



## Minutes of the Council

30 October 2014

-: Present :-

**Chairwoman 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, Darling, Doggett, Ellery, Excell, Faulkner (A), Faulkner (J), Hernandez, Hytche, James, Kingscote, Lewis, McPhail, Mills, Parrott, Pentney, Pountney, Pritchard, Scouler, Stockman, Stocks, Stringer, Thomas (D) and Tyerman

---

### 80 Opening of meeting

The meeting was opened with a prayer.

### 81 Apologies for absence

Apologies for absence were received from Councillors Butt, Morey, Richards and Thomas (J). The Monitoring Officer advised that Councillors McPhail, James, Pentney and Tyerman would be joining the meeting after the adjournment and Councillor Faulkner (A) had given his apologies for the adjourned meeting.

### 82 Minutes

The Minutes of the meeting of the Council held on 25 September 2014 were confirmed as a correct record and signed by the Chairwoman.

### 83 Declarations of interests

The following non-pecuniary interests were declared:

<b>Councillor</b>	<b>Minute Number</b>	<b>Nature of interest</b>
Councillor Doggett	87	Member of the Torbay Rail Line Users Group
Councillor Hill	90	Trustee and member of Torbay Coast and Countryside Trust
Councillor Parrott	95	Chairman of Torbay Children's Centres Strategic Advisory Board

**84 Communications**

No communications or announcements were reported at the meeting.

**85 Notice of Motion - Fairer Tax System (Mayoral Decision)**

Members considered a motion in relation to a fairer tax system, notice of which was given in accordance with Standing Order A14.

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

this Council recognises that while many ordinary people face falling household income and rising costs of living, some multinational companies are avoiding billions of pounds of tax from a tax system that fails to make them pay their fair share. Local governments in developing countries and the UK alike would benefit from a fairer tax system where multinationals pay their fair share, enabling authorities around the world to provide quality public services. The UK Government must listen to the strength of public feeling and act now to end the injustice of tax dodging by large multinational companies in developing countries and the UK.

This Council therefore resolves to write to the Chancellor of the Exchequer urging that immediate action is taken to address this anomaly.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor.

The Mayor advised that whilst he welcomed the motion, he considered that as this was a national issue it was more appropriate for him to write to Torbay's two Members' of Parliament requesting them to lobby the Government and requesting them to advise the Council of the actions taken.

**86 Proposed Disposal of Surplus Assets (Mayoral Decision)**

The Council made the following recommendation to the Mayor:

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

- (i) that the Mayor considers any feedback received before the 30 September 2014 from Ward Members, the Local Access Forum (where appropriate) and the relevant Community Partnerships to the disposal of the 13 Assets listed in Appendix 1 to the submitted report;
- (ii) that the 13 Assets listed in Appendix 1 to the submitted report be declared no longer required for service delivery and that the 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;

- (iii) 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 and subject to (i) above, the assets listed in Appendix 1 to 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
- (iv) that the Executive Head of Commercial Services in consultation with the Chief Executive of the Torbay Development Agency be given 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.

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

That, in light of the consultation response from the Cockington, Chelston and Livermead Community Partnership, the disposal of open land at the rear of Sanford Road, Torquay (asset reference EM2457) be withdrawn.

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

The substantive motion was then before Members for consideration.

On being put to the vote, the substantive motion (the original motion with the withdrawal of asset reference EM2457) 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.

## **87 Extreme Weather Resilience Report: Torbay 2013/14 (Mayoral Decision)**

The Council made the following recommendation to the Mayor:

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

to approve the submitted report and adopt the following recommendations in the Extreme Weather Resilience Report: Torbay 2013/14:

- (i) that Torbay Council continue to enhance partnership working through the Peninsular Rail Task Force and Network Rail to further develop resilience in the Far South West and ensure that information from the events of 2013/14 are shared to reduce the impacts of future extreme weather events;
- (ii) that Network Rail be recommended to prioritise future funding to improve resilience and connectivity to the far South West ensuring future strategic plans include the need to improve resilience to this

area. This should include plans to raise track heights and raise line-side equipment cabinets above track level on sections of track to reduce the vulnerability of the rail network, and additional passing places on the Waterloo Line to act as an alternative route should the need arise;

- (iii) in the event of major disruption to rail services, coordination arrangements over adjacent geographical areas are enhanced by Network Rail and Train Operating Companies;
- (iv) that Torbay Council continues to enhance partnership working with the Local Enterprise Partnership, South West Transport Authorities and the Highways Agency to develop a resilient strategic highway network funded with support from central government;
- (v) that Torbay Council acting as Lead Local Flood Authority facilitate new studies and undertake small scale flood risk management measures to tackle new recovery and resilience requirements, on top of the existing and planned programmes of work;
- (vi) that Government should consult Local Highway Authorities on a single set of criteria to be applied to emergency highway repair funding, to minimise the administrative burden when applying for funds at times of crisis;
- (vii) that Torbay Council develops a prioritised harbour repair programme with funding assistance from outside bodies;
- (viii) that Torbay Council further develop the resilience of Torbay's coastline using the Flood Steering Group to enhance partnership working with the Environment Agency (EA) and South West Water;
- (ix) that Torbay Council supports tourism businesses through increased publicity and media campaigns during extreme weather events. That Torbay Council also surveys the impact of future events on this sector;
- (x) that Torbay Council and the Torbay Coast and Countryside Trust work in partnership to identify ways in which Torbay's green infrastructure can reduce and slow flooding during extreme weather events;
- (xi) that Torbay Council supports the development of the Environment Agency Flood Warden initiative; and
- (xii) that Torbay Council explores ways of sharing information in real time between emergency response teams during emergency events, for example using 'Resilience Direct'.

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 87, Councillor Doggett declared his non-pecuniary interest.)

#### **88 Members' questions**

Members received a paper detailing the questions, attached to the agenda, notice of which had been given in accordance with Standing Order A13.

Verbal responses were provided to Questions 1, 4, 5, 6, 7, 8 and 9 with the remaining questions being answered at the adjourned meeting. Supplementary questions were then asked and answered in respect of the questions.

(Note: Please also refer Minute 102 below.)

#### **89 Adjournment**

At this juncture, the meeting was adjourned until 5.30 pm on Thursday 30 October 2014.

#### **90 Petition to Save Torbay's Countryside and Restore Funding for Torbay Coast and Countryside Trust**

In accordance with Standing Order A12, the Council received a petition requesting the Council to save Torbay's countryside by restoring funding for the Torbay Coast and Countryside Trust in 2014/15 to £193,000 and in 2015/16 to £183,000 (approximately 331 e-signatures and 2,632 written signatures from residents and people who work or study in Torbay).

At the invitation of the Chairwoman, Jill Ward 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 Tyerman and seconded by Councillor Amil:

- (i) that the petitioners be thanked for presenting their petition to the Council;
- (ii) that an increase in the payment to Torbay Coast and Countryside Trust of £32,000 for 2014/15 be identified from the Comprehensive Spending Reserve; and
- (iii) that, following the decision of the Council in February 2014 to reduce the Torbay Coast and Countryside Trust budget by £50,000 for

2015/16 and in response to the petition, this decision be reversed and an additional £21,400 be allocated so that the budget for Torbay Coast and Countryside Trust in 2015/16 is set at £183,000.

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

(Note: During consideration of Minute 90, Councillor Tyerman declared a non-pecuniary interest as he was a Trustee of Torbay Coast and Countryside Trust and a Director of Torbay Coast and Countryside Enterprises Ltd.)

**91 Petition to Reduce and Stop the Development of more Services for Substance Abuse near Torquay Town Centre**

In accordance with Standing Order A12, the Council received a petition requesting the Council to not allow services to set up near Torquay town centre that would encourage people with drug addiction issues needing to be in the town (approximately 48 e-signatures from residents and people who work or study in Torbay).

At the invitation of the Chairwoman, Mr Hayward, addressed the Council in relation to the petition.

The Chairwoman advised that the petition would be referred to the Director of Public Health for consideration in consultation with the Executive Lead for Health and Wellbeing.

**92 Public Question - Fly-Tipping at the Coach Station**

In accordance with Standing Order A24, the Council heard from Mr Long who had submitted a question in relation to fly-tipping at the Coach Station, Lymington Road, Torquay. The Executive Lead for Safer Communities, Highways, Environment and Sport responded to the question that had been put forward. The Executive Lead for Strategic Planning, Housing, Energy and Environmental Policy then responded to a supplementary question asked by Mr Long as it fell within his portfolio.

**93 Public Question - Flooding at Torre Marine**

In accordance with Standing Order A24, the Council heard from Mr Long who had submitted a question in relation to flooding at Torre Marine, Torquay. The Executive Lead for Safer Communities, Highways, Environment and Sport responded to the question that had been put forward, plus a supplementary question asked by Mr Long.

**94 Saving Proposals 2015/2016**

Members considered the recommendations of the Mayor in relation to the savings proposals for 2015/2016 as out in the submitted report. The proposals included a number of changes which had been made following the Mayor's publication of his original proposals on 12 September 2014. It was noted that, if approved, the

savings proposals would form the basis of the budget proposals which would be presented to the Council in February 2015.

In accordance with legislation, the Chairwoman advised recorded votes would be taken on the motion and amendments.

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

that the savings proposals for 2015/2016, as set out in the submitted report, (which build upon the decisions made by the Council in February 2014) be approved and form the basis of the budget which the Council will be asked to approve in February 2015.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Darling and seconded by Councillor Ellery:

- (i) that the Mayor be requested to delay these Savings Proposals to the Council meeting on 5 February 2015 to allow consideration of the following:
  - (a) the announcement of the Local Government Finance Settlement for 2015/16, to enable officers to incorporate any risk arising from any significant change in the settlement; and
  - (b) the reserves applied to transitional funding for Connections, ERTC, museums, No. 25 Bus route and CCTV (amounting to approximately £264,500) to enable officers to work up more substantive proposals for the longer term solutions for these service areas. This will give the Council more confidence in the service that it will be able to provide local communities.
- (ii) that, following the joint letter from the Liberal Democrat Group, Non-Coalition Group and Labour member to the Mayor setting out objections to the Mayor's initial Savings Proposals in September 2014, that to date the concerns and objections listed below remain unaddressed and therefore remain:
  - (a) **Removal of Street Lights**

The Council objects to the removal of street lighting in Torbay for the following reasons:

    - A full risk assessment needs to be undertaken
    - The Police have stated that more lighting is needed to deal with crime and anti-social behaviour.
    - The Council is likely to suffer from accident claims if residents fall in darkened streets, where there are poorly maintained pavements and roads;
  - (b) **Cuts to Adult Social Care**

The Council objects to the additional budget cuts to Adult Social Care for the following reasons:

- There is insufficient evidence to demonstrate that the cuts contained within the report are achievable and no evidence at all as to the level of service which will remain for the elderly or vulnerable.
- The decision to cut many areas within this service is premature without in many cases seeing the results of Consultations or Equality Impact Assessments;

- (c) Riviera International Conference Centre (RICC)  
Despite the further reduction of £25,000, the Council objects to the Mayor's budget for a continued high subsidy for the RICC. The Council further objects that there has been no full review of the RICC's future business opportunities and that there has been no in depth investigation of alternative options for the centre; and
- (d) Quids for Kids  
On 5 September 2014 the Overview and Scrutiny Board recommended that the Mayor defer the proposal to end the Citizens Advice Bureau service Quids for Kids. The Council wishes to endorse this and the impact of ending the CAB service be investigated including the suggestion that 'universal services' bridge the gap for this service.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Cowell, Darling, Davies, Doggett, Ellery, Faulkner (J), James, Parrott, Pentney, Pountney, Stocks, Stockman and Stringer (13); Against: the Mayor, Councillors Addis, Amil, Barnby, Bent, Brooksbank, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Mills, Pritchard, Scouler, Thomas (D) and Tyerman (18); Abstain: Councillor Baldrey (1); and Absent: Councillors Butt, Faulkner (A), Morey, Richards and Thomas (J) (5). Therefore, the amendment was declared lost.

The original motion was then put to the vote. The voting was taken by roll call as follows: For: the Mayor, Councillors Addis, Amil, Barnby, Bent, Brooksbank, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Mills, Pritchard, Scouler, Thomas (D) and Tyerman (18); Against: Councillors Darling, Doggett, Faulkner (J), James, Parrott, Pentney, Pountney, Stocks, Stockman and Stringer (10); Abstain: Councillor Baldrey, Cowell, Davies and Ellery (4); and Absent: Councillors Butt, Faulkner (A), Morey, Richards and Thomas (J) (5). Therefore, the motion was declared carried.

## 95 Children's Services 5 Year Cost Reduction Plan

The Council considered the submitted report setting out a five year cost reduction plan for Children's Services through investment in a number of work packages to reduce the costs within the Safeguarding and Wellbeing Service, including reducing



the numbers and costs of children looked after. Members noted that the proposed investments required earmarked reserves of up to £5.1 million.

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

That Council agree to:

- (i) approve the 5 year financial strategy for Children's Services – Safeguarding and Wellbeing;
- (ii) fund the projected overspend: in 2015/16 (£2.3m) and 2016/17 (£1.1m) from reserves as set out within the submitted report;
- (iii) note the forecast overspend of £1.4m in 2014/15 which will be managed by in-year savings;
- (iv) move the £2 million social care contingency into the Children's Services base budget (Safeguarding & Wellbeing) in 2014/15 and future years;
- (v) the improvement actions as recommended by Social Finance as set out within the submitted report;
- (vi) the Director of Children's Services and the Children's Services Finance Manager reporting back to the Mayor and the Executive Lead for Children's on a quarterly basis and present updated reports to the Overview and Scrutiny Board on performance both operational and financial;
- (v) the repayment of reserves as set out within the submitted report;
- (vi) the strict performance management mechanism for the changes as set out in the submitted report;
- (vii) the new Head of Safeguarding Children is a joint appointment with Health and Torbay Council. This post will be funded from within existing resources but will link together the two key providers of safeguarding services and extend the scope to shape new alternative options for children in the statutory system in the future; and
- (viii) the implementation of Family Functional Therapy (FFT) using a special purpose vehicle (SPV) and the associated setup costs of approximately £0.2m funded from corporate reserves (as set out at Appendix 4 of the submitted report).

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

**96 Review of Reserves 2015/16**

The Council considered the submitted report on a review of the Council's financial reserves. Members noted that the requirement for reserves linked to legislation which obliged councils to have regard to the level of reserves needed to meet future expenditure when calculating the budget for service delivery and improvements, as well as in year budgetary pressures including pressures from the Government's ongoing reductions in funding.

The Chairwoman reported that the views of the Overview and Scrutiny Board were circulated on 28 October 2014.

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

- (i) that Council approve the transfer of £3.4m identified on a number of individual reserves (see paragraph A2.9 of the submitted report) to the Children's Services 5 year Strategy Reserve;
- (ii) that Council note the repayment of the £3.4m by Children's Services from future year budget allocations for Children's Services based on the repayment schedule identified in paragraph A2.6 of the submitted report;
- (iii) that Council note the, previously approved, use of £1.5m of PFI Reserve during 2014/15 by Children's Services which is also due to be repaid by Children's services; and
- (iv) that Council note the significant financial pressures facing the Council in 2014/15, 2015/16 and in future years, and consider during the 2015/16 budget process the allocation of additional funds to the Comprehensive Spending Review Reserve and/or the General Fund Reserve.

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

**97 Parking Charges and Enforcement Activity**

Members received a review of parking charges and enforcement activity and options to recover the potential budget deficit for 2014/15, as set out in the submitted report.

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

- (i) that the Council approve Option 3 as set out within the officer report at paragraph 5.3 with the addition of £2 charge to apply after 10 am to be introduced from 1 December 2014 until 1 May 2015; and
- (ii) that the winter charges for on street parking, previously approved by Council, be confirmed to apply from 1 November 2014 to 1 May 2015.

In accordance with Standing Order A19.4, a recorded vote was taken on the motion. The voting was taken by roll call as follows: For: the Mayor, Councillors Addis, Amil, Barnby, Brooksbank, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Mills, Pritchard, Scouler, Thomas (D) and Tyerman (17); Against: Councillors Baldrey and Stockman (2); Abstain: Councillor Bent, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (J), James, Parrott, Pentney, Pountney, Stocks and Stringer (13); and Absent: Councillors Butt, Faulkner (A), Morey, Richards and Thomas (J) (5). Therefore, the motion was declared carried.

**98 Review of Enforcement and Prosecution Policy for Environmental Health, Trading Standards, Licensing and Housing Standards**

The Council considered the submitted report on a review of the Community Safety Business Unit's Enforcement and Prosecution Policy. It was noted that the policy had been reviewed in light of recent statutory guidance and ensured fair and effective enforcement to protect economic interests and the health, safety and welfare of the public, businesses and the environment.

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

that the Enforcement and Prosecution Policy set out at Appendix 1 to the submitted report be approved.

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

**99 Review of Polling Districts, Polling Places and Polling Stations 2014**

The Council received the submitted report on the review of polling districts, polling places and polling stations 2014 which ensured all polling stations were suitable for all types of elections and to comply with the requirements of the Electoral Registration and Administration Act 2013.

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

that the recommendations of the Electoral Registration Officer and Polling Review Working Group as set out below be approved:

- (i) that the following polling stations be amended as stated:
  - (a) that a replacement polling place/polling station be created at St Matthews Church, top of Walnut Road, Torquay, TQ2 6JA for polling district BB and the boundary of BB be moved to include St Matthews Road (49 properties), Vicarage Road (26 properties), Brooklands Lane (3 properties) and Rawlyn Road (68 properties) (from BE);
  - (b) that a replacement polling place/polling station be created at Brunel Manor, Teignmouth Road, Torquay, TQ1 4SF for polling district HA;

- (c) that a replacement polling place/polling station be created at the rear of Dunboyne Court, 170 St Marychurch Road, Torquay, TQ1 3AB for polling district HC;
  - (d) that Riviera Life Church becomes the permanent polling place/polling station for polling districts MC and MD;
  - (e) that St Boniface Church Hall, Belfield Road, Paignton, TQ3 3UY becomes a new double polling place/polling station for polling districts AA and AB;
  - (f) that the Old Monastery, Berry Drive, Paignton be reinstated as a polling place/polling station for polling district CB;
  - (g) that Time Out Coffee Shop becomes the permanent polling place/polling station for polling district IA;
  - (h) that the Paignton Club becomes the permanent polling place/polling station for polling districts RB and RC;
  - (i) that Brixham Rugby Club becomes the permanent polling place/polling station for polling districts JA and JB and that the Returning Officer ensures that both sides of the bar are used for large elections;
  - (j) that a replacement polling place/polling station be created in the Lecture Room, Brixham Hospital, Greenswood Road, Brixham, TQ5 9XW for polling district SC.
  - (k) that a replacement polling place/polling station be created at St Mary's Park Bowling Club, St Marys Park, Upton Manor Road, Brixham, TQ5 9RD for polling district SD and the boundary of SD be moved to include Pensilva Park (11 properties), Stoneacre Close (21 properties) and Vicarage Road (11 properties) (from SC); and
  - (l) that a replacement mobile polling place/polling station be created in the DFS car park at the Willows Retail Park, Nicholson Road, Torquay, TQ2 7TD for polling district TB;
- (ii) that the following polling districts be combined into a single polling district:
- AE and AE A – become AE;
  - CA and CA A – become CA; and
  - CC and CC A – become CC;
- (iii) that for Parliamentary Elections the Church Hall at St George's Hall, Barn Road, Paignton be used as a polling station for polling district IB

– Torbay Constituency and the side accessible entrance of St George’s Church be used as a polling station for polling district GA – Totnes Constituency to prevent ballot papers being placed in the wrong ballot boxes, for all other elections the Church Hall be used as a double polling station; and

- (iv) that the changes to polling districts, polling places and polling stations be implemented from 1 December 2014 when the new electoral register is published.

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

#### **100 Review of Political Balance**

The Council considered the submitted report on a change in political balance following notification that Councillor Baldrey wished to be a member of the Non-Coalition Group.

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

that the overall political balance of the committees, as set out in Appendix 1 to the submitted report, be approved.

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

#### **101 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.

#### **102 Members' Questions (Continued)**

Members received the remaining questions, as attached to the agenda, notice of which had been given in accordance with Standing Order A13.

Verbal responses were provided to questions 2, 3, 10, 11, 12, 14, 15, 16 and 17. Supplementary questions were then asked and answered in respect of questions 3, 10, 11, 12, 15 and 16.

The Chairwoman requested the Executive Lead for Harbours, Culture and the Arts to provide a written response to Councillor Morey as he was not present at the meeting.

(Note: Please also refer to Minute 88 above.)

---

Chairwoman

This page is intentionally left blank

## Record of Decisions

### Disposal of Real Estate Assets

#### Decision Taker

Mayor and Executive Lead for Employment and Regeneration, Finance and Audit on Thursday, 30 October 2014

#### Decision

- (i) that, in light of the consultation response from the Cockington, Chelston and Livermead Community Partnership, the disposal of open land at the rear of Sanford Road, Torquay (asset reference EM2457) be withdrawn;
- (ii) that the remaining 12 Assets listed in Appendix 1 to the submitted report be declared no longer required for service delivery and that the 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;
- (iii) 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 and subject to (i) above, the assets listed in Appendix 1 to 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
- (iv) that the Executive Head of Commercial Services in consultation with the Chief Executive of the Torbay Development Agency be given 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 12 November 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 13 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. Hillrise Playground, Brixham (Plan EM2445 B0361)
2. Land at Whitstone Road, Paignton (Plan EM2429 P0338 P1082)
3. Land at corner of Sands Rd, Paignton (Plan EM2429 P0338 P1082)
4. Land adjoining Davies Avenue (Plan EM2454 P0012)
5. Land at junction of Dart Avenue & Marldon Avenue, Torquay (Plan EM2426a T3121 T3119)
6. Land at junction of Dart Avenue & Tamar Avenue, Torquay (Plan EM2426 T3119)
7. Pendennis Playground 1, Pendennis Rd, Torquay (EM2448)
8. Land junction at Clennon Lane & Fore Street, Torquay (Plan EM2449 T3109)
9. Land adjacent no 7 Weaver Court, Torquay (Plan EM2455 T0956)
10. Land at Stentiford Hill – Part, Torquay (Plan EM2456 T0395ZZ)
11. Open land at Sanford Road, Torquay (Plan EM2457 T0240)
12. Land at Pym Close, Torquay (Plan EM2458 T3050)
13. Garth Road, Torquay (Plan EM2459)

The responses to the consultation on the disposals were circulated on 28 October 2014.

The Mayor considered the recommendations of the Council made on 30 October 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 Mayor also considered the Council's recommendation to withdraw asset reference EM2457.

#### **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**

4 November 2014

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

Date: 4 November 2014



## Record of Decisions

### Extreme Weather Resilience Report: Torbay 2013/14

#### Decision Taker

Mayor on Thursday, 30 October 2014

#### Decision

That the submitted report be approved and the following recommendations in the Extreme Weather Resilience Report: Torbay 2013/14 be adopted:

- (i) that Torbay Council continue to enhance partnership working through the Peninsular Rail Task Force and Network Rail to further develop resilience in the far South West and ensure that information from the events of 2013/14 are shared to reduce the impacts of future extreme weather events;
- (ii) that Network Rail be recommended to prioritise future funding to improve resilience and connectivity to the far South West ensuring future strategic plans include the need to improve resilience to this area. This should include plans to raise track heights and raise line-side equipment cabinets above track level on sections of track to reduce the vulnerability of the rail network, and additional passing places on the Waterloo Line to act as an alternative route should the need arise;
- (iii) in the event of major disruption to rail services, co-ordination arrangements over adjacent geographical areas are enhanced by Network Rail and Train Operating Companies;
- (iv) that Torbay Council continues to enhance partnership working with the Local Enterprise Partnership, South West Transport Authorities and the Highways Agency to develop a resilient strategic highway network funded with support from central government;
- (v) that Torbay Council acting as Lead Local Flood Authority facilitate new studies and undertake small scale flood risk management measures to tackle new recovery and resilience requirements, on top of the existing and planned programmes of work;
- (vi) that Government should consult Local Highway Authorities on a single set of criteria to be applied to emergency highway repair funding, to minimise the administrative burden when applying for funds at times of crisis;
- (vii) that Torbay Council develops a prioritised harbour repair programme with funding assistance from outside bodies;
- (viii) that Torbay Council further develop the resilience of Torbay's coastline using the Flood Steering Group to enhance partnership working with the Environment Agency (EA) and South West Water;
- (ix) that Torbay Council supports tourism businesses through increased publicity and media campaigns during extreme weather events. That Torbay Council also surveys the impact of future events on this sector;

- (x) that Torbay Council and the Torbay Coast and Countryside Trust work in partnership to identify ways in which Torbay's green infrastructure can reduce and slow flooding during extreme weather events;
- (xi) that Torbay Council supports the development of the Environment Agency Flood Warden initiative; and
- (xii) that Torbay Council explores ways of sharing information in real time between emergency response teams during emergency events, for example using 'Resilience Direct'.

### **Reason for the Decision**

To improve the Council's response to extreme weather events acting as a community leader, service provider and estate manager. To provide a documented evidence base of the impacts of the severe weather events of 2013/14 which can support requests to Government for greater investment and resilience on strategic and local networks.

### **Implementation**

This decision will come into force and may be implemented on 12 November 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 provides an evidence base of the impacts of the 2013/14 winter storm period on Torbay and lays the foundations for greater resilience in the future. The report focuses on Torbay's highways, footpaths, rail network, coastal defences, harbours and green infrastructure.

The Council is working partnership with Devon County Council, Cornwall County Council, Somerset County Council, Plymouth City Council and the Isles of Scilly to gain a collective understanding of the extreme weather risks and develop projects that will help Torbay withstand the extremes of weather more robustly.

### **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?**

No

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

Yes

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

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

**Published**

4 November 2014

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

Date: 4 November 2014

This page is intentionally left blank

# Minute Item 88

## Meeting of the Council

Thursday, 30 October 2014

### Questions Under Standing Order A13

The following are factual answers provided by an officer, a full response from the Mayor or Executive Lead can be found on the [audio recording](#).

<b>Question (1) by Councillor Baldrey to the Executive Lead for Strategic Planning, Housing and Environmental Policy (Councillor Thomas (D))</b>	<p>Why is it that in the time since the road widening at Tweenaways has been completed has the Council not disposed of the houses adjacent to the junction whose gardens were taken for the work to be carried out?</p>
	<p>Whilst the main works were completed in 2011 further improvements and remedial works were carried out in 2012 when the site was still being used as a compound. The scheme has reduced the journey time through the junction by 50% but there is a possibility that further improvements may be required in 15-20 years time, therefore to future proof the junction we are intending to hold onto some additional land on this corner. These options had to be considered before the remaining site could be offered for sale. We expect the properties to be sold shortly.</p> <p>Consent to dispose of the site has now been granted and in line with the community asset transfer policy the Council are currently considering expressions of interests from Community Groups. Following this process the site will either be disposed of to a successful group or if the proposals are rejected then the site will be disposed of on the open market.</p>
<b>Question (2) by Councillor James to the Executive Lead for Business Planning and Governance (Councillor McPhail)</b>	<p>There were 46 senior council directors and managers on wages of £50,000 to £125,000 in 2013/14, but this compares to only 34 in 2012/13 - an increase of 12 (or 33%). How do you justify this in the face of such unprecedented budget reductions? Despite the brilliant and hard work that they do, do you agree that we need to significantly reduce the top heavy structure of the council in a time when we are contracting fast?</p>
	<p>Each year the Council approves the Pay Policy Statement, this statement details the salary levels of the posts exceeding £50,000. This is different than the information which is included within the statement of accounts, which details the number of employees whose total remuneration exceeds £50,000, as this will include any staff in the given financial year that</p>

	<p>receive redundancy payments, when combined with their salary exceed the £50,000 threshold.</p> <p>For this reason the accurate data when considering salaries is to use the Pay Policy Statement. When this is looked at, this shows that the number of staff earning in excess of £50,000 in 2013/14 is 32.</p> <p>This number has changed from the 22 staff earning in excess of £50,000 in 2012/13 due to,</p> <ol style="list-style-type: none"> <li>1) The transfer into the Council of Public Health. This represents an increase of 4 senior management posts.</li> <li>2) The 1% national pay award that was implemented means that some posts now fall to be reported, whereas previously they were not. This represents 3 posts over this period.</li> <li>3) Restructures and job-redesign will have changed responsibilities for some existing posts, meaning a change to the salary scales. This equates to 3 posts over this period.</li> </ol> <p>Save for the transfer in of the Public Health staff which is a new statutory responsibility for the Council, it can therefore be seen that there has not been an increase in the senior officer structure.</p>
<p><b>Question (3) by Councillor James to the Deputy Mayor and Executive Lead for Tourism (Councillor Mills)</b></p>	<p>Do you agree with me that spending almost £25,000 on a palm tree is an unacceptable misuse of public money and will you ask for a full investigation by the overview and scrutiny committee into how such misuse could have occurred?</p>
	<p>Each year the Council approves the Pay Policy Statement, this statement details the salary levels of the posts exceeding £50,000. This is different than the information which is included within the statement of accounts, which details the number of employees whose total remuneration exceeds £50,000, as this will include any staff in the given financial year that receive redundancy payments, when combined with their salary exceed the £50,000 threshold.</p> <p>For this reason the accurate data when considering salaries is to use the Pay Policy Statement. When this is looked at, this shows that the number of staff earning in excess of £50,000 in 2013/14 is 32.</p> <p>This number has changed from the 22 staff earning in excess of £50,000 in 2012/13 due to,</p>

	<ol style="list-style-type: none"> <li>1) The transfer into the Council of Public Health. This represents an increase of 4 senior management posts.</li> <li>2) The 1% national pay award that was implemented means that some posts now fall to be reported, whereas previously they were not. This represents 3 posts over this period.</li> <li>3) Restructures and job-redesign will have changed responsibilities for some existing posts, meaning a change to the salary scales. This equates to 3 posts over this period.</li> </ol> <p>Save for the transfer in of the Public Health staff which is a new statutory responsibility for the Council, it can therefore be seen that there has not been an increase in the senior officer structure.</p>
	<p>The expenditure of £25,000 was for various items of works and not solely on a Palm Tree as suggested. The expenditure related to improving a roundabout which was a gateway feature and as well as purchasing the tree (£7,000). The cost also relates to making recent alterations allowing the delivery of beams for the South Devon Link Road. The funding was approved as part of the capital budget by SCOPE and the alterations presented in advance to the Ward Councillors and Community partnership.</p>
<p><b>Question (4) by Councillor Darling to the Executive Lead for Safer Communities, Highways, Environment and Sport (Councillor Excell)</b></p>	<p>Weed Treatment - Over the last two years the regime to tackle weed growth on pavements has changed to only two treatments a year. This has resulted in treatments occurring twice a year with works being conducted in the winter when there is little weed growth. Those wards where treatment occurs in the winter may only get a second visit in the late growing season. To me and many residents this has resulted in a significant failure in the treatment of weeds on pavements. How do you plan to remedy this problem?</p>
<p><b>Question (5) by Councillor Cowell to the Executive Lead for Business Planning and Governance (Councillor McPhail)</b></p>	<p>Is the Executive Lead for Business Planning and Governance aware that a petition by local residents highlighting their concerns about the Mayor's recent reshuffle, in particular that of the former Deputy Mayor Cllr David Thomas, was rejected by officers. Why?</p>
<p><b>Question (6) by Councillor Darling to the Mayor</b></p>	<p>Housing benefit delays - The advertised 10 maximum week time in processing Housing benefits is resulting in real hardship and worry for many local residents. Private landlords are less likely to let to Housing benefit claimants. Sanctuary housing are threatening eviction to tenants and families on the breadline are having to make choices between rent and food. What plans do you have to reduce this period to a more appropriate 5 week maximum to</p>

	process housing benefit claims?
	Housing Benefit processing times taken as an average over the past 4 weeks are currently 6 weeks and 1 day for New Claims and 2 weeks and 3 days for Change in Circumstances. This is also reflective of the year to date. The internet figure of 10 weeks refer to a worst case scenario where often we are unable to award a claim due to outstanding information. It is recognised that processing times are not at the low levels of 2012/13 but have taken steps to improve the position by recruiting 2 assessment officer posts and 2 administrative posts. We anticipate improvements over the coming months.
<b>Question (7) by Councillor Cowell to the Executive Lead for Safer Communities, Highways, Environment and Sport (Councillor Excell)</b>	<p>Can you confirm the additional costs incurred for Tor2 to collect fly-tipped waste from Lymington Road Coach Station since the matter was raised in an e-mail from me to officers on August 14th 2014?</p> <p>Can you also detail any other costs as a result of the fly-tipping?</p> <p>Will you confirm that the garden waste collection service at Lymington Road will continue despite the recent tipping issues?</p>
	<p>There have been 6 clearances of fly tipped waste from the coach station since Darren Cowell's email of the 14/8/14 at £350 each. The fencing and the new sign cost £527.22 and this is for a period of 8 weeks.</p> <p>In total the cost comes to £2627.22, but during the summer months the authority has to put on additional collections for higher demand of the normal green waste collections at Lymington Road, which do vary in frequency from year to year. Therefore there is a built in contingency for any variance in this budget.</p> <p>There is no plan to stop the twice monthly garden waste service at this site and we can now monitor the area with the CCTV and prosecute any fly tipping offenders.</p>
<b>Question (8) by Councillor Darling to the Executive Lead for Business Planning and Governance (Councillor McPhail)</b>	<p>Child Poverty - Additional amendment to the Child Poverty report which was approved at Council on 27 Feb 2014.</p> <p>"A further amendment was proposed by Councillor Darling and seconded by Councillor Faulkner (J):</p> <p>(iv) that in light of the aspirations contained in the Torbay Child Poverty Commission "Torbay Gains" report, the Corporate Plan be revised to ensure that it aligns with the corporate elements of the report and a revised Corporate Plan be presented to the Council in September 2014.</p>



	<p>On being put to the vote, the amendment was declared carried.”</p> <p>In light of the above extract from the Full Council meeting in February can you please explain why this has not appeared on a Full Council Agenda to date at either September or October? I have raised this matter with both the Executive Head of Business Services and the Deputy Mayor.</p>
<p><b>Question (9) by Councillor Doggett for the Executive Lead for Safer Communities, Highways, Environment and Sport (Councillor Excell)</b></p>	<p>On September 30th, I was invited to a meeting of the Transport Sub-Group of the Torbay Business Forum. This has the remit to establish priorities for the Sub-Group to work on. One of the most important points to be raised was how to get the best out of the South Devon Link Road once completed. The feelings of the Group were that we need a Park and Ride Service for Torbay. Overall Strategic thoughts were that there was finite road space, whatever is done. Therefore what assurances can you give me to revisit the possibility of a Park and Ride Service? This will, for example, provide access to the new proposed Edginswell Railway Station, and also Torbay Hospital, and Torquay Town Centre.</p>
	<p>I am pleased to advise that through the Local Transport Board the Council have provisionally been awarded funding of over £10million over the next 4 years to carry out a number of improvements to complement the South Devon Link Road. This includes improvements to the Western Corridor in Paignton and improved access to Torquay Town centre. I can also advise that the Hospital is looking to provide on-site parking and Edginswell station will also have some on-site parking. However, potential park and ride facilities are identified as future schemes within our current Local transport Plan and if funding opportunities arise I can assure you the Council will progress them.</p>
<p><b>Question (10) by Councillor Darling to the Executive Lead Adult Social Care and Older People (Councillor Scouler)</b></p>	<p>Podiatry Service - It has been drawn to my attention that a number of people have started to be discharged from the podiatry service in Torbay. What change in criteria has been enacted? How many people have been affected by such a change and what risks were identified before such a change in service was implemented?</p>
	<p>The department of podiatry and foot health are commissioned to provide NHS podiatry treatment to patients with medical conditions which may put their feet at risk of developing a foot ulcer, or short courses of treatment for painful foot problems.</p> <p>Podiatry have access criteria that were agreed by the Older People CPG on 27 November 2012 with written notification of approval in early 2013. This criteria brings us in line with other podiatry providers such as Plymouth .Discussions were held to help with the lack of capacity within podiatry to support the increasing caseload of diabetics and high risk patients ulcerated patients.</p>

	<p>If a diabetic or non diabetic patient is at low risk of developing ulcers, then skin and nail care is not provided by the NHS. If the patient is unable or chooses not to self-manage their foot care, they should be signposted to a range of private providers for on-going nail and skin care.</p>
<p><b>Question (11) by Councillor Davies to the Executive Lead for Harbours, Culture and the Arts (Councillor Amil)</b></p>	<p>Do you support the redevelopment of Paignton Harbour and how much will the redevelopment cost?</p>
	<p>As the Chair of the Harbour Committee I clearly support the Council's policy in respect of Tor Bay Harbour which is set out within the Port Masterplan. This Council adopted the Port Masterplan for Tor Bay Harbour as part of our Policy Framework in December of last year. The Masterplan supports the idea of redevelopment at Paignton harbour and a number of proposed schemes are identified within the Action Plan for the short, medium and long term, along with their implementation constraints. We have already started to explore one particular project and I am aware of some ideas that have emerged from the Paignton Town Centre Community Partnership which are already aligned with the Port Masterplan and existing Council policy. The Harbour Asset Review Working Party has agreed to lead on the discussion regarding the development of harbour based assets. A number of ideas are currently being considered in consultation with local stakeholders, including the harbour users. It is too early to say how much any individual project will cost but any redevelopment at Paignton harbour will come as a recommendation from the Harbour Committee for decision by the Mayor and the Council.</p>
<p><b>Question (12) by Councillor Pountney to the Mayor</b></p>	<p>Can the Mayor update the Council on any developments in the terms of the proposed lease of Cary Green and the Pavilion and will he make the full details of any lease available to the public before it is sign?</p>
	<p>I am pleased to confirm that we are close to agreeing the Lease Heads of Terms with Nicholas James Group for the development and yes, I will ask the Chief Executive of the TDA to make the full details available to elected members and the public before signing. In the interim, I will also ask Mr Parrock to brief the Group Leaders as to the current position.</p>
<p><b>Question (13) by Councillor Morey to the Executive Lead for Harbours,</b></p>	<p>Will the Executive Lead for Harbours, Culture and the Arts confirm that it is her intention to urge the Mayor to accept that the control and management of Churston Library must remain in local authority control?</p>

<b>Culture and the Arts (Councillor Amil)</b>	
	<p>The Mayor has acknowledged the importance of Churston Library to local people and has supported a review of the original proposal for one off transitional funding. As a result the Mayor has put back the funding in the base budgets so the service can continue. The budget pressures in future year does mean we do have to explore alternative options to help support and sustain the library service in the long term, and we will be working with local residents and other partners to ensure the library service remains an appropriately managed and supported service.</p>
<b>Question (14) by Councillor Cowell to the Deputy Mayor and Executive Lead for Tourism (Councillor Mills)</b>	<p>Would the Deputy Mayor agree with me that the value of the English Riviera Tourism Company is more than illustrated by the three years of growth evidenced in the research undertaken by the South West Research Company on behalf of the sector in the South West?</p> <p>Can he also confirm that he is fully committed to the Torbay Tourism and Retail BID and that he will work constructively with the TRTBID task group to achieve the successful delivery of this essential BID?</p>
	<p>I agree that the evidence provided by the SW Research Company shows that the performance of Torbay within the SW and nationally is showing ongoing improvements and agree that the ERTC have played a significant of the role in achieving this continuing upward trend.</p> <p>The Olympic factor has also has seen significant growth in the international visitors nationally and Torbay has benefited from this. This can only be enhanced further by the developments that are planned for new hotels and particularly welcome the confirmation of the International Geopark Conference coming to the English Riviera in 2016. All partners need to continue to work to improve our tourism offer and we accept all these elements make for a very bright future for tourism.</p> <p>BACKGROUND DATA: Despite these factors however, I am delighted to report that there are many positive 2012 tourism statistics for Torbay, which I summarise as follows:</p> <ul style="list-style-type: none"> <li>• 2012 saw a 1% uplift in total visitors (trips) to the English Riviera compared to 0% for the whole of Devon</li> <li>• 2012 saw a 16% uplift in total staying visitor spend to the English Riviera compared to 15% for the whole of Devon</li> <li>• 2012 saw a 18% uplift in total overseas visitors to the English Riviera compared to 10% for the whole of Devon</li> </ul>

	<ul style="list-style-type: none"> <li>• 2012 saw a 28% uplift in total day visits to the English Riviera compared to 9% for the whole of Devon</li> </ul> <p>Once again these statistics confirm the huge economic value of the Visitor Economy to Torbay with 2012 top line facts confirming the following:</p> <ul style="list-style-type: none"> <li>• Total direct value of tourism to Torbay in 2012 was: £427,870,000</li> <li>• Total indirect value of tourism to Torbay in 2012 was: £563,217,000</li> <li>• Total number of jobs provided by tourism in 2012 was: 12,020</li> <li>• 21% of the total population in 2012 were dependent on tourism for employment</li> </ul> <p>I am fully in support to the Torbay Retail and Tourism BID and look forward in being part of the partnership that takes this forward to a successful vote. I have this week been advised that a contract has been issue to the Mosaic Partnership to ensure this work get underway as quickly as possible.</p>
<p><b>Question (15) by Councillor Parrott to the Executive Lead for Safer Communities, Highways, Environment and Sport (Councillor Excell)</b></p>	<p>In light of evidence around child sexual exploitation, violent sexual abuse, domestic abuse, rapes and assaults, please could the Executive Lead advise whether women are safe in the Bay?</p>
	<p>Sexual exploitation, sexual abuse <i>of any kind</i>, domestic abuse, and rape are abhorrent and devastating crimes, the victims of which can be children, women and men. Torbay is predominately a safe place to live, work and visit and whilst crime will unfortunately always take place, our focus will continue to remain on working in partnership to prevent these types of crimes, dealing with perpetrators efficiently and robustly when such crimes do take place, and working with victims to support them through the criminal justice process and beyond. Torbay's Community Safety Partnership and the Local Children's Safeguarding Board continue to identify domestic abuse, child abuse and sexual offences as a priority area for Torbay and as such targets its resources at working to tackle these crimes. This includes our esafety project Virtually S@fe which works to safeguard children and young people from online exploitation, and the recent appointment of a Child Sexual Exploitation Co-ordinator to specifically ensure we can respond proactively and in a coordinated way to these issues. In terms of women specifically, there are a variety of services to support female victims of crime, such as the newly commissioned Integrated Domestic Abuse Service through Sanctuary Housing</p>

	and Devon Rape Crisis who are a charity working within the Bay.
<b>Question (16) by Councillor Doggett to the Mayor</b>	Through Torbay Council's policies and working with partners, why are the Council and partners promoting additional jobs only and not ensuring that employment development in Torbay is focused on better paid jobs for our Communities?
<b>Question (17) by Councillor James to the Mayor</b>	It has recently been revealed that the government gives out £85 billion a year in subsidies, grants and tax breaks for big businesses in this country. One year's worth of these subsidies would wipe out the structural deficit and remove the need for any more cuts in public spending, including to this council. Do you agree with me that it is absolutely outrageous that hard working local residents on low incomes, along with the poorest and most vulnerable people in Torbay, are having to suffer while subsidies to big businesses continue untouched?

This page is intentionally left blank