



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

13 September 2017

-: Present :-

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

The Mayor of Torbay (Mayor Oliver)

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

76 Opening of meeting

The meeting was opened with a prayer.

77 Apologies for absence

Apologies for absence were received from Councillors Manning, Sanders, Stringer Thomas (J) and Tyerman.

78 Minutes

The Minutes of the meeting of the Council held on 20 July 2017 and the Minutes of the Extraordinary meeting of the Council held on 8 August 2017 were confirmed as a correct record and signed by the Chairwoman.

79 Declarations of interests

Councillor Doggett declared a non-pecuniary interest in Minute 85 as he was a member of the Torbay Rail Users Group.

80 Communications

The Chairwoman thanked all those who attended the recent Civic Garden Party and advised that over £950 was raised for the Chairwoman's charities.

81 Members' questions

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

The paper also contained the answers to the questions which had been prepared by Mayor Oliver, Councillors King and Parrott.

Supplementary questions were put and answered by Mayor Oliver, Councillors King and Parrott arising from their responses to the questions in respect of questions 1, 2, 3 and 4.

82 Notice of Motion - A Fair Deal for Public Sector Workers (Mayoral Decision)

Members considered a motion in relation to the public sector pay cap, notice of which was given in accordance with Standing Order A14.

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

this Council believes that the continuation of the public sector pay cap is having an unreasonable effect on the living standards of many public sector staff, and is also affecting recruitment and retention across the sector.

This Council therefore asks the Chief Executive to write to the Chancellor of the Exchequer and the Secretary of State for Communities and Local Government to request that the cap is lifted to allow the implementation of the recommendations of Pay Review Bodies and negotiations with employers, and subsequent pay increases fully funded via central government settlement.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor advised that he would refer the motion to the Policy Development and Decision Group (Joint Operations) for consideration once the Government's policy and intentions for public sector pay was clear.

83 Notice of Motion - Freedom of the Borough for RAF Brize Norton (Council Decision)

Members considered a motion in relation to the granting of the Freedom of the Borough to RAF Brize Norton, notice of which was given in accordance with Standing Order A14.

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

- (i) that this Council, being appreciative of the significant and continuing defence role undertaken by the Royal Air Force around the world and in recognition of its long association with the towns of Torbay, does offer the base of Brize Norton, its Aircrew and Ground staff the Honorary Freedom of the Borough of Torbay. This is also to celebrate and commemorate the foundation of the RAF 100 years ago in 1918; and**

- (ii) that a formal presentation and procession be held at a ceremonial event to be arranged with the Royal Air Force.

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

The Chairwoman reported that the Chief Executive had withdrawn this item from the agenda.

85 Integrated Transport Block Capital Scheme - Scheme Business Cases

At its meeting on 25 February 2017 Council approved the Capital Plan subject to the Mayor and Chief Executive reviewing and making recommendations to Council on specific proposals for expenditure on the capital budget for Integrated Transport. Members considered the submitted report on the current position of committed projects and proposed business cases for additional investments to which the remaining allocation of the Integrated Transport Capital Funding would be awarded.

Two Liberal Democrat Group amendments were circulated prior to the meeting. Councillor King accepted the first amendment and incorporated it in his original motion.

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

- (i) that the remaining allocation of Integrated Transport Capital Funding, as set out in the table (schemes 8 to 13) in Section 7 of Appendix 1 "Supporting Information and Impact Assessment" of the submitted report, noting that schemes 1 to 7 have previously been agreed with a level of commitment attributed to them, be approved;
- (ii) that, subject to Appendix 6 – Rail and Bus Infrastructure Strategic Capital Business Case being amended to allow voluntary groups from the local community to place bids for capital purchase of public service vehicles to facilitate bus services where there are identified shortfalls in provision, to delegate approval of specific Capital spend within the strategic business cases in Appendices 3 to 6 and "Employment and Education Access", as summarised in Section 2 of Appendix 1 to the submitted report, to the Executive Head of Business Services in consultation with the Executive Lead for Planning, Transport and Housing; and
- (iii) that Council, at its meeting in October 2017, consider an update on the Edginswell Station scheme. Should a decision be taken not to pursue the proposals it is proposed that Council approves the reallocation of the remaining funding previously committed to that scheme to "Employment and Education Access".

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

- (i) that, subject to number 13 - Employment and Education Access being reallocated to road safety schemes including 20 mph residential zones - £65,000 and £60,000 to be added to 11 – Rail and Bus Infrastructure, ~~To approve~~ the remaining allocation of Integrated Transport Capital Funding, as set out in the table (schemes 8 to 13) in Section 7 of Appendix 1 “Supporting Information and Impact Assessment” to the submitted report, noting that schemes 1 to 7 have previously been agreed with a level of commitment attributed to them, be approved.

The amendment was put to the vote and declared carried.

During the debate Councillor Morey proposed and Councillor Darling (S) seconded a further amendment to the motion as follows:

- (i) that subject to:
- (a) number 13 - Employment and Education Access being reallocated to road safety schemes including 20 mph residential zones - £65,000 and £60,000 to be added to 11 – Rail and Bus Infrastructure; and
 - (b) the requirement that any proposals relating to the creation of:
 1. Helipad
 2. Light Railway for Brixham
 3. Third Harbourbe presented to Council for specific approval before being progressed;

the remaining allocation of Integrated Transport Capital Funding, as set out in the table (schemes 8 to 13) in Section 7 of Appendix 1 “Supporting Information and Impact Assessment” to the submitted report, noting that schemes 1 to 7 have previously been agreed with a level of commitment attributed to them, be approved.

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 subject to:**
- (a) number 13 - Employment and Education Access being reallocated to into road safety schemes including 20 mph residential zones - £65,000 and £60,000 to be added to 11 – Rail and Bus Infrastructure; and**
 - (b) the requirement that any proposals relating to the creation of:**

1. Helipad
2. Light Railway for Brixham
3. Third Harbour

be presented to Council for specific approval before being progressed;

the remaining allocation of Integrated Transport Capital Funding, as set out in the table (schemes 8 to 13) in Section 7 of Appendix 1 “Supporting Information and Impact Assessment” to the submitted report, noting that schemes 1 to 7 have previously been agreed with a level of commitment attributed to them, be approved.

- (ii) that, subject to Appendix 6 – Rail and Bus Infrastructure Strategic Capital Business Case being amended to allow voluntary groups from the local community to place bids for capital purchase of public service vehicles to facilitate bus services where there are identified shortfalls in provision, to delegate approval of specific Capital spend within the strategic business cases in Appendices 3 to 6 and “Employment and Education Access”, as summarised in Section 2 of Appendix 1 to the submitted report, to the Executive Head of Business Services in consultation with the Executive Lead for Planning, Transport and Housing; and
- (iii) that Council, at its meeting in October 2017, consider an update on the Edginswell Station scheme. Should a decision be taken not to pursue the proposals it is proposed that Council approves the reallocation of the remaining funding previously committed to that scheme to “Employment and Education Access”.

86 Princess Pier Superstructure

On 25 February 2017, Council approved the Capital Plan subject to the Mayor and the Chief Executive reviewing the Princess Pier superstructure and making recommendations to the Council. The submitted report set out a proposed business case in order to protect Princess Pier for use by residents and tourists in the future, which had been endorsed by the Mayor and the Chief Executive.

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

that the inclusion of £1.7 million within the Council’s Capital Plan for works to the Princess Pier Superstructure, as set out in the Business Case at Appendix 1 to the submitted report, be reconfirmed.

87 Update to the Capital Plan 2017/2018

The Council considered the submitted quarterly report setting out an overview and proposed update of the Council’s approved Capital Plan. The report provided details of capital expenditure and funding for the year. It was noted the Capital Plan

budget totalled £169 million for the 4 year programme, with £84.2 million scheduled to be spent in 2017/18, including £46.1 million on two Investment Fund opportunities, £3.9 million on the Western Corridor and £15.5 million on regeneration projects (subject to review). It was noted £0.3 million from capital receipts and capital contributions was required over the life of the Capital Plan. The submitted report sought approval for a number of amendments to the Council's Capital Plan.

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

- (i) that the latest position for the Council's Capital expenditure and funding for 2017/18 be noted;**
- (ii) that the allocation of the following grants to services be approved:**
 - a) Department of Health – Disabled Facilities Grants (DFGs) 2017/18, £1.631 million to Disabled Facilities Grants/Adults Social Care. £1 million be allocated to fund DFGs with the remaining £0.631 million to be used under the terms of the Better Care Fund;**
 - b) Department for Education: 2017/18 Devolved Formula Capital £0.079 million to Children's Services (ring-fenced grant);**
 - c) Department for Education: 2017/18 School Condition grant £0.418 million to Children's Services;**
 - d) Department for Education 2019/20 Basic Need grant £0.559 million to Children's Services;**
 - e) Department for Education 2018/19 - 2020/21 Special Provision Fund £0.5 million (total) to Children's Services; and**
 - f) Department for Transport – Highways Structural Maintenance Incentive element (2017/18) £0.109 million to Highways;**
- (iii) that the 2017/18 operational borrowing boundary be increased to £310 million, being £290 million for external borrowing and £20 million other liabilities, from £191 million; and**
- (iv) that the 2017/18 authorised borrowing limit be increased to £330 million, being £310 million for external borrowing and £20 million other liabilities, from £255 million.**

88 Revenue Budget Monitoring 2017/2018 - Quarter 1

The Council noted the forecast position for Revenue Budget for 2017/2018 based on quarter one information, as set out in the submitted report.

89 Local Government Association (LGA) Corporate Peer Challenge of Torbay Council - Action Plan

Members considered the submitted report which provided an update on the action plan resulting from the Local Government Association Corporate Peer Challenge and the CIPFA financial resilience review of the Council. It was noted that the majority of the actions had been completed, or were being monitored elsewhere, and therefore it was no longer necessary for the Council to separately monitor this action plan.

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

that the Local Government Association Corporate Peer Challenge Feedback action plan (as set out at Appendix 2 to the submitted report) be signed off as complete.

90 Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency

Members noted the submitted report setting out the decision of the Mayor taken on 6 September 2017, in relation to Income Management and Payments System Contract Renewal, to which the call-in procedure did not apply.

91 Investment Committee Recommendation - Investment Opportunity

The Chairwoman advised that there were no recommendations from the Investment Committee and therefore this item was withdrawn from the agenda.

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.

Question (1) by Councillor Carter to the Executive Lead for Adults and Children's Services (Councillor Parrott)	When did the council last conduct any monitoring and on the spot checking of child work permits in Torbay?																		
Councillor Parrott	<p>Student Services process work permit applications on behalf of the Council. Where it becomes known that children are in work without the necessary process being followed, the Attendance Officer makes the necessary checks. The last spot check to be conducted by the Attendance officer took place in March 17.</p> <p>To make the process more robust Children's Services have recently reviewed the function of work permit applications and have moved the process to the safeguarding service. This will enable further checks to be made by the safeguarding team who can use wider intelligence held by the IRO service.</p>																		
Question (2) by Councillor Darling (S) to the Mayor and Executive Lead for Finance, Regeneration and Corporate Services (Mayor Oliver)	Can you please advise me on a year by year basis over the past five years, the number of apprenticeships offered to our community by Torbay Council and how many of them were taken up by looked after children under the care of this or another authority?																		
Mayor Oliver	<p>The table below details number of Apprentices recruited since 2014. As an Employer we have worked to Recruit Care Leavers, however, this has not proved to be as successful as we would had wished. Previously we have worked with the Education providers to target Care Leavers and Officers in Children's Services, and whilst we had some success initially this has been limited.</p> <p>The changes to the Apprentice Scheme this year and the introduction of the levy has also resulted in fewer number of new Apprentices being offered generally.</p> <table border="1" data-bbox="432 1800 991 2078"> <thead> <tr> <th>Year</th> <th>Apprenticeships offered</th> <th>LAC</th> </tr> </thead> <tbody> <tr> <td>2014</td> <td>11</td> <td>1</td> </tr> <tr> <td>2015</td> <td>12</td> <td>2</td> </tr> <tr> <td>2016</td> <td>10</td> <td>0</td> </tr> <tr> <td>2017</td> <td>4</td> <td>0</td> </tr> <tr> <td>TOTAL</td> <td>37</td> <td>3</td> </tr> </tbody> </table>	Year	Apprenticeships offered	LAC	2014	11	1	2015	12	2	2016	10	0	2017	4	0	TOTAL	37	3
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<p>Question (3) by Councillor Doggett to the Executive Lead for Planning, Transport and Housing (Councillor King)</p>	<p>Campaign for Better Transport conducted some research into the levels of subsidy of bus services across the South West of England. The results for 2016/2017 were as follows:</p> <p>BATH & NORTH EAST SOMERSET -- £1,539,674 NORTH SOMERSET --- £300,590 SOMERSET COUNTY COUNCIL--- £2,709,200 BOURNEMOUTH BOROUGH COUNCIL £ 322,900 POOLE BOROUGH COUNCIL----- £ 668,810 DORSET COUNTY COUNCIL----- £1,979,300 DEVON COUNTY COUNCIL----- £ 4,780,129 TORBAY COUNCIL----- £ 0 PLYMOUTH CITY COUNCIL----- £ 384,029 CORNWALL COUNTY COUNCIL-----£6,646,000</p> <p>In light of the above do you think that Torbay has cut too deeply its supported bus routes and that it is time to reinstate some level of subsidy to ensure that routes such as the 65 can operate?</p>
<p>Councillor King</p>	<p>Torbay Council provides statutory concessionary fares funding of £4.5 Million annually.</p> <p>It also subsidises one route (no 25) and a fare car scheme at a cost of £16k annually.</p> <p>The funding is subsidised by a grant the council receives and is therefore not reflected in the figures as presented by the Campaign for Better Transport.</p> <p>The Council is in a fortunate position that it does not have to subsidise as we have a viable public transport network already. We work with local transport providers and the community and voluntary sector to maintain this position within existing budgets.</p> <p>When part of the network was under threat due to the withdrawal of an operator the council acted swiftly to resolved the issues and maintain the majority of routes. We are working with the new and existing providers whilst they settle into the new delivery patterns and exploring all options. We keep this matter under regular review.</p>
<p>Question (4) by Councillor Darling (M) to the Executive Lead for Planning, Transport and Housing (Councillor King)</p>	<p>Over a month ago a resident of Torquay town centre raised their concerns with the Local Authority in respect of houses of multiple occupation in Torquay. Their concern was raised by the Grenfell fire in Kensington, London.</p> <p>Whilst I appreciate we have a small number of tower blocks in Torbay we do have a significant number of houses in multiple occupation. Can you advise what additional fire safety checks have occurred within such properties in Torbay?</p>
<p>Councillor King</p>	<p>Feedback was provided in response to residents' concerns in August and their suggestions around the licensing of properties. As a result of the tragic events at Grenfell Tower a multiple disciplinary team was established to address any concerns locally and assess the impact of government guidance. The Fire Service in conjunction with Torbay Council has undertaken a significant number of inspections to address any immediate concerns. A list of proactive inspections at other properties has also been developed and is being prioritised so that further work can be undertaken.</p>

	<p>Information to allow agents, property managers and landlord associations to self-help has also been provided including updates on guidance, legislation and advice, etc.</p> <p>Adding the Council's and Fire Service data together, there have been 105 properties that have been inspected as a direct result of safety concerns and guidance issued post-Grenfell Towers.</p>
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Second Round

<p>Question (5) by Councillor Darling (S) to the Executive Lead for Planning, Transport and Housing (Councillor King)</p>	<p>I have been advised by the Council that they have attempted to renew the currently unenforceable double yellow lines on Truro Avenue Torquay. This was not possible due to parked vehicles not being removed from the road. Can you advise me of the dates as to when these attempts were made?</p>
<p>Councillor King</p>	<p>We are aware that 3 abortive attempts were made to re-mark double yellow lines in Truro Avenue due to parked vehicles; however we have no record of the actual dates. I am pleased to report that on their last on 31st August 2017 our contractor was able to complete these works satisfactorily. These types of problems are not uncommon and our contractors will always make every effort to clear parked vehicles where possible when maintenance works are undertaken.</p>

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