



## **Minutes of the Council**

**1 February 2012**

**-: Present :-**

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

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, Kingscote, Lewis, McPhail, Morey, Parrott, Pentney, Pountney, Pritchard, Richards, Stockman, Stocks, Thomas (D), Thomas (J) and Tyerman

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### **517 Opening of meeting**

The meeting was opened with a prayer.

### **518 Apologies for absence**

An apology for absence was received from Councillor Scouler.

### **519 Minutes**

The Minutes of the meeting of the Council held on 8 December 2011 were confirmed as a correct record and signed by the Chairman.

### **520 Communications**

The Chairman:

- (i) reminded Members of the civic charity 'mad hatters' gala night which would be taking place on 2 March 2012 at the Riviera International Conference Centre; and
- (ii) referred to a recent visit to Greycliffe Residential Home in Torquay where he met four ladies who were all celebrating their 100<sup>th</sup> birthday.

### **521 Members' questions**

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

Supplementary questions were asked and answered by The Mayor (questions 1, 3, 4, 5 and 7), Councillor Lewis (question 2), Councillor Richards (question 6), Councillor Thomas (D) (questions 8 and 9) and Councillor Pritchard (question 10).

## **522 Gas and Electricity Prices**

Members considered a motion in relation to gas and electricity prices, notice of which was given in accordance with Standing Order A14.

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

This Council notes that Torbay suffers from increasing levels of deprivation and growing inequality.

A significant cost to local people is the rocketing cost of utility bills.

This Council notes that the wholesale price of Gas and Electricity is the same as 12 months ago, but the cost to consumers has risen by 20%.

In the light of the above this Council instructs the Chief Executive to write to the appropriate Minister demanding more transparency in this market place to ensure that the neediest in our society are not continually disadvantaged.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor considered the recommendation of the Council as set out above at the meeting and requested the Chief Executive to write to Torbay's Members of Parliament raising the Council's concerns in connection with gas and electricity prices and inviting them to meet with the Council to discuss issues affecting Torbay.

## **523 Fair Banking for the People of Torbay**

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

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

With the residents of Torbay struggling to cope in a deep recession caused in major part by reckless banking, this Council welcomes the report of the Independent Commission on Banking (The Vicker's Report) and the Coalition Government's decision to legislate in 2012 to curb the power of the commercial banks to use the deposits of their customers in casino banking practices, by divorcing the necessary functions of High Street banks from Investment Banking, but calls on Her Majesty's Government to accelerate the implementation of this legislation so that banks have to comply during the lifetime of the present Parliament. This Council condemns the timetable proposed by the Chancellor of the Exchequer which gives banks until 2019 to comply. This is unacceptable to the hard working residents of Torbay whose deposits and savings will remain available as assets that can be put at risk to underpin highly speculative operations within those banks.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor. The Mayor considered the recommendation of the Council as set out above at the meeting and noted the motion. He advised that he was meeting with representatives from local banks on 2 February 2012 and he would raise the content of the motion at the meeting.

**524 Mayoral Decision - Torquay Waterside Regeneration - Marina Car Park, The Pavilion and Cary Green, Torquay - Subject to Call-In**

The Council made the following recommendation to the Mayor:

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

That the Mayor be recommended:

- (i) that the Chief Executive of Torbay Development Agency, in consultation with the Mayor and Executive Lead for Employment and Regeneration, the Commissioner for Place and the Environment, the Executive Head of Tor Bay Harbour Authority and the Chair of the Harbour Committee, be instructed to negotiate and agree terms for the sale of a long lease or leases to the Marine Car Park, The Pavilion and Cary Green to the Nicholas James Group (or a subsidiary company) ('the Developer'). Such terms to include an obligation on the Developer to obtain planning consent and carry out and complete the redevelopment of the Marina Car Park, the restoration of The Pavilion and redevelopment of Cary Green;
- (ii) that before any agreement is entered into, the Torbay Development Agency shall obtain a satisfactory independent valuation from a firm of Chartered Surveyors with the requisite experience in valuing such developments, demonstrating that the proposed terms represent best value that Torbay Council can reasonably obtain;
- (iii) that the Executive Head of Commercial Services, in consultation with the Chief Executive of Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority, be authorised to enter into such documentation as may be necessary with the Council's present tenant, Marina Developments Limited ('MDL'), to allow the development to proceed, including but not limited to the acceptance of the surrender of part or all of MDL's existing leases and the grant of a new lease or leases to MDL or such other party on acceptable terms;
- (iv) that the new leases referred to in (i) and (iii) contain provisions to ensure that Torbay Council as Harbour Authority continues to receive at least the existing levels of income from the development and the marina and that, subject to the outcome of the valuation outlined in (ii) above, negotiations address the need to preserve this level of income during the construction phase; and

- (v) that the Commissioner for Place and the Environment with the Executive Head of Spatial Planning be instructed to determine the Council's exposure to flood risk liability in respect of the proposed development and ongoing Environment Agency funding for Haldon Pier and Princess Pier.

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.

**525 Mayoral Decision - Disposal of Amenity Land Forming Part of 'Old Maid's Perch', Torbay Road, Torquay - Subject to Call-In**

The Council made the following recommendation to the Mayor:

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

That the Mayor be recommended:

- (i) that the area comprising approx 87 square metres lying to the eastern side of the public footpath leading from Shedden Hill Road to Torbay Road (as shown cross hatched on Plan EM1961) be sold to the adjoining proposed owner/developer of the former Palm Court Hotel to facilitate the development of the combined site in accordance with an approved planning consent;
- (ii) that the land be sold to the proposed owner/developer of the former Palm Court Hotel site at a valuation to be recommended by the District Valuer;
- (iii) that the Chief Executive of the Torbay Development Agency be requested to advertise the intended disposal of the land in accordance with Section 123(1)(2a) of the Local Government Act 1972; and
- (iv) that subject to considering any objections raised pursuant to paragraph (iii) and being satisfied that any objections raised should not stop the disposal, the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency, be authorised to dispose of the land described in (i) subject to agreement of terms including a provision that contracts will be exchanged in respect of the land, completion of sale being dependent on completion of the approved planning consent in (i) above.

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.

**526 Mayoral Decision - Future Use of Chestnut Primary School Site - Subject to Call-In**

The Council made the following recommendation to the Mayor:

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

That the Mayor be recommended:

- (i) that the use of the Chestnut school site for a Primary Support Centre and the base for the Torbay Music service (Torbay Academy of Performing Arts - TAPA) be approved; and
- (ii) that the Director of Children's Services be authorised to enter into discussions with The South Devon Gym club to discuss the Chestnut school site being the long term venue for the club.

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.

**527 Members' Allowances - Recommendations of Independent Remuneration Panel**

The Council considered the submitted report which set out the recommendations of the Independent Remuneration Panel on its review of Members' Allowances.

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

- (i) that all proposed increases or decreases set out in the Independent Remuneration Panel's Report be rejected;
- (ii) that the rates for travel be the same as those set in the Torbay Council Expenses Policy and be paid for all approved duties (e.g. 40p for car, 24p for motorbike and 20p for bicycle per mile);
- (iii) that subsistence be paid in accordance with the rates set out in the Torbay Council Expenses Policy for approved duties (e.g. breakfast – depart from home before 7.30 a.m. £6.22; lunch – absent from normal place of work between 11.30 a.m. and 2.15 p.m. £7.35; and evening meal – not home before 6.30 p.m. £10.17);
- (iv) that the following be identified as approved duties for the purpose of travel, subsistence and childcare and dependent carers' allowances:

- (i) attendance at meetings as a duly appointed member of:
  - (a) the Council and any committee of the Council;
  - (b) any sub-committee appointed by a committee;
  - (c) the Executive or committee of the Executive (if appointed);
  - (d) working parties;
  - (e) scrutiny review panels;
  - (f) policy development groups;
  - (g) any outside organisation and their sub-groups appointed by the Council or the Mayor, provided that the organisation does not pay any such expenses (these are listed on each Councillor's details page on the Council's intranet at <http://democratic-svr1:9070/mgMemberIndex.aspx?bcr=1>);
- (ii) attendance at site visits for planning or licensing purposes or as part of overview and scrutiny;
- (iii) attendance at member development sessions;
- (iv) attendance at seminars and all member briefings organised by Torbay Council, except for those held immediately prior to a meeting of Council;
- (v) attendance at non-political conferences, subject to prior approval by the relevant Group Leader and Governance Support Manager and funding for the conference being available (in accordance with the Local Protocol for the Mayor and Political Groups);
- (v) that the Basic Allowances, Special Responsibility Allowances and Co-optees Allowances be indexed from 1 April 2013 to the annual local government pay percentage increase as agreed by the National Joint Committee for Local Government Services. The travel and subsistence allowances will be up-rated as and when the Council's Expenses Policy is adjusted and the whole allowances Scheme will be reviewed by no later than 2015;
- (vi) that the Governance Support Manager be requested to bring the Members' Allowances Scheme up to date and to ensure that approved duties are clear;
- (vii) that the Governance Support Manager be requested to investigate alternative methods of providing broadband for members to reduce the cost of this service whilst ensuring that no member is disadvantaged by the new arrangements, with a view to ceasing providing Council installed broadband lines and members making their own arrangements and being reimbursed for the cost of broadband through their expenses claims; and

- (viii) that the Executive Head of Business Services be requested, in consultation with the Group Leaders, to introduce a parking scheme for Members which allows for an annual parking permit.

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

Deletion of the words 'or decreases' from paragraph (i) of the proposal so that it (i) reads as follows:

- (i) that all proposed increases set out in the Independent Remuneration Panel's Report be rejected and the reductions stand, which will save the Council £5,608;

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

A further amendment was proposed by Councillor Parrott and seconded by Councillor Cowell:

That paragraph (i) be amended to read as follows:

- (i) that all proposed increases and decreases set out in the Independent Remuneration Panel's Report be adopted, resulting in a saving of £3,196, but with the following adjustments:
  - (a) with regard to the Panel's recommendation (i) that the Special Responsibility Allowance (SRA) for the Elected Mayor be set at £46,500;
  - (b) with regard to the Panel's recommendation (n) that the SRA for the Overview & Scrutiny Co-ordinator be set at £8,000, thereby bringing it into line with the SRA payable to a Deputy Mayor without Portfolio (see (k)); and
  - (c) with regard to the Panel's recommendations (u) and (v) that the SRA for the Chair of the Harbour Committee and the Chair of the Audit Committee be set at £4,000, thereby better recognising the budgetary and auditing duties involved;

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

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

## **528 Treasury Management Strategy 2012/13 (incorporating the Annual Investment Strategy 2012/13 and the Annual Minimum Revenue Provision Statement)**

The Council considered the submitted report in relation to the proposed Treasury Management Strategy for 2012/13 which incorporated the Annual Investment Strategy for 2012/13 and the Annual Minimum Revenue Provisional Statement. It was noted that the Strategy aimed to support all Council services by the

management of the Council's cash flow, debt and investment operations and effectively control the associated risks. The formulation of the strategy was a requirement of the CIPFA Code of Practice in Treasury Management and the Council's Treasury Management Policy.

The Audit Committee reviewed the submitted report at its meeting held on 25 January 2012 and they endorsed the recommendations to the Council.

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

- (i) that the Treasury Management Strategy for 2012/13 (incorporating the Annual Investment Strategy 2012/13) as set out in the submitted report be approved;
- (ii) that, in line with the Council's Constitution and Financial Regulations:
  - (a) the Chief Finance Officer be authorised to take any decisions on borrowing and investments. (Delegations to the Section 151 Officer, paragraph 3.1(a)); and
  - (b) the Chief Finance Officer be authorised to invest temporarily or utilise surplus monies of the Council; (Financial Regulations, paragraph 14.5); and
- (iii) that the Annual Minimum Revenue Provision Policy Statement for 2012/13 as set out in Annex 7 to the submitted report be approved.

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

#### **529 Revenue Budget Proposal 2012/2013**

The Chairman advised that in accordance with Standing Order F2.13 in relation to the Budget and Policy Framework this item was referred to an adjourned meeting of Council to be held on 8 February 2012 to enable full consideration to be given to the implications of the proposals set out in the reports circulated at the meeting.

A copy of the record of decision setting out the recommendations of the Mayor in respect of the Revenue Budget is attached to these Minutes.

#### **530 Capital Plan Budget 2012/13 to 2015/16**

The Chairman advised that in accordance with Standing Order F3.12 in relation to the Budget and Policy Framework this item was referred to an adjourned meeting of Council to be held on 8 February 2012 to enable full consideration to be given to the implications of the proposals set out in the reports circulated at the meeting.

A copy of the record of decision setting out the recommendations of the Mayor in respect of the Capital Investment Plan is attached to these Minutes.



**531 Strategic Agreement between Torbay NHS Care Trust and Torbay Council - Policy Framework**

The Chairman advised that as the report relates to the budget this item was referred to an adjourned meeting of Council to be held on 8 February 2012 to enable full consideration to be given to the implications of the proposals set out in the report circulated at the meeting.

**532 Chairman and Vice-Chairman Selection 2012/13**

In accordance with the Council's Standing Orders (A9.1), the Council was required to select, by elimination ballot, the Chairman/woman-Elect and Vice-Chairman/woman-Elect for the next Municipal Year 2012/13.

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

That Councillor Stringer be selected as Chairman (Elect) for the 2012/13 Municipal Year.

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

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

That Councillor Parrott be selected as Vice-Chairman (Elect) for the 2012/13 Municipal Year.

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

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Chairman

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# Minute Item 521

## Meeting of the Council

Wednesday, 1 February 2012

### Questions Under Standing Order A13

<p><b>Question (1) by Councillor Parrott to the Mayor and Executive Lead for Employment and Regeneration – Mayor Oliver</b></p>	<p>At the meeting of full Council held on 29 November 2011, Councillor Doggett and I tabled a motion that:</p> <p>'Torbay Council rejects totally the government's plans to implement a badger cull from 2012. In view of its stance, Torbay Council requires that the killing of badgers is prohibited on all land that is under the protection of the Torbay Coast and Countryside Trust. Furthermore, Torbay Council is completely opposed to any pilot cull taking place in the South West.'</p> <p>You decided that the motion would not be considered by full Council, but that it would be taken up elsewhere and that a view would subsequently be taken. The people of Torbay are still waiting for their Council to support their view that this is a disgusting cull, and that we totally reject the coalition government's pathetic attempts to justify the revolting activities of bloodthirsty gun fanatics. Please can we have an update on when we can expect the Council's statement that the infamous South West pilot will not apply on any lands within our borough?</p>
<p><b>Question (2) by Councillor Darling to the Executive Lead for Children, Schools and Families – Councillor Lewis</b></p>	<p>What areas of the children's services were inspected as part of the Ofsted safeguarding inspection in October 2011?</p>
<p><b>Question (3) by Councillor Cowell to the Mayor and Executive Lead for Employment and Regeneration – Mayor Oliver</b></p>	<p>A recent report published by the GMB Union, based on Office of National Statistics Data, shows that 1 in 4 of households in Torbay with members aged between 16-64 have no one in work. Clearly a distressing statistics on its' own.</p> <p>Add to this a further report from End Child Poverty which shows Torbay has the second highest rate of child poverty in the South West – 22%; three wards in Torquay Watcombe (35%), Ellacombe (30%) and my ward of Tormohun (29%) are among the worse in the region.</p> <p>Can the Mayor update us on what activity has taken place since the Employment Task Force was agreed on December 8<sup>th</sup> and has he now set a timetable and established any key targets with dates?</p>

<p><b>Question (4) by Councillor Darling to the Mayor and Executive Lead for Employment and Regeneration – Mayor Oliver</b></p>	<p>During the Mayoral Elections you promised to use a portion of your allowance as a fund for communities to bid for. Can you please advise of the awards made so far and whether you plan to continue this scheme for the full four years of your term?</p>
<p><b>Question (5) by Councillor Pentney to the Mayor and Executive Lead for Employment and Regeneration – Mayor Oliver</b></p>	<p>In this and last financial year how much money has been pledged/committed to the RICC?</p>
<p><b>Question (6) by Councillor Darling to the Executive Lead for Tourism and Environment – Councillor Richards</b></p>	<p>I have been advised by officers that unless over grown hedges from private land threaten a foot path that no action will be taken to stop this encroachment of public open space. Can you please confirm that the administration of the Council agrees with this approach to public open space?</p>
<p><b>Question (7) by Councillor Darling to the Mayor and Executive Lead for Employment and Regeneration – Mayor Oliver</b></p>	<p>Members of the public have raised with me their concerns that the budget consultation process only had closed questions. Was this a mistake?</p>
<p><b>Question (8) by Councillor Darling to the Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor Thomas (D)</b></p>	<p>I understand that Torbay participates in the Devon wide textile bank contract. How has the local authority ensured that this contract has a low carbon foot print?</p>

<b>Question (9) by Councillor Darling to the Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor Thomas (D)</b>	What actions has Torbay Council taken to bring back into use or redevelop the former B & Q building in Torre, that has been empty for years?
<b>Question (10) by Councillor Darling to the Executive Lead for Business Planning and Governance – Councillor Pritchard</b>	I note that Torbay Council refused the Speaking Out for Torbay petition comprising 800 signatures. Whilst this maybe constitutionally correct would you agree with me that it may have been in the public interest to accept this petition?

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