

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

3 March 2022

-: Present :-

The Deputy Civic Mayor (Councillor Mandy Darling) (In the Chair)

Councillors Amil, Barrand, Brooks, Brown, Bye, Carter, Cowell, Steve Darling, Dart, Douglas-Dunbar, Dudley, Ellery, Foster, Hill, Howgate, Johns, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, O'Dwyer, Pentney, Stockman, David Thomas and Jacqueline Thomas

258 Opening of meeting

The meeting was opened with a prayer.

259 Apologies for absence

Apologies for absence were received from The Worshipful the Mayor of Torbay, Councillor Manning, and Councillors Atiya-Alla, Barnby, Sykes and John Thomas.

In the absence of the Worshipful the Mayor of Torbay, the Deputy Mayor chaired the meeting in accordance with Standing Order A8.1 and proposed and Councillor Cowell seconded a motion, which was agreed (unanimously) by the Council as set out below:

That, as the Deputy Civic Mayor was required to withdraw from the meeting in respect of Minute 273 (Civic Mayor and Deputy Civic Mayor Elect), Councillor Douglas-Dunbar be appointed as Acting Deputy Civic Mayor and chairs the meeting for that item.

260 Minutes

The Deputy Civic Mayor of Torbay proposed and Councillor Long seconded a motion, which was agreed (unanimously) by the Council as set out below:

that the Minutes of the meeting of the Council held on 9 December 2021 be signed as a correct record by the Deputy Civic Mayor.

261 Declarations of interests

At the invitation of the Deputy Civic Mayor, the Interim Monitoring Officer reminded Members of the dispensation granted in respect of Members' interests in relation to the setting of the budget and Council Tax and matters relating to Council controlled

companies where Members were appointed as unpaid directors by the Council. It was noted that this meant Members were permitted to discuss and vote on the budget in respect of these matters without the need to declare an interest.

262 Communications

The Deputy Civic Mayor welcomed Jane Inett, Principal of the Virtual School to the meeting. Ms Inett gave a presentation on the Virtual School Annual Report for 2020/2021. On behalf of the Council, the Deputy Civic Mayor thanked Ms Inett for the excellent work of the Virtual School in supporting our cared for children and young people.

The Deputy Civic Mayor invited Councillor O'Dwyer, as the Council's representative on the Devon County Council Investment and Pension Fund Committee, to provide an update on investments in Russia in light of the current conflict in Ukraine. Councillor O'Dwyer advised that most of the pension fund was invested via the Brunel Pension Partnership and he read out a statement from them highlighting the actions being taken to prevent any new investments and disinvest, where practical, from all Russian-controlled and Russian-owned assets, bonds and equities.

The Leader of the Council:

- a) provided an update on free Covid-19 testing for vulnerable groups in Torbay following the Government's announcement to cease universal free testing from 1 April 2022. The Leader of the Council advised that the Council would provide free Covid-19 tests to key groups on a targeted basis for a transitional period to help protect the most vulnerable people in Torbay; and
- b) thanked Councillor O'Dwyer for his update on investments and those who had chosen to wear blue and yellow to the meeting to show our solidarity with the people of Ukraine. The Leader of the Council advised that the Government's Disasters Emergency Committee had announced a new charity fund to help Ukraine and would provide £20 million to match donations. Torbay Council was planning to donate £25,000 which when match funded would mean raising £50,000 to help support the people of Ukraine.

The Chief Executive led a minute's silence for two serving members of staff, David Bastow and Barbara Evans who had sadly passed away.

263 Petition - Make Hollicombe Beach Dog Friendly Year Round

In accordance with Standing Order A23, the Council received a petition requesting that Hollicombe Beach is made dog friendly year round (approximately 437 signatures).

It was noted that the petitioners had requested their petition to be submitted direct to the decision-maker and it would be referred to the Director of Place, in consultation with the Cabinet Member for Infrastructure, Culture and Tourism.

264 Members' questions

Members received a paper detailing questions, notice of which had been given in accordance with Standing Order A13. The paper also contained the answers to the questions which had been prepared by Councillors Carter, Cowell, Law, Long and Morey, and was circulated prior to the meeting.

Supplementary questions were put and answered by Councillors Carter, Law, Long and Morey, arising from their responses to the questions in respect of questions 1, 2, 3, 4, 10, 11, 12, 13, 14 and the urgent question.

265 Revenue Budget 2022-2023

Members considered the recommendations of the Cabinet in relation to the Revenue Budget 2022/23 as set out in the submitted report and supporting documents. A revised recommendation was circulated prior to the meeting, which incorporated the Notice of Motion submitted by the Conservative Group to amend the budget, which had subsequently been withdrawn.

In accordance with legislation, the Deputy Civic Mayor advised that recorded votes would be taken on the budget items on this agenda.

Councillor Steve Darling proposed and Councillor Cowell seconded a motion, which was agreed (unanimously) by the Council (by recorded vote) as set out below:

- 1) that for 2022/23 net revenue expenditure of £120.8m resulting in a Council Tax requirement of £78.1m for 2022/23 (a 2.99% increase in Council Tax, of which 1% is for Adult Social Care) be approved, now including £570,000 for one-off highways improvements (including repairing pot-holes, repainting double yellow lines, improved signage, improved road safety, the introduction of new traffic regulation orders) to be allocated from the Comprehensive Spending Review Reserve. The reserve balance to be reinstated as the first allocation of any underspend in 2021/22 and 2022/23;**
- 2) that the proposed Fees and Charges for 2022/23 be approved;**
- 3) that, in accordance with the requirement of the Local Government Act 2003, the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's reserves (as set out in the report) be noted;**
- 4) that it be noted that the Brixham Town Council precept for 2022/23 of £379,600 will be included as part of the Torbay Council budget for Council Tax setting purposes; and**
- 5) that to ensure the continuation of the integrated health and adult social care arrangements with the CCG and the ICO for a further**

two financial years, after the end of the current agreement in March 2023, that Council allocate funding of £55.4m for 2023/24 and £56.5m for 2024/25.

The voting was taken by roll call as follows: For: Councillors Amil, Barrand, Brooks, Brown, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Douglas-Dunbar, Dudley, Ellery, Foster, Hill, Howgate, Johns, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, O'Dwyer, Pentney, Stockman, David Thomas and Jacqueline Thomas (31); and Absent: Councillors Atiya-Alla, Barnby, Manning, Sykes and John Thomas (5).

266 Capital Plan 2022/2023

Members considered the recommendations of the Cabinet in relation to the Capital Plan 2022/2023 as set out in the submitted report.

Councillor Steve Darling proposed and Councillor Cowell seconded a motion, which was agreed (unanimously) by the Council (by recorded vote) as set out below:

that the Capital Plan for 2022/23 as set out in Appendix 1 to the submitted report be approved.

The voting was taken by roll call as follows: For: Councillors Amil, Barrand, Brooks, Brown, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Douglas-Dunbar, Dudley, Ellery, Foster, Hill, Howgate, Johns, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, O'Dwyer, Pentney and Stockman (29); and Absent: Councillors Atiya-Alla, Barnby, Manning, Sykes, David Thomas, Jacqueline Thomas and John Thomas (7).

(Note: prior to consideration of this item Councillors David Thomas and Jacqueline Thomas left the meeting.)

267 Capital Strategy 2022/2023

Members considered the recommendations of the Cabinet in relation to the Capital Strategy 2022/2023 as set out in the submitted report.

Councillor Cowell proposed and Councillor Steve Darling seconded a motion, which was agreed (unanimously) by the Council (by recorded vote) as set out below:

that the Capital Strategy 2022/23 as set out in Appendix 1 to the submitted report be approved.

The voting was taken by roll call as follows: For: Councillors Amil, Brooks, Brown, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Douglas-Dunbar, Dudley, Ellery, Foster, Hill, Howgate, Johns, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, O'Dwyer, Pentney and Stockman (28); and Absent: Councillors Atiya-Alla, Barnby, Barrand, Manning, Sykes, David Thomas, Jacqueline Thomas and John Thomas (8).

(Note: Councillor Barrand was not present during the recorded vote on this item.)

268 Treasury Management Strategy 2022/2023

The Council received the Treasury Management Strategy for 2022/23 as set out in the submitted report. Members noted the strategy aimed to support the provision of all Council services through the management of the Council's cash flow, debt and investment operations.

Councillor Cowell proposed and Councillor Steve Darling seconded a motion, which was agreed (unanimously) by the Council (by recorded vote) as set out below:

that Council approve:

- **Treasury Management Strategy for 2022/23;**
- **the Prudential Indicators 2022/23; and**
- **the Annual Minimum Revenue Provision Policy Statement for 2022/23**

as set out in Appendix 1 to the submitted report.

The voting was taken by roll call as follows: For: Councillors Amil, Barrand, Brooks, Brown, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Douglas-Dunbar, Dudley, Ellery, Foster, Hill, Howgate, Johns, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, O'Dwyer, Pentney and Stockman (29); and Absent: Councillors Atiya-Alla, Barnby, Manning, Sykes, David Thomas, Jacqueline Thomas and John Thomas (7).

269 Review of Reserves 2022/2023

As part of the budget setting process for 2022/23, the Council noted it's reserves position as set out in the submitted report.

270 Council Tax 2022/2023

The Council received the submitted report in relation to the setting of Council Tax for 2022/23 and proposed revisions to the Council Tax Support Scheme following a change in legislation to incorporate the requirements of the Council Tax (Demand Notices and Reduction Schemes) (England) (Amendment) Regulations 2022. A revised recommendation was circulated prior to the meeting following the revised recommendation in connection with the Revenue Budget 2022-2023.

Councillor Cowell proposed and Councillor Steve Darling seconded a motion, which was agreed (unanimously) by the Council (by recorded vote) as set out below:

That the Council is recommended to note:

1. **on the 9 December 2021 Council approved the following Council Tax Bases for 2022/23: -**

- a) for the whole Council area as 46,194.82, [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
 - b) for dwellings in the Brixham Town Council area as 6,185.57 to which a Parish precept relates; and
2. that the Police and Crime Commissioner for Devon and Cornwall, and the Devon and Somerset Fire and Rescue Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table in paragraph 5 below.

That the Council is recommended to approve:

- 3. the Council Tax requirement for the Council's own purposes for 2022/23 (excluding Brixham Town Council) of £78,072,000;
- 4. that the following amounts be calculated for the year 2022/23 in accordance with Chapter Three of the Act:
 - a) £321,909,600 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account the precept issued to it by Brixham Town Council;
 - b) (£243,458,000) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act;
 - c) £78,451,600 being the amount by which the aggregate at 4(a) above exceeds the aggregate at 4(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax Requirement for the year (item R in the formula in Section 31B of the Act);
 - d) £1,698.28 being the amount at 4(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);
 - e) £379,600 being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act; and

f) £1,690.06 being the amount at 4(d) above less the result given by dividing the amount at 4(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates;

5. that the Council, in accordance with Chapter Three of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2022/23 for each part of its area and for each of the categories of dwellings:

	Valuation Band							
	A	B	C	D	E	F	G	H
Ratio of each band-to-Band D	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9
	£	£	£	£	£	£	£	£
Torbay Council	1,126.71	1,314.49	1,502.28	1,690.06	2,065.63	2,441.20	2,816.77	3,380.12
Police and Crime Commissioner	164.37	191.77	219.16	246.56	301.35	356.14	410.93	493.12
Devon and Somerset Fire and Rescue Authority	61.19	71.39	81.59	91.79	112.19	132.59	152.98	183.58
Aggregate of Council Tax Requirements ex. Town Council	1,352.27	1,577.65	1,803.03	2,028.41	2,479.17	2,929.93	3,380.68	4,056.82
Brixham Town Council	40.91	47.73	54.55	61.37	75.01	88.65	102.28	122.74
Aggregate of Council Tax Requirements including Brixham Town Council	1,393.18	1,625.38	1,857.58	2,089.78	2,554.18	3,018.58	3,482.96	4,179.56

(Note: Torbay Council's precept includes the Adult Social Care "precept" set in 2016/17 to 2018/19, 2020/21 to 2022/23.)

6. that it is noted that the Council's basic amount of Council Tax for 2022/23 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992;
7. that the Council Tax Support Scheme for 2022/23 (as approved by Council in December 2021), be revised to incorporate the requirements of the Council Tax (Demand Notices and Reduction

Schemes) (England) (Amendment) Regulations 2022 as outlined in paragraph 6.1 of the submitted report; and

- 8. that Council approve the delegation of authority to the Director of Finance, in consultation with the Cabinet Member for Corporate and Community Services, to update and implement the discretionary policy to facilitate the administration of the Energy Rebate discretionary fund.**

The voting was taken by roll call as follows: For: Councillors Amil, Barrand, Brooks, Brown, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Douglas-Dunbar, Dudley, Ellery, Foster, Hill, Howgate, Johns, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, O'Dwyer, Pentney and Stockman (29); and Absent: Councillors Atiya-Alla, Barnby, Manning, Sykes, David Thomas, Jacqueline Thomas and John Thomas (7).

271 Torbay Council Strategic Asset Management Framework

The Council considered the Cabinet's recommendation on the draft Strategic Asset Management Plan 2022 to 2027, which set out the Council's approach to the strategic management of assets.

Councillor Long proposed and Councillor Morey seconded a motion, which was agreed (unanimously) by the Council as set out below:

- 1) that Council be recommended to approve the draft Asset Management Strategy 2022 – 2027 set out at Appendix 2 to the submitted report; and**
- 2) that the Council be recommended to request the Monitoring Officer to update the Council Constitution to reflect the Corporate Asset Management Strategy 2022 – 2027 is reviewed and approved by Full Council every 5 years.**

272 Torbay Council Annual Pay Policy Statement including Gender Pay Gap Report and Review of Pensions Discretions

The Council considered the Cabinet's recommendations on the Council's Annual Pay Policy Statement, as required under Section 38(1) of the Localism Act 2011 (as set out in the submitted report). It was noted that the Pay Policy Statement drew together the Council's overarching policies on pay and conditions which would be published on the Council's website. The report also set out the annual review of pensions discretions as required by the Local Government Pension Scheme Regulations. In addition, the report set out details of the Council's gender pay gap data as required by the Equality Act 2010 (Specific Duties and Public Authorities) Regulations.

Councillor Carter proposed and Councillor Cowell seconded a motion, which was agreed by the Council as set out below:

that Council be recommended to approve:

1. the Torbay Council Annual Pay Policy Statement 2022/23 as set out in Appendix 1 to the submitted report be approved for publication;
2. the Torbay Council Gender Pay Gap Report, contained within the Annual Pay Policy Statement 2022/23 in Appendix 1 be approved for publication; and
3. the Employers Pensions Discretions set out in Appendix 2 to the submitted report be approved for publication.

273 Civic Mayor and Deputy Civic Mayor Elect

In accordance with the Council's Standing Orders A9.1, the Council considered selecting the Civic Mayor-Elect and Deputy Civic Mayor-Elect for the next Municipal Year 2022/23.

Councillor Kennedy proposed and Councillor Pentney seconded a motion, which was agreed by the Council as set out below:

1. that Councillor Mandy Darling be selected as Civic Mayor (Elect) for the 2022/2023 municipal year; and
2. that Councillor Brown be selected as Deputy Civic Mayor (Elect) for the 2022/2023 municipal year.

(Note: prior to consideration of this item the Deputy Civic Mayor, Councillor Mandy Darling, withdrew from the meeting, whereupon the Acting Deputy Civic Mayor, Councillor Douglas-Dunbar took the Chair for this item.)

The Worshipful The Mayor of Torbay