



Minutes of the Council

25 September 2014

-: Present :-

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

The Mayor of Torbay (Mayor Oliver)

Councillors Addis, Amil, Baldrey, Bent, Brooksbank, Cowell, Davies, Doggett, Ellery, Excell, Faulkner (A), Faulkner (J), Hytche, James, Lewis, McPhail, Mills, Morey, Parrott, Pentney, Pountney, Pritchard, Stockman, Stocks, Stringer, Thomas (D), Thomas (J) and Tyerman

55 Opening of meeting

The Chairwoman welcomed Rob Butler, Deputy Lord Mayor of the City of Perth, Australia, to the meeting. The meeting was then opened with a prayer.

56 Apologies for absence

Apologies for absence were received from Councillors Butt, Darling, Hernandez, Kingscote, Richards and Scouler. The Monitoring Officer also advised that Councillors James, McPhail, Stringer and Thomas (D) would be joining the meeting after the adjournment.

57 Minutes

The Minutes of the meeting of the Council held on 17 July 2014 were confirmed as a correct record and signed by the Chairman.

58 Declarations of interests

Councillor Parrott declared a non-pecuniary interest in Minutes 63 and 65 as he was the Chairman of the Strategic Advisory Board for Children's Centres.

59 Communications

The Chairwoman announced that the Civic Garden Party and Civic Church Service raised approximately £1,100 for the Chairwoman's charities and expressed her thanks to all those who attended.

The Mayor:

- (i) announced that the South Devon Export Network (SDEN) held in Torbay had won the prestigious national award Enterprising Britain, in the 'Support for Exporting' category, sponsored by the Department for Business, Innovation and Skills. The Mayor added that SDEN enabled local business people to meet quarterly to exchange information and knowledge about trading internationally;
- (ii) advised that following on from the consultation with residents and stakeholders and feedback from the Priorities and Resources Panel he had decided that, due to uncertainty with the 2015/16 funding from the coalition Government and the in-year pressures currently facing the Council, he withdrew the budget savings proposals from this Council meeting to allow sufficient time to consider the issues before his budget savings proposals were presented to Council; and
- (iii) welcomed the announcement that the coalition Government would revisit its decision to cut funding for local welfare provision from April 2015, which funds the Council's Crisis Support Scheme. The Mayor advised the Council that monies had been ring fenced to respond to the proposed cut to ensure a scheme could continue in the next financial year.

60 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 6 (Members' questions) to be considered at end of the meeting.

61 Notice of Motion - Lease for the Pavilion, MDL Car Park and Cary Green (Mayoral)

Members considered a motion in relation to the lease for the Pavilion, MDL Car Park and Cary Green, Torquay, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Cowell and seconded by Councillor Parrott:

that this Council requests the Mayor to bring to full Council the terms of any lease for the Pavilion, MDL Car Park, Cary Green and associated space for disposal before any final agreement is entered in to.

Council considers this to be in accordance with the Mayor's policy of making his decision at full council.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor advised that as he had already taken the decision, following a recommendation by the Council, for the Chief Executive of Torbay Development Agency to determine the details of the lease and as these negotiations had been progressed he rejected the motion.

62 Notice of Motion - Solar Schools Motion

Members considered a motion in relation to the Friends of the Earth 'Run on Sun' campaign and the use of solar technology on school and Council buildings, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Baldrey and seconded by Councillor Pountney:

This Council welcomes the 'Run on Sun' campaign that has been launched by Friends of the Earth to:

- a) promote clean energy;
- b) make it easier for schools to invest in solar power; and
- c) raise awareness of the financial, practical and environmental benefits of schools being powered by solar energy.

This Council also welcomes the extensive work that has been successfully carried out by the officers of our Environmental Policy Team and TDA in recent years to reduce the Council's energy bills and invest in clean, renewable energy.

This Council applauds the pioneering spirit and vision shown by the staff, students and governors of Saltaire Primary School in West Yorkshire, where the solar panels installed in August last year are operating successfully.

This Council notes that:

- a) solar photovoltaic and thermal panels are an affordable renewable energy technology that can be quickly installed and easily maintained across Torbay's schools estate;
- b) the capital investment required for solar photovoltaic panels is typically repaid within 7-9 years (by reduced electricity bills and feed-in-tariff income) and the energy generated for 25-40 years is free to the school;
- c) Friends of the Earth estimate that the financial benefits per school can be as high as £8,000 per annum;
- d) the use of solar technologies contributes towards cutting Torbay's carbon footprint;
- e) solar technologies are a visible symbol of our determination as a community to reduce our carbon footprint and build energy security across Torbay; and
- f) solar technologies are a fantastic educational resource that can boost awareness of sustainable energy among children and local families.

This Council therefore requests (wherever possible involving Community Groups) that:

- i) in light of falling installation costs the Director of Place and Torbay Development Agency re-evaluate the business case for installation of solar technology on school and council buildings;
- ii) should the business case prove positive then the Director of Place engages as proactively as possible with Torbay's schools to ensure the maximum and earliest roll-out of solar technologies across the schools estate;
- iii) the Environmental Policy Team launches a high profile and well-publicised borough-wide campaign to encourage our schools to invest in solar technologies; and
- iv) the Environmental Policy Team liaises closely with Friends of the Earth to ensure that Torbay Council is positively involved in the 'Run on Sun' campaign.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor referred the motion to the Place Policy Development Group to explore the economies and benefits of the proposal.

63 Torbay Children and Young People's Plan 2014-19

The Council considered the submitted report setting out the Torbay Children and Young People's Plan 2014-19. The Plan reviewed the achievements of Children's Services and partners and set out headline priorities for the next five years. It was noted the Plan also provided a strategic vision and commitment to improve the lives of children and young people, particularly those most vulnerable.

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

that the Children and Young People's Plan set out in Appendix 1 of the submitted report, be approved.

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

64 Adoption Agency Activity Report

Members noted the submitted report in respect of adoption agency activity.

65 Children's Service 5 year funding strategy

The Chairman advised that this item had been deferred.

66 Disposal of Real Estate Assets (Mayoral Decision)

The Council made the following recommendation to the Mayor:

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

that the Mayor be recommended:

- (i) that the two assets listed in Appendix 1 of the submitted report be declared no longer required for service delivery and that the Executive Head of Commercial Services be requested to advertise their intended individual disposal in accordance with both the Council's Community Asset Transfer Policy 2008 and where appropriate Section 123(2A) of the Local Government Act 1972;
- (ii) that, subject to any expressions of interest received from the community and any objections received to any disposal advertised pursuant to s123 of the Local Government Act 1972, the assets listed in Appendix 1 of the submitted report be individually disposed on such terms as are acceptable to the Executive Head of Commercial Services in consultation with the Chief Executive of Torbay Development Agency; and
- (iii) that the Executive Head of Commercial Services in consultation with the Chief Executive of the Torbay Development Agency be delegated authority to consider any objections received on the advertisement of any of the proposed disposals pursuant to s123 of the Local Government Act 1972.

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.

67 Time to Change (Mayoral Decision)

The Council made the following recommendation to the Mayor:

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

that Council commits to agreeing to make a pledge which will benefit staff and the population of Torbay, by challenging the stigma and negative attitudes surrounding mental health. This commitment can then be fed up to the Time to Change initiative and Torbay Council will be seen as a forward-thinking organisation with a commitment to its staff and population.

Agreeing to take the Time To Change pledge means agreeing that people with mental health problems (and that is 1 in 4 within a year), should not be afraid to talk about their issues, just like anyone with asthma or diabetes.

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.

(Note: During consideration of Minute 63, Councillor Stocks declared a non-pecuniary interest as her son worked for Devon Partnership Trust who deliver mental health care in Torbay.)

68 Cultural Strategy

The Council received Torbay's Cultural Strategy 'Enjoy, Talk, Do, Be...' as set out in the submitted report. The Strategy aimed to harness the value of culture and all the benefits it brings, within the context of positively addressing the post recession context and planning for a sustainable future. A revised Officer recommendation was circulated.

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

- (i) that the Council approve ENJOY, TALK, DO, BE - A cultural strategy for Torbay and its communities 2014-2024 and adopt the strategy as part of the Council's Policy Framework; and
- (ii) authority be delegated to the Director of Place, in consultation with the Mayor and the Executive Lead for Culture and Arts, to develop a cultural sector led Culture Board which will act as a catalyst for partners to engage with the strategy across the sector and develop funding options for the implementation of the aims and objectives.

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

69 Freedom of the Borough

It was proposed by the Mayor and seconded by Councillor Mills:

that this Council, being appreciative of the significant defence role undertaken by HMS Torbay around the world and in recognition of its long association with the towns of Torbay, does offer the submarine and its crew Honorary Freedom of the Borough of Torbay.

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

The Chairman announced that HMS Torbay was currently on active duty and therefore a formal presentation and procession would be held in early 2015.

70 Capital Investment Plan Update - 2014/15 Quarter 1

The Council considered the submitted report setting out an overview of the Council's approved Capital Investment Plan for quarter one. The report provided details of capital expenditure and funding for the year compared with the latest

budget position reported to the Council in February 2014. A revised Officer recommendation was circulated.

It was proposed by the Mayor and seconded by Councillor Mills:

- (i) Council note the latest position for the Council's Capital expenditure and funding for 2014/15;
- (ii) Council approve that £6.1 million of capital resources to be allocated to schools for basic need (pupil places) for the period up to 2017/18, subject to each individual scheme being approved by the Operational Director in consultation with the Mayor;
- (iii) Council approve £0.630 million of capital resources to be allocated to schools for repair and maintenance in 2014/15;
- (iv) Council approve £0.1 million of capital resources to be allocated to schools for the free school meals initiative;
- (v) Council approve £0.350 million of capital resources, previously allocated to the empty homes scheme to be reallocated to improvement works at Torquay Harbour side. The Council will continue to work to explore bringing back empty homes in accordance with the Council's empty homes policy and the Director of Place be requested to prepare a report outlining how this will be achieved, including setting out how the Council will work with the private sector in this regard;
- (vi) Council approve £0.1 million capital grant to support Torbay Coast & Countryside Trust's Green Heart Project to be funded from capital receipts;
- (vii) Council approve £0.150 million of capital resources to fund improvements works at the Old Toll House in Torquay to be funded from capital receipts;
- (viii) Council approve £0.237 million of capital resources to fund additional beach huts at Broadsands. This is to be initially funded from prudential borrowing which will be repaid from future beach hut income; and
- (ix) Council approve the allocation of £0.660 million from the SDLR reserve to support the Council's contribution to support the Torquay Gateway transport scheme (£0.385m) and Torquay Centre Access transport scheme (£0.275m). The reserve to be repaid, as resources permit, from future year transport capital resources.

An amendment was proposed by Councillor Cowell and seconded by Councillor Morey:

- (v) Council approve £0.350 million of capital resources be allocated to a revised and simplified empty home schemes and/or made available for affordable homes schemes.

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 Baldrey, Cowell, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), Morey, Parrott, Pentney, Pountney, Stocks, Stockman and Thomas (J) (14); Against: The Mayor, Councillors Addis, Amil, Barnby, Excell, Hill, Hytche, Lewis, Mills and Pritchard (10); Abstain: Councillors Bent, Brooksbank and Tyerman (3); Absent: Councillors Butt, Darling, Hernandez, James, Kingscote, McPhail, Richards, Scouler, Stringer and Thomas (D) (10). Therefore, the amendment was declared carried.

The substantive motion (the original motion with amended (v)) was then before Members for consideration.

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

71 Revenue Budget Monitoring 2014/15 - Quarter 1

The Council noted the current projected outturn for the Revenue Budget 2014/2015 based on quarter 1 information, as set out in the submitted report.

72 Adjournment

At this juncture, the meeting was adjourned until 5.30 pm on Thursday 25 September 2014.

73 Petition requesting a covenant protecting Churston Golf course from development

In accordance with Standing Order A12, the Council received a petition requesting a covenant with the residents of Churston and Galmpton to not allow development of Churston Golf Course without first obtaining the agreement of the majority of the residents of the ward at a referendum (approximately 2,000 signatures).

At the invitation of the Chairwoman, Mr Billings addressed the Council.

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

The Monitoring Officer outlined the options open to the Council and advised that an officer report had also been circulated.

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

that the Council enter into a deed covenanting with the residents of Churston and Galmpton ward in the following terms:

'Torbay Council covenants with all inhabitants of the ward of Churston and Galmpton that for a period of 100 years beginning on the date of this deed it will not on the land shown edged in red on the plan attached to the submitted report, known to be Churston Golf Course, allow any development of Churston Golf Course without any such proposal first obtaining the majority of votes in a referendum of the persons who at the day of the referendum would be entitled to vote as electors at an election of Councillors for the Churston and Galmpton Ward and are registered as local government electors at an address within this Ward. For the purposes of this covenant 'development' shall not include any development permitted under the terms of the lease between The Council of the Borough of Torbay and Churston Golf Club Limited dated 3 April 2003. Nothing contained or implied in this Deed shall prejudice or affect the exercise by the Council of its regulatory functions under the Town and Country Planning Act 1990 or any other statute or statutory instrument.'

The Covenant would be appropriately registered with the Land Registry.

An amendment was proposed by Councillor Cowell and seconded by Councillor Morey:

that the decision be deferred to allow further investigation by the Place Policy Development Group.

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 Addis, Baldrey, Barnby, Bent, Brooksbank, Cowell, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), Hill, James, Lewis, McPhail, Morey, Parrott, Pentney, Pountney, Stocks, Stockman, Stringer, Thomas (D), Thomas (J) and Tyerman (25); Against: The Mayor, Councillors Amil, Excell, Hytche, Mills and Pritchard (6); Absent: Councillors Butt, Darling, Hernandez, Kingscote, Richards and Scouler (6). Therefore, the amendment was declared carried.

The substantive motion 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 Addis, Baldrey, Barnby, Bent, Brooksbank, Cowell, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), Hill, James, Lewis, Morey, Parrott, Pentney, Pountney, Stocks, Stockman, Stringer, Thomas (D), Thomas (J) and Tyerman (24); Against: The Mayor, Councillors Amil, Excell, Hytche, Mills and Pritchard (6); Abstain: Councillor McPhail (1); Absent: Councillors Butt, Darling, Hernandez, Kingscote, Richards and Scouler (6). Therefore, the substantive 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.

In accordance with Standing Order A12, the Council received a petition requesting the Mayor to abandon proposals to close Churston Library or replace staff with volunteers (approximately 2,000 signatures).

At the invitation of the Chairwoman, Mr Feasey addressed the Council.

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

The Monitoring Officer outlined the options open to the Council.

It was proposed by Councillor McPhail and seconded by Councillor Hytche:

- (i) that the petitioners be thanked for presenting their petition to the Council; and
- (ii) that the Mayor be recommended to give further consideration to his budget savings proposals in respect of Churston Library and alternative options in light of the petition.

An amendment was moved by Councillor Cowell and seconded by Councillor Morey:

to take the action requested by the petition.

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 Amil, Cowell, Davies, Doggett, Ellery, James, Mills, Morey, Parrott, Pentney, Pountney, Pritchard, Stocks, Stockman, Stringer, Thomas (D) and Thomas (J) (17); Against: Councillors Addis, Bent, Brooksbank, Excell, Faulkner (J), Hill, Hytche, Lewis, McPhail and Tyerman (10); Abstain: The Mayor, Councillors Baldrey, Barnby and Faulkner (A) (4); Absent: Councillors Butt, Darling, Hernandez, Kingscote, Richards and Scouler (D) (6). Therefore, the amendment was declared carried.

The substantive motion was then before Members for consideration.

During consideration of the substantive motion, the Monitoring Officer gave constitutional advice that a decision on the budget would not be made until the Mayor presented his budget proposals to the Council and therefore any decision by the Council would not be binding on the Mayor at this stage of the budget setting process.

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

(Note: In accordance with Standing Order A19.5, the Mayor requested his abstention from voting on the substantive motion to be recorded in the minutes.)

In accordance with Standing Order A12, the Council received a petition requesting the 'clean up' of Meadfoot Beach (approximately 52 electronic signatures and 73 written signatures).

The Chairwoman advised, that following the publication of the agenda, the petitioners had requested to meet direct with the decision-maker. Therefore, the petition would be referred to the Director of Place and the Executive Lead for Tourism and Harbours.

76 Petitions - (i) Land rear of Rocombe Close and (ii) public space behind Barradon Close, Rocombe Close and Swedwell Road

In accordance with Standing Order A12, the Council received two petitions requesting maintenance of land and public space rear of Rocombe Close, Barradon Close and Swedwell Road, Torquay (approximately 30 signatures and 96 signatures respectively).

At the invitation of the Chairwoman, Mr Cousins, addressed the Council in relation to the petition relating to Rocombe Close.

The Chairwoman informed the meeting that, following publication of the agenda, Mr Oxenham was unable to attend the meeting to present the second petition, but a statement and photograph received from him had been circulated to all members.

The Chairwoman advised that both petitions would be referred to the Director of Place for consideration in consultation with the Executive Lead for Safer Communities, Highways, Environment and Sport.

77 Saving Proposals 2015/2016

The Chairwoman advised that following the decision of the Mayor, this item had been withdrawn.

78 Proposal to Develop a Tourism Business Improvement District

The Council considered the submitted report setting out a proposal to identify alternative funding models for supporting tourism activity through the development of a Torbay Retail and Tourism Business Improvement District (TRTBID). The proposed TRTBID would combine both retail and tourism which was considered to have the greatest marketing impact.

It was proposed by the Mayor and seconded by Councillor McPhail:

- (i) to allocate up to £100,000 from Torbay Council budgets, over a two year period (2014/15 and 2015/16) to develop the TRTBID to reach the ballot expected in autumn 2015; and
- (ii) the Council endorses the proposed representation and function of the TRTBID Task Group to take forward the development and consultation stage of the TRTBID project.

An amendment was proposed by Councillor Stringer and seconded by Councillor Pountney:

- (i) Of the £100,000, the Council shall allocate £25,000 to the English Riviera Tourism Company and £25,000 to the Torbay Town Centres Company, to facilitate all three organisations to commission the TRTBID in partnership.

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 Baldrey, Bent, Brooksbank, Cowell, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), James, Lewis, Morey, Pentney, Pountney, Stocks, Stockman, Stringer, Thomas (D), Thomas (J) and Tyerman (20); Against: The Mayor, Councillors Addis, Amil, Barnby, Excell, Hill, Hytche, McPhail, Mills and Pritchard (10); Abstain: Councillor Parrott (1); Absent: Councillors Butt, Darling, Hernandez, Kingscote, Richards and Scouler (6). Therefore, the amendment was declared carried.

The substantive motion (the original motion with the additional wording for (i)) was then before Members for consideration.

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

79 Members' questions

Members received a paper detailing the questions, as 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 questions 1 and 3.

Chairwoman

Minute Item 66

Record of Decisions

Disposal of Real Estate Assets

Decision Taker

Mayor and Executive Lead for Employment and Regeneration, Finance and Audit on Thursday, 25 September 2014

Decision

- (i) That the two Assets listed in Appendix 1 of the submitted report be declared no longer required for service delivery and that the Executive Head of Commercial Services be requested to advertise their intended individual disposal in accordance with both the Council's Community Asset Transfer Policy 2008 and where appropriate Section 123(2A) of the Local Government Act 1972;
- (ii) That, subject to any expressions of interest received from the Community and any objections received to any disposal advertised pursuant to s123 of the Local Government Act 1972, the assets listed in Appendix 1 of the submitted report be individually disposed on such terms as are acceptable to the Executive Head of Commercial Services in consultation with the Chief Executive of Torbay Development Agency; and
- (iii) That the Executive Head of Commercial Services in consultation with the Chief Executive of the Torbay Development Agency be delegated authority to consider any objections received on the advertisement of any of the proposed disposals pursuant to s123 of the Local Government Act 1972.

Reason for the Decision

The disposal of assets not required for service delivery will generate capital receipts to be reinvested in the Council's existing capital programme which will contribute towards achieving the Council's objectives. The disposals will also reduce the expenditure and repair liability across the Council's assets.

Implementation

This decision will come into force and may be implemented on 8 October 2014 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The submitted report sets out details of two unused assets for disposal which will achieve capital receipts and cost savings. The following assets were considered for disposal which are no longer required by the Council:

1. 386 Teignmouth Road, Torquay; and
2. Site at Bolton Cross, Brixham;

The Mayor considered the recommendations of the Council made on 25 September 2014 and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options are set out in the submitted report.

Is this a Key Decision?

Yes – Reference Number: I017530

Does the call-in procedure apply?

Yes

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

None

Published

30 September 2014

Signed: _____
Mayor of Torbay

Date: 30 September 2014

Minute Item 67

Record of Decisions

Time to Change Mental Health Champion Organisation

Decision Taker

Mayor on Thursday, 25 September 2014

Decision

That Council commits to agreeing to make a pledge which will benefit staff and the population of Torbay, by challenging the stigma and negative attitudes surrounding mental health. This commitment can then be fed up to the Time to Change initiative and Torbay Council will be seen as a forward-thinking organisation with a commitment to its staff and population.

Agreeing to take the Time To Change pledge means agreeing that people with mental health problems (and that is 1 in 4 within a year), should not be afraid to talk about their issues, just like anyone with asthma or diabetes.

Reason for the Decision

By committing and signing up to the Time to Change pledge the Council will support the development of a mental health action plan.

Implementation

This decision will come into force and may be implemented on Wednesday 8 October 2014 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Time to Change is a national mental health initiative supported by the Department of Health. It aims to tackle the stigma and discrimination around mental health. The pledge to Time to Change is a commitment that all local authorities are asked to take. In addition to changing attitudes to mental health, the pledge requires the Council to develop a mental health action plan which will benefit its staff and the community.

The Mayor considered the recommendations of the Council made on 25 September 2014 and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

Councillor Stocks declared a non-pecuniary interest as her son works for the Devon Partnership Trust who deliver mental health care in Torbay.

Published

30 September 2014

Signed: _____
Mayor of Torbay

Date: 30 September 2014

Minute Item 73

Record of Decisions

Petition requesting a covenant protecting Churston Golf Course from development

Decision Taker

Mayor on Thursday, 25 September 2014

Decision

That the Council enters into a deed covenanting with the residents of Churston & Galmpton ward in the following terms;

'Torbay Council covenants with all inhabitants of the ward of Churston and Galmpton that for a period of 100 years beginning on the date of this deed it will not on the land, shown edged in red on the plan attached to the submitted report, known to be Churston Golf Course, allow any development of Churston Golf Course without any such proposal first obtaining the majority of votes in a referendum of the persons who at the day of the referendum would be entitled to vote as electors at an election of Councillors for the Churston and Galmpton Ward and are registered as local government electors at an address within this Ward. For the purposes of this covenant 'development' shall not include any development permitted under the terms of the lease between The Council of the Borough of Torbay and Churston Golf Club Limited dated 3 April 2003. Nothing contained or implied in this Deed shall prejudice or affect the exercise by the Council of its regulatory functions under the Town and Country Planning Act 1990 or any other statute or statutory instrument.'

The Covenant would be appropriately registered with the Land Registry.

Reason for the Decision

To respond to the petition requesting the Council to enter into a covenant to not allow development of Churston Golf Course. By entering into the deed of covenant with the residents of Churston and Galmpton ward, no development, other than that already permitted by the lease dated 3 April 2003, will be able to take place on Churston Golf Course without first obtaining consent of the majority of those residents taking part in a referendum on the development proposals.

Implementation

This decision will come into force and may be implemented on Wednesday 8 October 2014 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

A petition has been received requesting the Council to enter into a covenant to not allow development of Churston Golf Course without first obtaining the agreement of the majority of the residents of the Churston and Galmpton ward. The wording of the petition is set out below:

'In 2012, Torbay Council made a covenant with the residents of Paignton promising not to allow any development of Paignton Green without the agreement of the majority of residents. In July 2014, the Council then covenanted with the residents of St Marychurch promising not to allow any development of Babbacombe downs the agreement of the majority of residents.

The residents of Churston and Galmpton ask to be treated equally.

The Golf Course is highly valued by the community and as it provides the Green Wedge between Paignton and Brixham, contributes materially to the character of the area, and acts as an important wildlife corridor.

As freehold land owner, Torbay Council is asked to covenant with the residents of Churston and Galmpton not to allow development of Churston Golf Course without first obtaining the agreement of the majority of the residents of the ward at a referendum.'

The submitted report set out the implications of the proposed covenant.

The Mayor considered the recommendation of the Council made on 25 September 2014 and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options are set out in the submitted report. The Council also recommended to the Mayor that the decision be deferred to allow further investigation by the Place Policy Development Group.

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

30 September 2014

Signed: _____
Mayor of Torbay

Date: 30 September 2014