



## **Minutes of the Council**

**18 July 2013**

**-: Present :-**

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

The Mayor of Torbay (Mayor Oliver)

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

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### **33 Opening of meeting**

The meeting was opened with a prayer.

### **34 Apologies for absence**

Apologies for absence were received from Councillors Bent, Butt, Stringer and Thomas (J).

### **35 Minutes**

The Minutes of the Annual Council and Adjourned Annual Council meetings held on 14 and 15 of May 2013 were confirmed as a correct record and signed by the Chairman.

### **36 Communications**

The Chairman updated members on his recent meeting at Wyvern Barracks with Major Don Jellard MBE (Secretary to the Rifles), on the disposition of the seven battalions which make up the Rifles (who have Freedom of the Borough). Greater reliance was now placed on reservists which had a particular impact on small businesses within Devon in respect of providing time off for reservists. The Chairman also advised on the Rifles battalions' withdrawal from Afghanistan and that to date 62 service personnel had been killed with 250 wounded. On behalf of the Council and residents of Torbay, the Chairman advised that he had expressed to Major Jellard the great pride taken in all service men and women and in the work of the Rifles in particular.

The Mayor:

1. referred to the tragic events at Haytor and Paignton which happened on Friday 12 July 2013 and stated that the Council's thoughts were with the family and friends of Katherine, Joshua and Samuel. The Mayor advised that the Council was offering all the support it could to those affected by these sad deaths. He added that a police investigation was now underway and the process of starting a serious case review was in place; and
2. advised that he had written a letter of condolence on behalf of the Council to Manchester Fire Brigade following the tragic death of fire-fighter Stephen Hunt whilst tackling a fire at Paul's Hair World in Manchester on Saturday afternoon.

### 37 Declarations of interests

The following non-pecuniary interests were declared:

Councillor	Minute Number	Nature of interest
Councillor Doggett	41	Long term member of the RSPB
Councillor Doggett	44	Lay member of the Clinical Commissioning Group – Medicines Management Committee
Councillor McPhail	44 and 47	Husband in receipt of health care
Councillor Scouler	44	Governor of Torbay Care Trust

Councillors Richards and Thomas (D) declared pecuniary interests in respect of Minute 48.

### 38 Members' questions

Members received the questions, as attached to the agenda, notice of which had been given in accordance with Standing Order A13. The Chairman also reported that he had accepted an urgent question under Standing Order A13.2(ii) which was circulated on 17 July 2013.

Councillor Darling presented question 1 in the absence of Councillor Stringer. Verbal responses were provided at the meeting. Supplementary questions were then asked and answered in respect of questions 2 to 13 and the urgent question.

**39 Notice of Motion - Supermarket Levy**

Members considered a motion, as attached to the agenda, in relation to a proposed supermarket levy, notice of which was given in accordance with Standing Order A14.

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

This Council submits the following proposition under the Sustainable Communities Act:

That the Secretary of State gives Local Authorities the power to introduce a local levy of 8.5% of the rate on large retail outlets in their area with a rateable annual value not less than £500,000 and requires that the revenue from this levy be retained by the Local Authority in order to be used to improve local communities in their areas by promoting local economic activity, local services and facilities, social and community wellbeing and environmental protection.'

The Council notes that if this power was acquired it would present the opportunity to raise further revenue, and if such a levy was provided in Torbay it would result in the impact set out in the table below (see page 30 of the agenda pack).

The Council resolves to submit the proposal to the government under the Sustainable Communities Act and to work together with Local Works in order to gain support for the proposal from other councils in the region and across the country.

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 Chief Executive of Torbay Development Agency to ensure the wording did not encompass other businesses.

**40 Notice of Motion - Financial Transactions Tax**

Members considered a motion, as attached to the agenda, in relation to supporting the financial transactions tax, notice of which was given in accordance with Standing Order A14.

It was proposed by Councillor James and seconded by Councillor Morey:

This Council notes that:

- local government will see real term cuts in central grant of 30% over the 2010 Comprehensive Spending Review period, meaning a cut of £6bn in annual grant by 2015;
- extending the current FTT on shares to other asset classes such as bonds and derivatives could raise £20bn of additional revenue in the UK a year; and

- At least 11 European nations including France, Germany, Italy and Spain are moving ahead with FTTs on shares, bonds and derivatives estimated to raise £30bn a year, and the policy is supported by nobel prize winning economists like Paul Krugman and Joseph Stiglitz.

Council believes that:

- revenues from the FTT could help repair the damage caused by cuts in public services since 2010 and would be a way to reduce the impact of austerity on hard pressed Torbay taxpayers and our most vulnerable residents.
- local government deserves to receive a significant proportion of FTT revenues, making an important contribution to both capital and revenue expenditure such as reversing cuts to council tax benefits; and that
- whilst an FTT might have a negligible effect on jobs in the City of London, investing FTT revenues in a smart and progressive way would see a significant increase in employment levels in other sectors.

Council resolves that:

- the UK government should extend the current FTT on shares to other asset classes, such as bonds and derivatives.

Council further resolves to:

- write to the Prime Minister, Deputy Prime Minister, Leader of the Opposition, Chancellor and Shadow Chancellor of the Exchequer, and Secretary of State for Communities and Local Government stating this council's support for extending FTTs; and
- write to all local MPs outlining the Council's position.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor considered that the financial transactions tax could potentially damage growth to Torbay's economy and therefore rejected the motion.

#### **41 Notice of Motion - More Sustainable Torbay**

Members considered a motion, as attached to the agenda, in relation to making a more sustainable Torbay, notice of which was given in accordance with Standing Order A14.

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

This Council notes that in the RSPB State of Nature Report 2013.

- 60% of 3,148 UK species have declined over the last 50 years, with 31% declining strongly;
- Conservation Priority Species have declined overall by 77% in the last 40 years.
- Evidence shows that climate change is having an increasingly harmful impact.

In light of the above this Council instructs officers to develop policies that will promote more sustainable management of our horticultural environment, particularly promoting wildlife (including our bee population) and promoting council parks and gardens for the production of food by local communities.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor advised that although he supported the motion's intentions, he rejected the motion as he considered it needed a wider approach from our partners and community groups.

(Note: During consideration of Minute 41, Councillor Doggett declared a his non-pecuniary interest.)

#### **42 Notice of Motion - TOR2 Consultation**

Members considered a motion, as attached to the agenda, in relation to TOR2 consultation, notice of which was given in accordance with Standing Order A14.

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

Following the £500,000 cut to the Tor2 budget and the resulting impact on frontline services such as reductions in toilet opening times, a reduced number of dog and litter bins, an adverse effect on street cleansing and less frequent car park cleansing, council notes that residents, businesses and members were not consulted on the detailed options.

Council recognises that there can be alternative options available to cutting services and these can only emerge through the widest possible engagement.

Therefore, this council requests that the Mayor ensures partner organisations are able to engage directly with residents, businesses, the Community Development Trust and ward members in the lead up to the forthcoming budget round.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor referred the motion to the Executive Head Business Services.

#### **43 Home to School Transport Policy - Mayoral Decision**

The Council made the following recommendation to the Mayor:

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

That all discretionary home to school/college transport assistance be phased out over a period of three years as detailed in section 5.2 a) - f) of the submitted report.

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

That all discretionary home to school/college transport assistance be phased out over a period of three years as detailed in section 5.2 a) - c) only (ie. excluding d), e) and f).

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

The original motion was then put to the vote and 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.

#### **44 Acquisition of Torbay and Southern Devon Health and Care NHS Trust and the Commissioning contract for Adult Social Care**

Members considered the submitted report which provided details on how the Council would deliver adult social care as a result of the National Health Service (NHS) reforms and their impact on the NHS organisations within Torbay. The Chairman reported a revised officer recommendation was circulated on 17 July 2013.

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

- (i) That, subject to the following conditions, Torbay Council supports the acquisition of Torbay and Southern Devon Health and Care NHS by South Devon Healthcare NHS Foundation on the basis of the evaluation of the business case put forward by the Foundation Trust and, as such, adult social care provision should form part of the single Integrated Care Organisation:
  - (1) Over the next 18 months Torbay Council and the South Devon and Torbay Clinical Commissioning Group expect there to be a full review of the Board (executive and non-executive) to reflect the evolutionary approach to the integration agenda.
  - (2) A Health and Social Care Transformation Board to be created which reports to Torbay's Health and Wellbeing Board (as well as into other organisations in the health and social care community) with the Health and Wellbeing Board agreeing the co-produced annual work plan.
  - (3) The new Integrated Care Organisation must commit to operate within the financial requirements of the commissioners' finance plans and the new constraints placed upon health and care bodies in the recent spending review, noting that Torbay Council's requirement is currently for a 3% year-on-year real terms reduction (as set out within its commissioning intentions within the Pre-Qualification Questionnaire) for initial planning purposes.

- (4) The Integrated Care Organisation must commit to an unequivocal risk share arrangement which must be made clear to each commissioner and a tripartite agreement signed as part of the Business Transfer Agreement; and
- (ii) That the Council seek to share and align resources with the NHS locally where it benefits our community.

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

(Note: During consideration of Minute 44, Councillor Ellery declared a non-pecuniary interest as his charity had a contract with the Care Trust and Councillor Scouler declared a non-pecuniary interest as a Governor on Torbay Care Trust.)

#### **45 Torbay Economic Strategy**

Members considered the submitted report and the views of the Overview and Scrutiny Board in respect of the Torbay Economic Strategy. The strategy set out a plan to deliver jobs and sustainable economic growth in Torbay and provided a framework for shaping other policies and services which impact on the local economy.

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

- (i) that Council approves adoption of the Torbay Economic Strategy 2013-18 and its core objective:
  - To create more full time and sustainable employment by encouraging the growth of existing businesses and the creation of new businesses and social enterprises;
- (ii) that Council endorses delivery of this objective through the four key priorities of the strategy and their associated action plans. These priorities are:
  - Driving business growth
  - Sustaining the core economy
  - Raising skill levels and promoting opportunities for all
  - Nurturing the knowledge economy
- (iii) that the Council supports delivery of the strategy through the delivery of its corporate plan and the use of relevant powers, the work of the Torbay Development Agency and by identifying and securing investment; and
- (iv) that the strategy be reviewed annually by the Council through the Overview and Scrutiny Board.

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

- (iv) It is recommended that the strategy is reviewed annually by the Council through a partnership forum such as the Community Development Trust and Business Forum.

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

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

- (v) That the Torbay Development Agency be instructed to produce a report within six months on policies that will be used to increase the ability of consumers and businesses to buy more goods and services in the economy of Torbay (in economic terminology - aggregate demand), to complement the supply side policies outlined in this strategy.

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

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

#### **46 Meadfoot Beach Chalets Development**

The Council considered the submitted report setting out proposals for a beach chalet development at Meadfoot following condition surveys identifying the need for urgent and extensive repairs with some recommended for demolition.

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

- (i) that, subject to planning approval, the existing beach chalets at Meadfoot Beach be replaced with new purpose built facilities identified in Option 1;
- (ii) that the Council makes available £1.55million in prudential borrowing to allow the redevelopment of the Meadfoot Beach Chalets which will be repaid over 25 years from income as identified in the Business Plan in Appendix 2 to the submitted report;
- (iii) that a planning application be submitted for the redevelopment of Meadfoot Beach Chalets; and
- (iv) that, subject to Planning, the project to redevelop the chalets at Meadfoot commences in the Winter of 2013 unless the works cannot be completed by Summer 2014 in which case the project will be delayed until Winter 2014.

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



**47 Adult Social Care - Local Account**

Members considered the submitted report setting out the second Local Account for Adult Social Care. The Local Account highlighted what had been achieved for local people in relation to adult social care, details of the multi agency approach to adult safeguarding, the level of performance for the last financial year and commitment to future service delivery.

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

that, the Local Account in Appendix 1 of the submitted report, which sets out performance for 2012-13 and sets out intentions for the Annual Strategic Agreement for services for 2014-15, be approved and that the multi agency safeguarding report, set out in Appendix 2, to the submitted report, be approved.

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

**48 Commercial Team Service Plan**

The Council considered the submitted report which included the Commercial Team Service Plan, the Food Safety Service Plan and the Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods. Members also received the views of the Overview and Scrutiny Board which were circulated on 17 July 2013.

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

- (i) that the Statutory Food Safety Service Plan as set out in Appendix 2 of the submitted report be approved;
- (ii) that the Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods as set out in Appendix 4 of the submitted report be approved; and
- (iii) that the overall work plan of the Commercial Team for 2013/14 set out in Appendix 8 of the submitted report be noted.

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

- (iv) That, in light of the concerns raised at the Overview and Scrutiny Board on 10 July 2013, the Mayor and the Executive Lead be requested to develop and identify the necessary resources within the next three months to ensure that the concerns raised within the agreed recovery plan (identified by the Food Standards Agency) are addressed by the end of this financial year.

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: Addis, Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (A), Faulkner (J), James, Morey, Pentney, Pountney, Stocks and Stockman (15); Against: the Mayor, Amil, Barnby, Brooksbank, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Mills, Pritchard, Scouler and Tyerman (15); Abstain: Councillor Parrott (1); and Absent: Councillors Bent, Butt, Richards, Stringer Thomas (D) and Thomas (J) (6). Therefore, in accordance with Standing Order A19.2, the Chairman used his casting vote, voted against the amendment and declared the amendment lost.

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

(Note: Prior to consideration of Minute 48, Councillors Richards and Thomas (D) declared their pecuniary interests and withdrew from the meeting room.)

#### **49 Appointment of the New Executive Director of Operations and Finance**

Members considered the recommendations of the Employment Committee on the appointment of the new Executive Director of Operations and Finance (as set out in the submitted report). The Chairman, on behalf of the Council, expressed thanks to Caroline Taylor for all her work in supporting the Council as Interim Chief Operating Officer over the past year.

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

- (i) that Mr Steve Parrock be appointed permanently as Executive Director Operations and Finance, on the basis of 29.6 hours per week and an actual salary of £99,634 per annum;
- (ii) that Caroline Taylor complete her acting position of Interim Chief Operating Officer on 31 July and Steve Parrock begin his post on 1 August 2013;
- (iii) that under the terms and conditions of employment, full Council grant permission for Mr Steve Parrock to maintain other employment with the Torbay Economic Development Agency Ltd (TEDC) on a part time basis equivalent to 11 hours per week. (Agreement has already been sought by Mr Parrock from the TEDC Board in this respect);
- (iv) that the Monitoring Officer be requested to develop, in consultation with the Mayor and Group Leaders, a protocol to address and mitigate any conflict of interest issues that may arise from Mr Parrock's employment with the Council and the TEDC;
- (v) that Mr Parrock be given flexibility to change the title of the post, in conjunction and agreement with the elected Mayor and Group Leaders.

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

**50 Provisional Revenue Outturn 2012/13**

The Council considered the submitted report on the provisional revenue outturn for 2012/2013 which provided a summary of the Council's expenditure throughout the financial year and recommendations on the use of any uncommitted resources. Members also received the report of the Overview and Scrutiny Board following its meeting held on 19 June 2013.

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

- (i) that a sum of £0.4m be earmarked to be transferred to the Council's General Fund Balance (paragraph 4.6 of the submitted report);
- (ii) that a sum of £0.7m be transferred to the Growth Fund (paragraph 4.12 of the submitted report) be approved;
- (iii) that £0.7m of capital resources earmarked to fund the Growth Fund be released and made available to support the existing capital plan (paragraph 4.12 of the submitted report);
- (iv) that a sum of £0.200m be transferred to support the Community Development Trust (paragraph 4.14 of the submitted report);
- (v) that a sum of £0.150m be approved as carry forwards into 2013/14 (paragraph A23 of the submitted report); and
- (vi) Members noted that the transfers above (i) to (v) are subject to the final audit of the Council's accounts.

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

- (iii) £0.7m of capital resources earmarked to fund the Growth Fund is released and made available to support the existing capital plan and to be used to fund highways structural maintenance capital expenditure (in line with the Overview and Scrutiny Board recommendation);

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

An amendment (additional wording) was proposed by Councillor Stocks and seconded by Councillor Faulkner (J):

- (ii) a sum of £500,000 be transferred to the Growth Fund, with a further £200,000 to be allocated to Children Safeguarding due to the ongoing pressures within the service;

During the debate, the Chairman adjourned the meeting to seek advice from the Monitoring Officer and the Section 151 Officer in respect of the amendment and its impact on a previous decision of the Council on the Growth Fund allocation. The Monitoring Officer advised that, in accordance with Standing Order A18, as the amendment conflicted with a previous decision of the Council it could not be accepted at this time.

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

#### **51 Treasury Management Outturn 2012/13**

The Council considered the submitted report on the performance of the Treasury Management function, as recommended by the Audit Committee. It was noted that the Treasury Management function supported the provision of Council services in 2012/13 through management of cash flow, debt and investment operations and the effective control of associated risks.

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

- (i) that the Treasury Management decisions made during 2012/13, as detailed in the submitted report be endorsed; and
- (ii) that the Prudential and Treasury Indicators as set out in Annex 1 to the submitted report be approved.

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

#### **52 Capital Investment Plan Update - (Outturn 2012/13)**

Members considered the submitted reports which provided information on capital expenditure and income for 2012/2013 and the recommendations of the Overview and Scrutiny Board.

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

- (i) that Council note the outturn position for the Council's Capital expenditure and income for 2012/13;
- (ii) that Council note the action taken by the Chief Finance Officer, under the Officer Scheme of Delegation, to carry forward the unspent budgets for expenditure or work in progress (together with their funding) from 2012/13 to 2013/14; and
- (iii) that Council approves the funding of the capital investment plan for 2012/13 as outlined in paragraph 7.1 of the submitted report.

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

**53 Adoption Agency Activity Report**

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

**54 Composition of the Executive**

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

Chairman

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## Record of Decisions

### Home to School Transport Policy

#### Decision Taker

Mayor on 18 July 2013

#### Decision

That all discretionary home to school/college transport assistance be phased out over a period of three years as detailed in section 5.2 a) - f) of the submitted report.

#### Reason for the Decision

To reduce expenditure on home to school/college transport by removing non-statutory elements of support. The present home to school transport spend is not sustainable. The main impact of these changes will be an increase in the cost of transport for parents of some post-16 students, also for parents of a small number of pupils attending faith or selective schools.

#### Implementation

This decision will come into force and may be implemented on Wednesday, 31 July 2013 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Council has reviewed its policy on home to school transport as it currently spends approximately £113,000 per year in providing discretionary travel support to pupils across Torbay. This funding could be saved if the Council were only to provide statutory home to school/college transport. The current policy only provides discretionary help to pupils for transport to some secondary schools and not others so removing this discretionary transport would provide a 'level playing field' for home to school/college transport across schools.

The submitted report sought a decision on proposals to phase out concessionary home to school/college transport assistance. Initial proposals to remove all concessionary transport support from September 2013 have been replaced with a proposal to phase their removal over three years. A consultation has been undertaken on these revised proposals.

The Mayor supported the recommendations of the Council made on 18 July 2013, as set out in his decision above.

#### Alternative Options considered and rejected at the time of the decision

None – an amendment was proposed during the Council debate but was lost (please refer to the minutes of the Council meeting held on 18 July 2013 for further details).

#### Is this a Key Decision?

Yes – Reference Number: I013557

**Does the call-in procedure apply?**

Yes

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

None

**Published**

23 July 2013

Signed: \_\_\_\_\_  
Mayor of Torbay

Date: 23 July 2013