



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

13 February 2020

-: Present :-

**The Worshipful The Mayor of Torbay (Councillor Douglas-Dunbar) (In the Chair)
Deputy Civic Mayor of Torbay (Councillor Manning)**

Councillors Amil, Barrand, Barnby, Brooks, Brown, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Doggett, Dudley, Ellery, Foster, Hill, Howgate, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, O'Dwyer, Stockman, Sykes, David Thomas, Jacqueline Thomas and John Thomas

110 Apologies for absence

Apologies for absence were received from Councillors Atiya-Alla and Pentney.

111 Declarations of interests

At the invitation of the Worshipful the Mayor of Torbay, the 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.

No interests were declared.

112 Revenue Budget 2020/2021

Further to the meeting of the Council held on 6 February 2020, Members considered the recommendations of the Cabinet in relation to the Revenue Budget 2020/21 as set out in the submitted report and supporting documents.

In accordance with legislation, the Worshipful the Mayor of Torbay advised that recorded votes would be taken on the motion and the objections.

Councillor Steve Darling proposed and Councillor Cowell seconded a motion as set out below:

- i) that the proposals identified for efficiencies, service change and income generation in 2020/21 be approved

<http://www.torbay.gov.uk/media/13791/cabinets-response-to-consultation.pdf>);

- ii) that the net revenue expenditure of £115.868m resulting in a Council Tax requirement of £72.328m for 2020/21 (a 3.99% increase in Council Tax, of which 2% is for Adult Social Care) be approved;
- iii) that the Dedicated Schools Grant be used in accordance with the Schools Financial Regulations and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed and this delegation is included in the next revision of the Council's constitution;
- iv) that the proposed Fees and Charges for 2020/21 be approved (<http://www.torbay.gov.uk/media/13797/fees-and-charges.pdf>);
- v) 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; and
- vi) that it be noted that the Brixham Town Council precept of £0.336m for 2020/21 will be included as part of the Torbay Council budget for Council Tax setting purposes.

The Worshipful the Mayor of Torbay advised that seven notice of motions to object to the Cabinet's revenue budget proposals had been received in accordance with Standing Order A13.4 and would be considered in the order that they were received.

Councillor Chris Lewis proposed and Councillor Sykes seconded an objection to the motion as follows:

that the Council formally objects to the Cabinet's revenue budget proposals on the basis the Cabinet's draft Community and Corporate Plan has a commitment to becoming the UK's premier tourist resort, whereas the budget proposals see a reduction in the amount of public toilet facilities at Preston Beach, Goodrington South and Corbyn Head. It is ridiculous and irresponsible to assume that a single cubicle at Goodrington South can cope with the amount of visitors to the beach that the whole block used to deal with. In addition Preston is expected to lose more than 20 toilet units and rely on a single block comprising 4 or 5 units. As such this proposal is considered to be contrary to the desire to become the UK's premier tourist resort, and consequently Council believe that the provision should be maintained at Preston and Goodrington South.

In accordance with the Constitution at F2.9, the Council therefore requires the Cabinet to consider this objection by 20 February 2020 either:

- a) submit a revision of the estimates or amounts as amended by the Cabinet with the reasons for any amendments made to the estimates or amounts, to the Council for its consideration; or
- b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Barnby, Barrand, Brooks, Bye, Foster, Hill, Kavanagh, Kennedy, Barbara Lewis, Chris Lewis, Mills, O'Dwyer, Sykes, David Thomas, Jacqueline Thomas and John Thomas (16); Against: Councillors Amil, Brown, Carter, Cowell, Mandy Darling Steve Darling, Dart, Douglas-Dunbar, Doggett, Dudley, Ellery, Howgate, Law, Long, Loxton, Manning, Morey and Stockman (18) and Absent: Councillors Atiya-Alla and Pentney (2). Therefore, the objection was declared lost.

Councillor David Thomas proposed and Councillor Foster seconded an objection to the motion as follows:

that the Council formally objects to the Cabinet's revenue budget proposals on the basis of the Cabinet's proposals for the introduction of 3 weekly residual bin collections, pending a trial and roll out. There is no reference within the proposals as to how residents will be supported or educated in order to recycle more. The feedback from the Consultation stage shows residents are very unhappy with this proposal, if the Partnership are listening to the community they should find a solution that increases our recycling rate without moving to a three weekly bin collection.

In accordance with the Constitution at F2.9, the Council therefore requires the Cabinet to consider this objection by 20 February 2020 either:

- a) submit a revision of the estimates or amounts as amended by the Cabinet with the reasons for any amendments made to the estimates or amounts, to the Council for its consideration; or
- b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Barnby, Barrand, Brooks, Bye, Foster, Hill, Kavanagh, Kennedy, Barbara Lewis, Chris Lewis, Mills, O'Dwyer, Sykes, David Thomas, Jacqueline Thomas and John Thomas (16); Against: Councillors Amil, Brown, Carter, Cowell, Mandy Darling Steve Darling, Dart, Douglas-Dunbar, Doggett, Dudley, Ellery, Howgate, Law, Long, Loxton, Manning, Morey and Stockman (18) and Absent: Councillors Atiya-Alla and Pentney (2). Therefore, the objection was declared lost.

Councillor O'Dwyer proposed and Councillor John Thomas seconded an objection to the motion as follows:

that the Council formally objects to the Cabinet's revenue budget proposals on the basis of the Cabinet's proposals for significant savings following cessation of the Council's contract with Tor2, and the delivery of services through the Council's new wholly owned company, SWISCO. There is a lack of detail as to how the savings will be delivered and as such this proposal is considered unreliable and presents a risk for setting a balanced budget for 2020/21. Furthermore, there has been no engagement with the largest political party on the Council on this important and significant change to a major element of the Council's services. It must be remembered this Council has not run a waste service in-house for more than 10 years, whilst during that period new legislation and ideas have come forward.

In accordance with the Constitution at F2.9, the Council therefore requires the Cabinet to consider this objection by 20 February 2020 either:

- a) submit a revision of the estimates or amounts as amended by the Cabinet with the reasons for any amendments made to the estimates or amounts, to the Council for its consideration; or
- b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Barnby, Barrand, Brooks, Bye, Foster, Hill, Kavanagh, Kennedy, Barbara Lewis, Chris Lewis, Mills, O'Dwyer, Sykes, David Thomas, Jacqueline Thomas and John Thomas (16); Against: Councillors Amil, Brown, Carter, Cowell, Mandy Darling Steve Darling, Dart, Douglas-Dunbar, Doggett, Dudley, Ellery, Howgate, Law, Long, Loxton, Manning, Morey and Stockman (18) and Absent: Councillors Atiya-Alla and Pentney (2). Therefore, the objection was declared lost.

Councillor Hill proposed and Councillor Kavanagh seconded an objection to the motion as follows:

that the Council formally objects to the Cabinet's revenue budget proposals on the basis of the Cabinet's proposals for changes to the car parking charges, in respect of the annual permit and increases in all other parking charges. This is against a background where there was a commitment to undertake a fundamental review of parking charges (which has not been undertaken) and where there was no consultation on proposed 3% increase on parking charges as part of this budget consultation. As such this Council believes that the proposals should not be implemented until the promised review of all parking charges is undertaken and further consultation undertaken, with a decision coming back to full Council.

In accordance with the Constitution at F2.9, the Council therefore requires the Cabinet to consider this objection by 20 February 2020 either:

- a) submit a revision of the estimates or amounts as amended by the Cabinet with the reasons for any amendments made to the estimates or amounts, to the Council for its consideration; or
- b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Barnby, Barrand, Brooks, Bye, Foster, Hill, Kavanagh, Kennedy, Barbara Lewis, Chris Lewis, Mills, O'Dwyer, Sykes, David Thomas, Jacqueline Thomas and John Thomas (16); Against: Councillors Amil, Brown, Carter, Cowell, Mandy Darling Steve Darling, Dart, Douglas-Dunbar, Doggett, Dudley, Ellery, Howgate, Law, Long, Loxton, Manning, Morey and Stockman (18) and Absent: Councillors Atiya-Alla and Pentney (2). Therefore, the objection was declared lost.

Councillor Barrand proposed and Councillor Mills seconded an objection to the motion as follows:

that the Council formally objects to the Cabinet's revenue budget proposals on the basis the Cabinet's draft Community and Corporate Plan has a commitment to becoming the UK's premier tourist resort, whereas the budget proposals see a reduction in the funding for sea front lighting. The Council believe that the funding for sea front lighting and illuminations should be retained and in the interim current lighting should be maintained to a high level whilst a fundamental review and solution is found which could include sponsorship from external sources or more sustainable lighting options are found, eg. Weymouth Seafront have sustainable long-lasting LED programmable lighting which incurred capital spend, but has very little ongoing revenue requirement.

In accordance with the Constitution at F2.9, the Council therefore requires the Cabinet to consider this objection by 20 February 2020 either:

- a) submit a revision of the estimates or amounts as amended by the Cabinet with the reasons for any amendments made to the estimates or amounts, to the Council for its consideration; or
- b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

At this juncture, a procedural motion (in accordance with Standing Order A14.1(x)) to move to the vote was proposed by Councillor Law and seconded by Councillor Steve Darling and was declared carried. Accordingly, the objection was put to the vote. The voting was taken by roll call as follows: For: Councillors Barnby,

Barrand, Brooks, Bye, Foster, Hill, Kavanagh, Kennedy, Barbara Lewis, Chris Lewis, Mills, O'Dwyer, Sykes, David Thomas, Jacqueline Thomas and John Thomas (16); Against: Councillors Amil, Brown, Carter, Cowell, Mandy Darling Steve Darling, Dart, Douglas-Dunbar, Doggett, Dudley, Ellery, Howgate, Law, Long, Loxton, Manning, Morey and Stockman (18) and Absent: Councillors Atiya-Alla and Pentney (2). Therefore, the objection was declared lost.

Councillor Kennedy proposed and Councillor Bye seconded an objection to the motion as follows:

that the Council formally objects to the Cabinet's revenue budget proposals on the basis the Cabinet's draft Community and Corporate Plan has a commitment to becoming the UK's premier tourist resort, whereas the budget proposals see a reduction in the funding for beaches. The Council believe that the funding for beaches should be retained whilst a fundamental review is undertaken to ensure that there is a long term strategy for the future provision of beaches in Torbay. If the Partnership truly believe that Torbay should and could be the premier resort in the UK, then our beach services should be prioritised.

In accordance with the Constitution at F2.9, the Council therefore requires the Cabinet to consider this objection by 20 February 2020 either:

- a) submit a revision of the estimates or amounts as amended by the Cabinet with the reasons for any amendments made to the estimates or amounts, to the Council for its consideration; or
- b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

At this juncture, a procedural motion (in accordance with Standing Order A14.1(x)) to move to the vote was proposed by Councillor Cowell and seconded by Councillor Long and was declared carried. Accordingly, the objection was put to the vote. The voting was taken by roll call as follows: For: Councillors Barnby, Barrand, Brooks, Bye, Foster, Hill, Kavanagh, Kennedy, Barbara Lewis, Chris Lewis, Mills, O'Dwyer, Sykes, David Thomas, Jacqueline Thomas and John Thomas (16); Against: Councillors Amil, Brown, Carter, Cowell, Mandy Darling Steve Darling, Dart, Douglas-Dunbar, Doggett, Dudley, Ellery, Howgate, Law, Long, Loxton, Manning, Morey and Stockman (18) and Absent: Councillors Atiya-Alla and Pentney (2). Therefore, the objection was declared lost.

Councillor Barbara Lewis proposed and Councillor Jacqueline Thomas seconded an objection to the motion as follows:

that the Council formally objects to the Cabinet's revenue budget proposals on the basis the Cabinet's draft Community and Corporate Plan has a commitment to becoming the UK's premier tourist resort, whereas the budget proposals see a reduction in the funding for parks, gardens and flower beds. The Council believe that the funding for parks, gardens and flower

beds should be retained whilst a fundamental review is undertaken to ensure that there is a long term strategy for their future provision in Torbay. This to include the communities desire to assist which has not been actioned by the Cabinet. Communities are keen to engage, but have not been allowed to be involved with the progression of this idea.

In accordance with the Constitution at F2.9, the Council therefore requires the Cabinet to consider this objection by 20 February 2020 either:

- a) submit a revision of the estimates or amounts as amended by the Cabinet with the reasons for any amendments made to the estimates or amounts, to the Council for its consideration; or
- b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

At this juncture, a procedural motion (in accordance with Standing Order A14.1(x)) to move to the vote was proposed by Councillor Stockman and seconded by Councillor Cowell and was declared carried. Accordingly, the objection was put to the vote. The voting was taken by roll call as follows: For: Councillors Barnby, Barrand, Brooks, Bye, Foster, Hill, Kavanagh, Kennedy, Barbara Lewis, Chris Lewis, Mills, O'Dwyer, Sykes, David Thomas, Jacqueline Thomas and John Thomas (16); Against: Councillors Amil, Brown, Carter, Cowell, Mandy Darling Steve Darling, Dart, Douglas-Dunbar, Doggett, Dudley, Ellery, Howgate, Law, Long, Loxton, Manning, Morey and Stockman (18) and Absent: Councillors Atiya-Alla and Pentney (2). Therefore, the objection was declared lost.

Councillor Steve Darling's and Councillor Cowell's original motion was then considered and agreed by the Council (by recorded vote) as set out below:

- i) **that the proposals identified for efficiencies, service change and income generation in 2020/21 be approved**
<http://www.torbay.gov.uk/media/13791/cabinets-response-to-consultation.pdf>);
- ii) **that the net revenue expenditure of £115.868m resulting in a Council Tax requirement of £72.328m for 2020/21 (a 3.99% increase in Council Tax, of which 2% is for Adult Social Care) be approved;**
- iii) **that the Dedicated Schools Grant be used in accordance with the Schools Financial Regulations and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed and this delegation is included in the next revision of the Council's constitution;**
- iv) **that the proposed Fees and Charges for 2020/21 be approved**
<http://www.torbay.gov.uk/media/13797/fees-and-charges.pdf>);

- v) **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; and**
- vi) **that it be noted that the Brixham Town Council precept of £0.336m for 2020/21 will be included as part of the Torbay Council budget for Council Tax setting purposes.**

The voting was taken by roll call as follows: For: Councillors Amil, Brown, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Douglas-Dunbar, Doggett, Dudley, Ellery, Howgate, Law, Long, Loxton, Manning, Morey and Stockman (18); Against: Councillors Barnby, Barrand, Brooks, Bye, Foster, Hill, Kavanagh, Kennedy, Barbara Lewis, Chris Lewis, Mills, O'Dwyer, Sykes, David Thomas, Jacqueline Thomas and John Thomas (16); and Absent: Councillors Atiya-Alla and Pentney (2).

113 Capital Plan Budget 2020/2021

Further to the meeting of the Council held on 6 February 2020, Members considered the recommendations of the Cabinet in relation to the Capital Plan 2020/2021 and Capital Strategy 2020/21 as set out in the submitted report.

In accordance with legislation, the Worshipful the Mayor of Torbay advised that recorded votes would be taken on the motion and the objection(s).

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

- i) **that the Capital Plan for 2020/21 as set out in Appendix 1 to the submitted report be approved; and**
- ii) **that the Capital Strategy 2020/21 be approved (<http://www.torbay.gov.uk/media/13798/capital-strategy.pdf>).**

The voting was taken by roll call as follows: For: Councillors Amil, Brown, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Douglas-Dunbar, Doggett, Dudley, Ellery, Howgate, Law, Long, Loxton, Manning, Morey and Stockman (18); Abstain: Councillors Barnby, Barrand, Brooks, Bye, Foster, Hill, Kavanagh, Kennedy, Barbara Lewis, Chris Lewis, Mills, O'Dwyer, Sykes, David Thomas, Jacqueline Thomas and John Thomas (16); and Absent: Councillors Atiya-Alla and Pentney (2).

114 Treasury Management Strategy 2020/2021 (incorporating the Annual Investment Strategy 2020/2021 and the Minimum Revenue Provision Policy 2020/2021

At this juncture, the Monitoring Officer advised that the meeting had exceeded four hours in duration and in accordance with Standing Order A11.2, the Chief Finance Officer had indicated that item 5 (Treasury Management Strategy 2020/2021

(incorporating the Annual Investment Strategy 2020/2021 and Minimum Revenue Provision Policy 2020/2021)) must be transacted at the meeting. Therefore, the meeting continued.

The Council received the Treasury Management Strategy for 2020/21 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 Long seconded a motion, which was agreed (unanimously) by the Council as set out below:

that Council approve:

- **the Treasury Management Strategy for 2020/21 (incorporating the Annual Investment Strategy 2020/21);**
- **the Prudential Indicators 2020/21; and**
- **the Annual Minimum Revenue Provision Policy Statement for 2020/21**

as set out in the Appendix to the submitted report.

The Worshipful The Mayor of Torbay
