



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

27 September 2017

-: Present :-

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

The Mayor of Torbay (Mayor Oliver)

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

92 Opening of meeting

The meeting was opened with a short period of reflection.

93 Apologies for absence

Apologies for absence were received from Councillors Morris and Stringer.

94 Declarations of interests

No interests were declared.

95 Option for improving the viability and resilience of Torbay Council Services

The Council received the report of the Chief Executive on proposals for the Council's long term strategic direction for service delivery in light of continued austerity.

Local Partnerships and the Local Government Association, on behalf of the Council, had undertaken a wider review of the Council's functions and form to inform its future viability and resilience to deliver services. The review included a number of potential options, mainly involving new structures and partnerships with the wider local government family across Devon. A workshop held with the Elected Mayor, Councillors and senior officers identified two options for a detailed business case to be prepared, namely: a shared workforce with Plymouth City Council; and shared tier one workforce with Devon with Torbay acting operationally as a district council potentially in partnership with other district councils.

The submitted report set out the business case prepared by Local Partnerships, an evaluation of the business case and the Chief Executive's recommendations. Within the report, the Chief Executive advised members that the business case for strategic partnering did not assist with the financial challenges facing the Council and that the primary focus for the Council's limited capacity needed to be on delivering savings through the transformation programme and opportunities for increasing monies available for delivering services. Therefore, the Chief Executive recommended that the Council did not pursue a strategic partnering arrangement; that the current service delivery model was maintained; and the option highlighted by the business case for the creation of Town Councils across Torbay be pursued. It was noted the creation of Town Councils would enable income to be raised via precepts and certain services devolved to them (e.g. public conveniences and public realm maintenance). It was further noted the creation of Town Council's would facilitate sustainable communities and give greater empowerment to residents in the way their local neighbourhoods are managed.

Mayor Oliver proposed and Councillor Mills seconded a motion as set out below:

- (i) that Council confirms that it will maintain its existing service delivery model and will not pursue any Strategic Partnering arrangement;
- (ii) that Council instructs the Assistant Director of Corporate and Business Services to undertake a Community Governance Review with a view to considering the principle of three Town Councils across the entirety of Torbay; and
- (iii) that a Community Governance Review Working Party be established, with the terms of reference to oversee impartially and objectively the implementation of the Community Governance Review and to report back to Full Council with recommendations based on the responses to the consultation. The Working Party to be created with the following membership, the Elected Mayor, and 7 additional members, to be politically balanced (5 Conservative, 1 Liberal Democrat and 1 Independent).

During the debate Councillor Thomas (D) proposed and Councillor Tyerman seconded an amendment to the motion as follows:

- (ii) Council instructs the Chief Executive to consider other options for the long term resilience of services, and report to Council on these options in due course;
- (iii) that a Financial Future Working Party be immediately established, with the terms of reference to:
 - (a) Review in detail the Council's Medium Term Resource Plan and Capital Expenditure and their underlying budgets to understand inter alia;

- services that are statutory and have to be delivered, and services that are discretionary and can cease to be provided, and the relative costs of the same,
 - opportunities for income generation including additional investments;
- (b) Oversee an education programme for the residents of Torbay to ensure they are fully aware of the Council's financial challenges;
- (c) Make representations to Government in respect of the Council's financial position;
- (d) Consider the potential for holding a referendum to increase Council Tax above the cap set by Government, including undertaking any consultation; and the arrangements that would need to be put in place for a referendum; and
- (e) Make any appropriate recommendations to the Executive and Council on any of these matters.

The Working Party to be created with the following membership, the Elected Mayor, and 7 additional members, to be politically balanced (5 Conservative, 1 Liberal Democrat and 1 Independent).

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Hill, Kingscote, Lewis (B), Lewis (C), Manning, O'Dwyer, Robson, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (16); Against: Mayor Oliver, Councillors Amil, Carter, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, King, Mills, Morey, Pentney, Sanders, Stockman and Stocks (16); Abstain: Councillors Brooks, Parrott and Stubley (3); and Absent: Councillors Morris and Stringer (2). Therefore, in accordance with Standing Order A19.2, the Chairwoman used her casting vote, voted for the amendment and declared it carried.

During the debate a procedural motion (in accordance with Standing Order A29.1), was proposed by Councillor Morey and seconded by Councillor Darling (S), which was agreed by Council as follows:

that Standing Order A15.1 (xiv) be suspended to enable the Chief Executive to respond to questions from members.

Following questions to the Chief Executive, the amended (substantive) motion was then considered by members.

At this juncture, a procedural motion (in accordance with Standing Order A16.11(a)(iv)) to move to the vote was proposed by Councillor Tyerman and seconded by Councillor Thomas (D). On being put to the vote, an equality of votes was declared. Therefore, in accordance with Standing Order A19.2, the

Chairwoman used her casting vote, voted for the procedural motion and declared the motion carried.

Accordingly, the amended (substantive) motion was put to the vote. A recorded vote was taken on the amended (substantive) motion. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Hill, Kingscote, Lewis (B), Lewis (C), Manning, O'Dwyer, Robson, Stubbley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (17); Against: Mayor Oliver, Councillors Amil, Carter, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, King, Mills, Morey, Pentney, Sanders, Stockman and Stocks (16); Abstain: Councillors Brooks and Parrott (2); and Absent: Councillors Morris and Stringer (2). Therefore, the amended (substantive) motion was declared carried as follows:

- (i) that Council confirms that it will maintain its existing service delivery model and will not pursue any Strategic Partnering arrangement;**
- (ii) Council instructs the Chief Executive to consider other options for the long term resilience of services, and report to Council on these options in due course;**
- (iii) that a Financial Future Working Party be immediately established, with the terms of reference to:**
 - (a) Review in detail the Council's Medium Term Resource Plan and Capital Expenditure and their underlying budgets to understand inter alia;**
 - **services that are statutory and have to be delivered, and services that are discretionary and can cease to be provided, and the relative costs of the same,**
 - **opportunities for income generation including additional investments;**
 - (b) Oversee an education programme for the residents of Torbay to ensure they are fully aware of the Council's financial challenges;**
 - (c) Make representations to Government in respect of the Council's financial position;**
 - (d) Consider the potential for holding a referendum to increase Council Tax above the cap set by Government, including undertaking any consultation; and the arrangements that would need to be put in place for a referendum; and**
 - (e) Make any appropriate recommendations to the Executive and Council on any of these matters.**

The Working Party to be created with the following membership, the Elected Mayor, and 7 additional members, to be politically balanced (5 Conservative, 1 Liberal Democrat and 1 Independent).

Chairwoman
