



Minutes of the Council

6 February 2013

-: Present :-

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

The Mayor of Torbay (Mayor Oliver)

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

96 Opening of meeting

Members observed a minute's silence as a mark of respect in memory of:

- (i) fisherman Andy Westaway who lost his life when his fishing boat sank off Torquay;
- (ii) the Torquay man who also lost his life when swept into rough seas off Princess Pier; and
- (iii) Damien Damerell, former Mayor in 1973/74, who had recently passed away.

The meeting was then opened with a prayer.

97 Apologies for absence

An apology for absence was received from Councillor Kingscote.

98 Minutes

The Minutes of the meeting of the Council held on 6 December 2012 were confirmed as a correct record and signed by the Chairman.

99 Declarations of interests

The following interests were declared:

Councillor	Minute Number	Nature of interest
Councillor Amil	104	Non pecuniary – mother is in a care home in Torbay
Councillor McPhail	104	Non pecuniary – husband presently in nursing home care
Councillor Stocks	103	Non pecuniary – trustee of Play Torbay
Councillor Stocks	106	Non pecuniary – trustee of Torbay Shopmobility
Mayor Oliver	106	Pecuniary – owns property close to Town Hall Car Park

100 Communications

The Overview and Scrutiny Co-ordinator, on behalf of the Overview and Scrutiny Board and Priorities and Resources Review Panel, thanked all those who participated in the consultation meetings on the budget proposals.

101 Members' questions

Members received 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 on all the questions.

Question 1 was deferred to the adjourned meeting to be held on 13 February 2013 as it related to the budget.

102 Notice of motion - Fuel Poverty

Members considered a motion in relation to fuel poverty, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor Darling and seconded by Councillor Pentney:

This Council notes:

1. Already 1 in 4 households in the UK are in fuel poverty, meaning they need to spend more than 10% of their income on keeping their homes warm. The problem is likely to get worse, with 1 in 3 households projected to be in fuel poverty by 2016.
2. The main reasons for this crisis are that gas, oil and coal prices are high, and the UK's homes are some of the most energy inefficient in Europe – leaking heat from their doors, walls and windows.
3. Cold homes are damaging the health of vulnerable members of society, including children, older people and people with disabilities. Diseases such as asthma are made worse, and people are more likely to have strokes and heart attacks. Illnesses caused by cold homes cost the NHS nearly one billion pounds each year.
4. Over the next 15 years the Government will raise an average of £4 billion every year in carbon taxes through the European Emissions Trading Scheme and the Carbon Floor Price. Recycling this revenue back into households could bring 9 out of 10 homes out of fuel poverty, lower people's bills, cut carbon emissions and create jobs.

This Council therefore resolves to:

1. Support the Energy Bill Revolution campaign calling for the Government to recycle revenues from carbon taxes into improving the energy efficiency of UK homes.
2. Notify local Members of Parliament of its support for the campaign and urge them to sign Early Day Motion 47 – “Reducing Fuel Bills through Energy Efficiency.

In accordance with Standing Order A14.3(a), the Monitoring Officer advised the motion stood referred to the Mayor. The Mayor did not accept the motion on the grounds outlined in a letter dated 4 February 2013 from Sarah Wollaston MP (copy attached to these minutes).

103 Future of Chestnut Children's Centre Nursery - Mayoral Decision

The Council made the following recommendation to the Mayor:

It was proposed by Councillor Lewis and seconded by Councillor Thomas (J):

That Chestnut Nursery be closed with effect from the 31 August 2013 subject to the decision being reconsidered should a viable alternative become available by no later than 2 April 2013.

An amendment was proposed by Councillor Baldrey and seconded by Councillor James:

That discussions continue with Play Torbay (or any other potential provider) with a view to providing nursery facilities at the Chestnut site and that a final decision be deferred until the Council meeting on 15 May 2013.

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, Bent, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), James, Morey, Parrott, Pentney, Pountney, Stocks and Stockman (17); Against: The Mayor, Councillors Amil, Barnby, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Lewis, McPhail, Mills, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (18); Abstain: Councillor Stringer (1); and Absent: Councillor Kingscote (1). Therefore, the amendment was declared lost.

A further amendment was proposed by Councillor Pritchard and seconded by Councillor Mills:

That the date be extended from 2 April 2013 to 15 May 2013.

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 The Mayor, Councillors Addis, Amil, Barnby, Bent, Brooksbank, Butt, Davies, Ellery, Excell, Faulkner (A), Faulkner (J), Hernandez, Hill, Hytche, Lewis, McPhail, Mills, Parrott, Pritchard, Richards, Scouler, Stocks, Thomas (D), Thomas (J) and Tyerman (26); Against: Councillors Baldrey, Cowell, Darling, Doggett, James, Morey, Pentney, Pountney and Stockman (9); Abstain: Councillor Stringer (1); and Absent: Councillor Kingscote (1). Therefore, the amendment was declared carried.

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

On being put to the vote, 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.

(Note: During consideration of Minute 103, Councillor Stocks declared a non pecuniary interest as she was a trustee of Play Torbay.)

104 Care Home Fees

Members considered the submitted report which set out the proposed fees for care homes for 2012-2014. The Council, through Torbay and Southern Devon Health and Care Trust was required each year to set the costs it would pay for residential and nursing care provision. The report set out details of a review which had been undertaken, the proposal formulated and consultation undertaken on the proposed fee rates.

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

- (i) the Council approves the basis of the calculation for the 'usual cost' of residential and care home fees, as set out in the submitted report; and

- (ii) the Council authorise funding to Torbay and Southern Devon Health and Care Trust in the sum of £494,000 in 2012/13 and recognises the additional costs £412,000 in 2013/14 in order to meet Care Home fees for that year.

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

105 Clennon Valley Cycling Facilities

The Chairman advised that this item had been deferred.

106 Disposal of Town Hall Car Park - Mayoral Decision

The Council made the following recommendation to the Deputy Mayor:

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

- (i) That the Council to enter into a conditional contract to lease the Town Hall Car Park to Hawkstone PLC on the terms set out below;
- (ii) That the Chief Executive of the TDA be instructed to negotiate terms for a conditional contract to grant a 199 'peppercorn' year ground lease to Hawkstone PLC in return for the developer paying a premium sum of not less than £2.5m;
- (iii) That the contract to lease the land be subject to the developer achieving a detailed planning approval for a food store development together with associated car parking. The developer to submit a detailed planning application within 6 months and the development should be commenced within 12 months of planning approval;
- (iv) That the terms of any contract shall not result in a reduction of the number of parking spaces currently available for the public on the site;
- (v) The remaining terms of the contract negotiated shall be approved by the Deputy Mayor; and
- (vi) The approval to be subject to contract, planning approval and the TDA obtaining an independent valuation of the scheme so as to ensure the Council has (and is seen to have) obtained best value. In the event there are changes to either the proposed scheme or the contract terms after the terms are agreed that further independent valuation advice will be sought.

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

- (ii) That the Chief Executive of the Torbay Development Agency be instructed to negotiate terms of a conditional contract to grant a 199

year lease with an annual ground rent of not less than £50,000 plus existing car parking income (rent to be reviewed every 5 years, upwards only) together with a substantial capital receipt or a capital receipt of not less than £2.5 million, provided that such an arrangement is confirmed by the District Valuer to be in the best financial interests of the Council.

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

The substantive motion (the original motion with revised paragraph (ii)) was then before Members for consideration.

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

The Deputy 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: Prior to consideration of this item:

1. the Mayor declared a pecuniary interest and withdrew from the meeting room. In the absence of the Mayor the Deputy Mayor made the decision; and
2. Councillor Stocks declared a non pecuniary interest as she was a trustee of Torbay Shopmobility.)

107 Inner Harbour Pontoon Berthing Project

The Council considered the submitted report setting out the recommendations of the Harbour Committee to replace the existing chain moorings with new pontoon moorings in Torquay's inner harbour.

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

- (i) That the Harbour Committee's recommendation to replace the existing chain moorings in Torquay's inner harbour be approved;
- (ii) That the Torquay Inner Harbour Pontoon Berthing Project be added to the Council's Capital Plan and the use of prudential borrowing of approximately £800,000 be approved to enable the scheme to proceed; and
- (iii) That, the Executive Head of Tor Bay Harbour Authority, in consultation with the Chairman of the Harbour Committee and the Mayor, be authorised to use his delegated powers to proceed with the Torquay Inner Harbour Pontoon Berthing Project and that the Torbay Development Agency be asked to provide the necessary project management services.

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

108 Revenue Budget Proposals 2013/14

At the invitation of the Chairman, the Mayor outlined his budget proposals for 2013/14. A copy of the record of decision setting out the recommendations of the Mayor in respect of the budget proposals (both revenue and capital) 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 13 February 2013 to enable full consideration to be given to the implications of the proposals set out in the report circulated on 6 February 2013.

(Note: Following the publication of the agenda for this meeting, items 13 (Revenue Budget 2013/14) and 14 (Capital Plan Budget 2013/14 to 2016/17 were combined.)

109 Composition and Scheme of Delegation of Executive Functions

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

Chairman

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Minute Item 102

Dr. Sarah Wollaston M.P.
Member of Parliament for Totnes



House of Commons
London
SW1A 0AA

SW/ns

4th February 2013

Cllr David Thomas
Deputy Mayor

Letter by email: David.Thomas@torbay.gov.uk

Page 1 of 1

Dear David,

Thank you very much for taking the time to contact me with regard to the motion that is being put in front of the council.

The Energy Bill Revolution Campaign and related EDM 47 are both contrary to government policy. I appreciate the idea of recycling revenues from carbon taxes into improving the energy efficiency of UK homes, however I do not think it is likely to occur at this time.

I do think that energy efficiency can make a real contribution to cutting the UK's carbon emissions and helping consumers with their energy bills. It is therefore good news that the Government published the first comprehensive National Energy Efficiency Strategy last year. This Strategy sets out the additional steps the Government will be taking to stimulate the energy efficiency market, connecting finance with demand, encouraging innovation and making energy efficiency information more accessible to the consumer.

The new Green Deal – the government's flagship policy around energy efficiency - will revolutionise energy efficiency in the UK by offering households upfront finance to make energy efficiency improvements, paid for by energy bill savings. This scheme will provide extra financial help for the most vulnerable through an Energy Company Obligation (ECO), worth £1.3 billion, which will assist around 230,000 low income households a year.

Alongside this, the Government's Warm Home Discount Scheme will provide over 2 million households, including over 600,000 vulnerable pensioners, with a £120 discount on their electricity bills. In addition, Ministers are maintaining the spending on Winter Fuel Payments, spending £2.1 billion this winter. Cold weather payments have been permanently increased from £8.50 to £25, helping the most vulnerable when extremely cold weather strikes.

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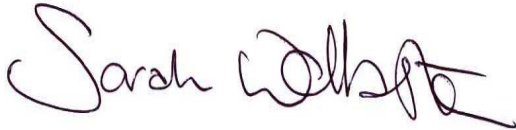
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Energy policies are already benefitting from direct funding from the Exchequer, including £860 million for the Renewable Heat Incentive to help those who are off the gas grid and £200 million in incentives for early take up of the Green Deal start up.

I do hope you find this information of use and that this clarifies the matter.

Best wishes,

A handwritten signature in black ink that reads "Sarah Wollaston". The signature is written in a cursive, flowing style.

Dr Sarah Wollaston MP

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Record of Decisions

Future of Chestnut Children's Centre Nursery

Decision Taker

Mayor on 06 February 2013

Decision

That Chestnut Nursery be closed with effect from the 31 August 2013 subject to the decision being reconsidered should a viable alternative become available by no later than 15 May 2013.

Reason for the Decision

There is no evidence to demonstrate that an alternative viable option is available. If a viable alternative option does become available by 15 May 2013, the option is considered at this time.

The consultation process highlighted public support for the nursery, but did not identify substantial alternative options. The most credible alternative to closure would be to outsource the nursery to an outside provider and the decision provides for this to be explored with an extended period up to 15 May 2013.

Implementation

This decision will come into force and may be implemented on 19 February 2013 unless the call-in procedure is triggered (as set out in Standing Orders in relation Overview and Scrutiny).

Information

Torbay Council established, delivered and financially subsidised the running of Chestnut Children's Centre Nursery through funding to deliver statutory Children's Centres. In 2010 the statutory duty to provide childcare from 8 am to 6 pm was removed and the amount of funding provided to the Council was reduced. The Council recognises its duties to provide childcare is best achieved through working with partners. Procurement exercises were carried out in 2009 and 2011 to offer Chestnut Nursery to an alternative provider and on both occasions little interest was expressed in the nursery.

The demand for nursery placements at Chestnut Nursery has declined. As a result the Council consulted on the future of the nursery to inform the decision regarding its viability. Without Chestnut Nursery there remains a sufficient number of alternative childcare placements to accommodate children.

Alternative Options considered and rejected at the time of the decision

The consultation carried out by Children's Services explored three alternative options, the results of which are set out in the report. Amendments were also proposed and considered during the Council meeting – please refer to the Council minutes for 6 February 2013 for further details.

Is this a Key Decision?

Yes – Reference Number: I011201

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 she is a trustee of Play Torbay.

Published

February 2013

Signed: _____
Mayor of Torbay

Date: 11 February 2013

Record of Decisions

Disposal of Town Hall Car Park for Redevelopment

Decision Taker

Deputy Mayor Executive Lead for Strategic Planning, Housing and Energy on 6 February 2013

Decision

- (i) That the Council to enter into a conditional contract to lease the Town Hall Car Park to Hawkstone PLC on the terms set out in the submitted report;
- (ii) That the Chief Executive of the Torbay Development Agency be instructed to negotiate terms of a conditional contract to grant a 199 year lease with an annual ground rent of not less than £50,000 plus existing car parking income (rent to be reviewed every 5 years, upwards only) together with a substantial capital receipt or a capital receipt of not less than £2.5 million, provided that such an arrangement is confirmed by the District Valuer to be in the best financial interests of the Council;
- (iii) That the contract to lease the land be subject to the developer achieving a detailed planning approval for a food store development together with associated car parking. The developer to submit a detailed planning application within 6 months and the development should be commenced within 12 months of planning approval;
- (iv) That the terms of any contract shall not result in a reduction of the number of parking spaces currently available for the public on the site;
- (v) The remaining terms of the contract negotiated shall be approved by the Deputy Mayor; and
- (vi) The approval to be subject to contract, planning approval and the TDA obtaining an independent valuation of the scheme so as to ensure the Council has (and is been seen to have) obtained best value. In the event there are changes to either the proposed scheme or the contract terms after the terms are agreed that further independent valuation advice will be sought.

Reason for the Decision

For the Council to enter into a lease agreement to allow the development of the Town Hall Car Park, Torquay.

The Council is seeking a step change in the pace of regeneration and strives to support proposals that lead to job creation in Torbay. This decision leads to the delivery of retail investment in Torquay Town Centre where it would encourage shoppers to adopt a town centre first approach and thereby best support other town centre retail businesses.

Implementation

This decision will come into force and may be implemented on 19 February 2013 unless the call-in procedure is triggered (as set out in the Standing Order in relation to Overview and Scrutiny).

Information

The submitted report set out proposals for the authorisation of a lease to a developer who wishes to promote a food retail development on the site of the Town Hall Car Park, Torquay. The proposal will make best use of the Council assets and will ensure the Council obtains best value.

Alternative Options considered and rejected at the time of the decision

Alternative options are set out in the submitted report. An amendment was also proposed and considered during the Council meeting – please refer to the Council minutes for 6 February 2013 for further details.

Is this a Key Decision?

Yes – Reference Number: I010809

Does the call-in procedure apply?

Yes

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

The Mayor declared a pecuniary interest as he owns property close to the Town Hall Car Park and withdrew from the meeting.

Councillor Stocks declared a non pecuniary interest as she is a trustee of Torbay Shopmobility.

Published

11 February 2013

Signed: _____
Deputy Mayor of Torbay

Date: 11 February 2013

Record of Decisions

Revenue Budget Proposal 2013/2014

Decision Taker

Mayor on 06 February 2013

Decision

- (i) That it be recommended to Council:
 - (a) the revenue budget for 2013/14 (paragraph 6.3 of the submitted report) and the associated fees and charges (appendix 1 of the submitted report), be approved;
 - (b) the final notified Dedicated Schools Grant be used in accordance with the nationally laid down Schools Financial Regulations (paragraph 6.1 (a) of the submitted report) and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed;
 - (c) that the Members' Allowances Scheme will be implemented in 2013/2014 in accordance with the decision of the Council at its meeting on 1 February 2013 subject to the annual local government pay percentage increase (paragraph 6.1 (b) of the submitted report); and that Members acknowledge that they are not to be auto enrolled to the Local Government Pension Scheme for the reasons given in the report;
 - (d) the Chief Finance Officer in consultation with the Mayor and Executive Lead Member for Finance be authorised to approve expenditure from the Comprehensive Spending Review reserve and Budget Pressures reserve;
 - (e) 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 (sections 8 and 9 of the submitted report);
 - (f) the Chief Finance Officer in consultation with the Mayor and Executive Lead Member for Finance be authorised to make adjustments to and introduce new fees and charges within the budget during 2013/14 if it is in the best interest for the Council;
 - (g) the Chief Finance Officer, in consultation with the Mayor, Executive Lead Member for Finance and appropriate officers, be authorised to determine the allocation and expenditure of any new grant monies, unallocated grants or other additional income that may be received during the year 2013/14;
 - (h) the Chief Finance Officer be authorised to make adjustments to the budgets for any technical changes;
 - (i) the Chief Finance Officer prepare the appropriate documentation for the Council to approve the Council Tax setting at the meeting on 28 February 2013 and all

other returns to be made by the appropriate date;

- (j) impact assessments as shown in appendix 2 of the submitted report are noted;
 - (k) that Council note the Review of Reserves report and approve the transfer of the surplus on a number of individual reserves to the Comprehensive Spending Review Reserve (appendix 3 of the submitted report);
 - (l) that Council approve and endorse the Capital Strategy and Asset Management Plan as set out in appendices 4 and 5 of the submitted report;
 - (m) that Council notes the latest position on the 4 year Capital Investment Plan as set out in Appendix 11 of the submitted report;
 - (n) that Council approve and endorse the Treasury Management Strategy and the recommendations in the submitted report as set out in appendix 6;
 - (o) that Council note the updated Medium Term Resource Plan as set out in appendix 7 of the submitted report;
 - (p) that Council note commissioning agreements from EDC, Torbay Coast and Countryside Trust and English Riviera Tourism Company as set out in appendix 8 of the submitted report;
 - (q) that the Council note that Torbay has joined a Devonwide Pool as part of the Business rates Retention scheme - the agreement and arrangements for the pool are shown in appendix 9 of the submitted report;
 - (r) that Council approve a premium of 50% on the full Council Tax charge to be applied to all properties that have been empty and unfurnished in excess of two years - see paragraph 5.21 to 5.22 of the submitted report.
 - (s) that Council note the completed NNDR1 form as set out in appendix 10 of the submitted report, which forms part of the Council's overall income to fund the 2013/14 budget – paragraph 10.10 to 10.12 of the submitted report.
- (ii) Due to the size of the reductions required to deliver a balanced budget and their impact, Council accept the risks in preparing this budget. These risks have been identified in detail in this report and associated budget proposals prepared by officers for their respective Business Units.

Reason for the Decision

The Council has a statutory obligation to set a budget each year. The approval of the 2013/14 budget will assist the Council in delivering its key objectives.

For the Mayor to respond to the recommendations of the Priorities and Resources Panel.

Implementation

The recommendations of the Mayor will be considered at the adjourned meeting of Council to be held on 13 February 2013.

Information

Further to the Mayor's Provisional Spending Targets issued on 29 November 2012 for consultation, the submitted report outlined the basis of the Mayor's budget proposals for 2013/14, provided a summary of the approach for developing the proposals and the outcome of the local government finance settlement and its effect on the overall financial position of the Council. The report also included the Chief Finance Officer's statement on the robustness of the budget estimates.

The report had been compiled, taking into account the findings and conclusions reached by the Priorities and Resources Review Panel who had considered the views expressed by members of the public and a range of stakeholder representatives as part of the budget consultation process.

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: I011136

Does the call-in procedure apply?

No

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

None

Published

February 2013

Signed: _____
Mayor of Torbay

Date: _____

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