 (details of which were circulated after the meeting) to enable the consultation process on the budget to begin. The Mayor's Record of Decision, which also includes further information on his decision, is attached to these minutes.

417 Mayoral Decision - Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods - Subject to Call-in

The Council made the following recommendation to the Mayor:

It was proposed by Councillor Lewis and seconded by Councillor Addis:

that the Mayor be recommended to approve the Supply of Age Restricted Products Policy, as set out in Appendix 1 to the submitted Report.

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

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

418 Capital Budget Monitoring 2011/12 (2nd Quarter)

The Council received the submitted report which provided an overview of the Council's approved capital programme for the quarter ending September 2011 and set out proposed amendments to the programme. The Chairman reported that the Overview and Scrutiny Board would review the submitted report and bring forward recommendations following its next meeting.

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

- (i) that the latest position on the Capital Programme be noted;
- (ii) that £0.5 million of prudential borrowing be approved for an "invest to save" scheme to bring empty homes back into use to be funded from New Homes Bonus Grant (as set out in paragraph A2.4 of the submitted report); and
- (iii) that £0.2 million be approved to invest in the enhancement of assets prior to sale for development to be funded from capital receipts (as set out in paragraph A2.2 of the submitted report).

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

(Note: During consideration of Minute 418, Councillor Pentney declared her personal interest.)

419 Council Tax Base 2012/13 and other Financial Matters

Members considered the submitted report which set out the Council's tax base for council tax purposes for 2012/13.

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

- (i) that the calculation of the Council Tax Base for the year 2012/13 be approved as shown in Appendix 1 of the submitted report;
- (ii) that the calculation of the Brixham Town Council Tax Base for the year 2012/13 be approved as shown in Appendix 2 of the submitted report;
- (iii) that, in accordance with the Local Authorities (Calculation of Tax base) (Amendment) Regulations 2003, the amount calculated by Torbay Council as its Council Tax base for the year 2012/13 should be 49,021.42;

- (iv) that, in accordance with the Local Authorities (Calculation of Tax base) (Amendment) Regulations 2003, the amount calculated by Torbay Council as the Council Tax base for Brixham Town Council for the year 2012/13 should be 6,664.97; and
- (v) that the estimated distribution on the Collection Fund as shown in paragraph A1.13 to the submitted report be approved.

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

420 Proposed Amendment to Byelaws to Allow Cycling in Torbay Parks and Pleasure Grounds

The Council considered the submitted report on amendments to byelaws in Torbay to allow cyclists to use parks and pleasure grounds on designated routes. The proposal sought to assist with the promotion of cycling in Torbay as a method of sustainable travel that will reduce traffic congestion and improve the general health of residents and visitors.

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

- (i) that Torbay Council begin a period of consultation to consider whether the Secretary of State should be asked to approve an amendment to the existing byelaw in order to allow cycling in Torbay Parks and Pleasure Grounds, on designated routes only;
- (ii) that if, following consultation, no objections are received the recommendation will be passed to the Secretary of State for consideration; and
- (iii) that if any objections are received the Executive Head of Residents and Visitor Services, in consultation with the Executive Lead for Safer Communities and Transport, be delegated authority to consider and determine the objections before proceeding to the Secretary of State.

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

421 Urgent Decision taken by the Chief Executive under the Officer Scheme of Delegation - Recruitment of Directors

Members noted the details of a decision taken by the Chief Executive (recruitment of directors) on the grounds of urgency, as set out in the submitted report.

422 Adjournment

At this juncture, the meeting was adjourned until 5.30 pm on Thursday 8 December 2011.

423 Mayoral Decision - Torbay and South Devon Growth and Enterprise Task Force - Subject to Call-in

The Council made the following recommendations to the Mayor:

It was proposed by the Mayor and seconded by Councillor Thomas (D):

that a South Devon Growth and Enterprise Task Force be established which could comprise of the Mayor, Deputy Mayor, Executive Lead for Finance, the leaders of the minority groups, the leaders of neighbouring districts and the South Devon MPs alongside private sector representatives. The group would be supported by an officer team and would develop proposals to enable growth. These might include the development of a discretionary local business rate relief policy and adoption of simplified planning processes.

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

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

424 Beach Hut Charges

The Council considered the submitted report setting out a proposed revision to beach hut charges. The report formed part of the Council's review of all its service areas to improve productivity and maximise income generation.

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

that the proposed revision to beach and amenity charges for 2012/13 as detailed at Appendix 1 to the submitted report be approved.

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

425 Torre Abbey Village Green Application

The Council considered the submitted report setting out an application to register Torre Abbey Meadows as a Town or Village Green under the Commons Act 2006.

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

that the Council rejects the Application on the following ground:-

that at all times during the Council's ownership of Torre Abbey Meadows up to the date of the application (and at all times since that date) Torre Abbey Meadows been held and maintained by the Council under Section 164 of the Public Health Act 1875 for public walks or pleasure grounds and has been by implied permission available for recreational use by the public for lawful sports and pastimes. Accordingly, the Applicant is unable to show that there has been use

of Torre Abbey Meadows as a Town or Village Green “as of right” for the requisite period of 20 years (as provided under Section 15(2) of the Commons Act 2006.

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

Chairman

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Minute Item 411

Meeting of the Council

Thursday, 8 December 2011

Questions Under Standing Order A13

Question (1) by Councillor Darling to the Mayor – Mayor Oliver	It was shocking to learn that the £16000 invested in a television advertisement on Sky television, only resulted in 10 enquiries. Can the Mayor share with the Council whose advise was it to place such an advertisement and what the anticipated return was?
Question (2) by Councillor Baldrey to the Mayor – Mayor Oliver	You and many others have praised the work done by Brixham 21 Ltd especially in relation to the delivery of the new Fish Market. Other projects are in the pipeline for Brixham for which it would be natural for Brixham 21 to again take a lead role. Please could you define exactly how Brixham 21 has fallen short of its written agreement with Torbay Council such that you find it necessary to encourage the creation of a rival body for regenerating Brixham?

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Minute Item 415

Record of Decisions

Revenue Budget 2012/13 - Provisional Spending Targets

Decision Taker

Mayor on 08 December 2011

Decision

- (i) that all Members and the Overview and Scrutiny Board be requested to consider the implications of the target budgets set for the individual business units (as set out below). Overview and Scrutiny to consider the budget papers at its meetings in January 2012 and report back to the Mayor and the Council on 1 February 2012 on the outcomes of its deliberations and stakeholder representations;

Business Unit/Service		Sub Total	Corporate Budgets *	Total
	£000's	£000's	£000's	£000's
Adults & Operations				
• Adult Social Care				
○ Torbay Care Trust	39,500			
○ 2% increase for Care Homes	335			
○ NHS Funding	2,224			
<i>Sub Total</i>	<i>42,059</i>			
○ Other Adult Services – Joint Equipment Store	560			
<i>Adult Social Care Total</i>		42,619		42,619
• Business Services		1,986		1,986
• Commercial Services		2,485	(999)	1,486
• Finance		11,733	(9,803)	1,930
• Information Services		3,841	(727)	3,114
• Supporting People		5,913		5,913
Children, Schools & Families		19,917		19,917
Communities & Local Democracy				
• Community Safety		2,587		2,587
• Community Engagement		1,321		1,321
Place & Environment				
• Economic Development Company (Client Side)		4,276		4,276
• Residents & Visitors		9,005	(258)	8,747
• Spatial Planning		5,291	(3,888)	1,403
• Torbay Harbour Authority		0		0
• Waste & Cleaning		11,142		11,142
Corporate Budgets		0	15,675	15,675
Total Provisional Budget for 2012/13		122,116	0	122,116

Funded From				
• Government Grant (estimated)				58,493
• Council Tax Income				61,823
• Collection Fund Surplus				1,800
Estimated Income				122,116

* Corporate Budgets include Treasury Management, Precepts, External Audit Fees, Concessionary Fares, IT licences;

- (ii) that all Members and the Overview and Scrutiny Board be requested to consider the Review of Reserves report and recommendation;
- (iii) that all Members and the Overview and Scrutiny Board be requested to consider the fees and charges for each service and note the Medium Term Resource Plan;
- (iv) that the Chief Finance Officer be given authority to amend these targets for any technical adjustments necessary between services and within the overall envelope of funding in agreement with the Mayor and Executive Lead Member with responsibility for Finance;
- (v) that the Chief Finance Officer report to Council on 1 February 2012 on the implications for 2012-13 and later years as a result of these targets currently being considered and in light of the final settlement which is expected in late January or early February;
- (vi) that the Chief Finance Officer responds to the implications upon Torbay of the Provisional Local Government Finance Settlement, after consultation with the Mayor and Executive Lead Member for Finance; and
- (vii) that an Equalities Impact Assessment (EIA) be completed following the consultation process and presented to the Mayor with any recommendations from the Overview and Scrutiny Board.

Reason for the Decision

To enable the consultation process on the budget to begin.

Implementation

This decision will come into force on 13 December 2011 and forms part of the six week consultation process on the budget.

Information

At the Council meeting on 8 December 2011, the Mayor announced his provisional spending targets for 2012/13 (as set out in the paper circulated after the meeting) to start the consultation process for scrutinising and developing the budget proposals. The provisional targets and development of the budget would support the Council in delivering its key aims and objectives as set out in the Community Plan and Corporate Plan for 2012/13.

The Council faces significant challenges in light of ongoing uncertainties about the economy and the spending targets had been set in this context with the largest cuts to public spending

and local funding for a generation. The Provisional Local Government Finance Settlement had not been announced, but the Government's intention to 'top-slice' the local government grant to fund academy schools may require the Council to identify additional savings. The impact of significant reductions to the local government grant will result in the Council facing a number of difficult decisions to ensure services can be delivered within much reduced finances compared to previous years.

The provisional spending targets have been set in recognition of the need to ensure resources are prioritised in accordance with agreed plans but mindful of further reductions to the local government grant over the course of the four year Comprehensive Spending Review. If the targets identified provide more savings than is required this will allow the Mayor to reinvest money into priority services.

The consultation on the 2012/13 budget has been open since September 2011 to allow members of the public to have their say on their priorities and the proposals which have been put forward to date. In addition, the Mayor wishes to hear the views of all members, the Overview and Scrutiny Board and external stakeholders on his proposals before finally recommending a budget to the Council on 1 February 2012.

Alternative Options considered and rejected at the time of the decision

Alternative options were not considered.

Is this a Key Decision?

Yes – Reference Number: I003648

Does the call-in procedure apply?

No

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

None.

Published

13 December 2011

Signed: _____
Mayor of Torbay

Date: 13 December 2011

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Record of Decisions

Capital Investment Plan for 2012/13 to 2015/16

Decision Taker

Mayor on 08 December 2011

Decision

That the Overview and Scrutiny Board be requested to review the Capital Investment Plan 2012/13 to 2015/16 and associated documents (as set out in the Mayor's consultation document circulated on 8 December 2011) in relation to the Council's Capital and Asset Management Strategies for 2012/13 and make recommendations to the Mayor as appropriate.

Reason for the Decision

To enable the consultation process on the budget to begin.

Implementation

This decision will come into force on 13 December 2011 and forms part of the six week consultation process on the budget.

Information

At the Council meeting on 8 December 2011, the Mayor announced his proposals for the Capital Investment Plan 2012/13 to 2015/16 (as set out in the paper circulated after the meeting) to start the consultation process for scrutinising and developing the budget proposals.

The paper included the capital and asset related reports of the Summary Capital Strategy 2012/13, Asset Management Plan 2012/13 and the Capital Investment Plan 2012/13 to 2015/16, together with the Prudential Indicators for 2012/13. The Treasury Management Strategy (including the Annual Investment Strategy) 2012/13 would also form part of the proposals and was due to be published for the Audit Committee on 22 December 2011. These documents set out the way the Council uses both capital funding and assets on behalf of the public to improve the lives of communities who live and work in the Bay, as well as improving and regenerating Torbay.

Alternative Options considered and rejected at the time of the decision

Alternative options were not considered.

Is this a Key Decision?

Yes – Reference Number: I003652

Does the call-in procedure apply?

No

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

None.

Published

13 December 2011

Signed: _____
Mayor of Torbay

Date: 13 December 2011

Record of Decisions

Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods

Decision Taker

Mayor on 08 December 2011

Decision

That the Supply of Age Restricted Products Policy, as set out in Appendix 1 to the submitted Report, be approved.

Reason for the Decision

To meet statutory requirements.

Implementation

This decision will come into force and may be implemented on 21 December 2011 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Council is required by Section 5 of the Children and Young Persons (Protection from Tobacco) Act 1991 to consider, at least once a year, the extent to which it is appropriate to carry out a programme of enforcement action in relation to tobacco and tobacco related products. The submitted report set out the requirements of this annual review and extended the remit to other age restricted goods.

The Mayor supported the recommendations of the Council made on 8 December 2011, as set out in his decision above.

Alternative Options considered and rejected at the time of the decision

None.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None.

Published

13 December 2011

Signed: _____
Mayor of Torbay

Date: 13 December 2011

Record of Decisions

Torbay and South Devon Growth and Enterprise Task Force

Decision Taker

Mayor on 08 December 2011

Decision

That a South Devon Growth and Enterprise Task Force be established which could comprise of the Mayor, Deputy Mayor, Executive Lead for Finance, the leaders of the minority groups, the leaders of neighbouring districts and the South Devon MPs alongside private sector representatives. The group would be supported by an officer team and would develop proposals to enable growth. These might include the development of a discretionary local business rate relief policy and adoption of simplified planning processes.

Reason for the Decision

To assist with the increased retention of businesses in Torbay and support the attraction of new investment into the area which will lead to increased employment and improved public finances.

Implementation

This decision will come into force and may be implemented on 21 December 2011 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The submitted report set out proposals to enable the Council to support the local economy in the delivery of employment sites and premises to enable retention, and attraction of growing businesses and in order to capitalise on the effects of the South Devon Link Road. The report set out the extent of undeveloped employment land in Torbay and proposed that a task group would consider how strategic sites could be developed and the steps needed to encourage investment from the private sector.

The Mayor supported the recommendations of the Council made on 8 December 2011, as set out in his decision above.

Alternative Options considered and rejected at the time of the decision

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

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None.

Published

13 December 2011

Signed: _____
Mayor of Torbay

Date: 13 December 2011