

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

27 February 2025

-: Present :-

**The Worshipful The Mayor of Torbay (Councillor Stevens) (In the Chair)
Deputy Civic Mayor of Torbay (Councillor Barbara Lewis)**

Councillors Amil, Billings, Brook, Bryant, Bye, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fellows, Foster, Fox, Hutchings, Johns, Chris Lewis, Long, Maddison, Penny, Pentney, Spacagna, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves, Tyerman and Virdee

91 Opening of meeting

The meeting was opened with a prayer.

92 Apologies for absence

Apologies for absence were received from Councillors Atiya-Alla, Harvey, Law, and Nicolaou.

93 Minutes

The Worshipful The Mayor of Torbay proposed and Councillor Barbara Lewis 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 6 February 2025 were confirmed as a correct record and signed by The Worshipful The Mayor of Torbay.

94 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 the dispensation permitted Members to discuss and vote on the budget in respect of these matters without the need to declare an interest.

No interests were declared.

95 Communications

In accordance with the decision of the Standards Hearing Sub-Committee, held on 11 February 2025, the Worshipful the Mayor of Torbay requested Councillor Maddison to make her apology to the Council in respect of her breaches of the Council's Code of Conduct for Members. Councillor Maddison sought to give her response, but this did not include the apology required by the determination of the Standards Hearing Sub-Committee.

The Leader of the Council referred to the Government's invitation to Council Leaders to work on proposals for Local Government Reorganisation (LGR) and submit initial proposals by 21 March 2025. The Leader of the Council advised of a public and stakeholder meeting on LGR, which was planned for 11 March 2025 at the Princess Theatre, Torquay. The meeting would give an opportunity for the Leader of the Council and senior officers to explain LGR, the timelines involved and provide an opportunity for questions.

96 Members' questions

Members received a paper detailing questions, notice of which had been given in accordance with Standing Order A12. The paper also contained the answers to the questions which had been prepared by Councillors Billings, Chris Lewis, David Thomas, Jacqueline Thomas, Tranter and Tyerman, and was circulated prior to the meeting.

During the meeting The Worshipful The Mayor of Torbay advised Councillor Billings would be responding to question 4 and not Councillor Chris Lewis.

Supplementary questions were put and answered by Councillors Billings, Chris Lewis, Jacqueline Thomas, Tranter and Tyerman, arising from their responses to the questions in respect of questions 1, 4, 5, 6, 10, 11, 13, 14 and 15.

97 Revenue and Capital Budget 2025/2026 Proposals

Members considered the recommendations of the Cabinet in relation to the Revenue Budget 2025/2026, the Fees and Charges for 2025/26, the Revenue Reserves Statement 2025/2026, the Capital Strategy 2025/2026 and the Treasury Management Strategy 2025/2026 (as set out in the submitted report and supporting documents). A revised Fees and Charges for 2025/26 and the Director of Public Health's proposals for the Public Health Ring-Fenced Grant Uplift was published on 20 February 2025

In accordance with legislation, The Worshipful The Mayor of Torbay advised that recorded votes would be taken on all the budget items on this agenda.

Councillor David Thomas proposed and Councillor Tyerman seconded a motion as set out below:

1. that for 2025/26 a net revenue expenditure of £147.5m, resulting in a Council Tax requirement of £96.2m (a 4.75% increase in Council Tax, of which 2% is for Adult Social Care) be approved (as outlined in Appendix 1 to the submitted report);
2. that the proposed Fees and Charges for 2025/26 be approved as set out in revised Appendix 4 to the submitted report;
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 Reserves Statement published in November 2024), be noted;
4. that it be noted that the Brixham Town Council precept for 2025/26 of £531,935 will be included as part of the Torbay Council budget for Council Tax setting purposes;
5. that the proposals for the allocation of the Public Health Ring-Fenced Grant uplift, as circulated 20 February 2025 and at Appendix 8 of the submitted report, be approved as part of the budget for 2025/26;
6. that the Revenue Reserves Statement 2025/26, Capital Strategy 2025/26 and Treasury Management Strategy 2025/26 be approved as published for Cabinet on 26 November 2024; and
7. that any technical adjustments to the Revenue and Capital Budget be delegated to the Section 151 Officer in consultation with the Cabinet Member for Housing and Finance.

The Worshipful The Mayor of Torbay advised that two notice of motions to amend the Cabinet's revenue budget proposals had been received, in accordance with Standing Order A13.4.

Councillor Long proposed and Councillor Cowell seconded an amendment to the motion as follows:

1. that for 2025/26 a net revenue expenditure of £147.5m, resulting in a Council Tax requirement of £96.2m (a 4.75% increase in Council Tax, of which 2% is for Adult Social Care) be approved (as outlined in Appendix 1 to the submitted report)), subject to a one-off budget allocation for 2025/2026 of £100,000, to be funded from the Concessionary Fares budget (based on the forecasted underspends for 2024/25 and future projected spending for 2025/26) to:
 - a) enable residents who receive an older person's bus pass and in receipt of relevant disability benefits, to allow their carer to travel with them; and

- b) allocate provision of bus passes for young carers (as determined by assessment to be appropriate) to be provided in school holidays (excluding half terms);
2. that the proposed Fees and Charges for 2025/26 be approved as set out in revised Appendix 4 to the submitted report;
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 Reserves Statement published in November 2024), be noted;
4. that it be noted that the Brixham Town Council precept for 2025/26 of £531,935 will be included as part of the Torbay Council budget for Council Tax setting purposes;
5. that the proposals for the allocation of the Public Health Ring-Fenced Grant uplift, as circulated 20 February 2025 and at Appendix 8 of the submitted report, be approved as part of the budget for 2025/26;
6. that the Revenue Reserves Statement 2025/26, Capital Strategy 2025/26 and Treasury Management Strategy 2025/26 be approved as published for Cabinet on 26 November 2024; and
7. that any technical adjustments to the Revenue and Capital Budget be delegated to the Section 151 Officer in consultation with the Cabinet Member for Housing and Finance.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Amil, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fox, Johns, Long, Maddison, Penny, Pentney and Virdee (14); Against: Councillors Billings, Brook, Bryant, Bye, Fellows, Foster, Hutchings, Barbara Lewis, Chris Lewis, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves and Tyerman (18); and Absent: Councillors Atiya-Alla, Harvey, Law and Nicolaou (4). Therefore the amendment was declared lost.

Councillor Long proposed and Councillor Cowell seconded an amendment to the motion as follows:

1. that for 2025/26 a net revenue expenditure of £147.5m, resulting in a Council Tax requirement of £96.2m (a 4.75% increase in Council Tax, of which 2% is for Adult Social Care) be approved (as outlined in Appendix 1 to the submitted report), subject to the allocation of £20,000 one off funding to support People's Parkfield to provide temporary toilet provision in the grounds, whilst People's Parkfield identify funding for permanent provision; and this funding to be identified from firstly developer contributions, or if this not possible,

funding to be allocated from the Community Fund and reducing this budget to £180,000 (noting the Community Grant Fund is allocated to support areas of deprivation and the projects run by People's Parkfield support deprived areas);

2. that the proposed Fees and Charges for 2025/26 be approved as set out in revised Appendix 4 to the submitted report;
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 Reserves Statement published in November 2024), be noted;
4. that it be noted that the Brixham Town Council precept for 2025/26 of £531,935 will be included as part of the Torbay Council budget for Council Tax setting purposes;
5. that the proposals for the allocation of the Public Health Ring-Fenced Grant uplift, as circulated 20 February 2025 and at Appendix 8 of the submitted report, be approved as part of the budget for 2025/26;
6. that the Revenue Reserves Statement 2025/26, Capital Strategy 2025/26 and Treasury Management Strategy 2025/26 be approved as published for Cabinet on 26 November 2024; and
7. that any technical adjustments to the Revenue and Capital Budget be delegated to the Section 151 Officer in consultation with the Cabinet Member for Housing and Finance.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Amil, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fox, Johns, Long, Maddison, Penny, Pentney and Virdee (14); Against: Councillors Billings, Brook, Bryant, Bye, Fellows, Foster, Hutchings, Barbara Lewis, Chris Lewis, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves and Tyerman (18); and Absent: Councillors Atiya-Alla, Harvey, Law and Nicolaou (4). Therefore the amendment was declared lost.

Councillor David Thomas' and Councillor Tyerman's original motion was then considered and agreed by the Council (by recorded vote) as set out below:

1. **that for 2025/26 a net revenue expenditure of £147.5m, resulting in a Council Tax requirement of £96.2m (a 4.75% increase in Council Tax, of which 2% is for Adult Social Care) be approved (as outlined in Appendix 1 to the submitted report);**
2. **that the proposed Fees and Charges for 2025/26 be approved as set out in revised Appendix 4 to the submitted report;**

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 Reserves Statement published in November 2024), be noted;
4. that it be noted that the Brixham Town Council precept for 2025/26 of £531,935 will be included as part of the Torbay Council budget for Council Tax setting purposes;
5. that the proposals for the allocation of the Public Health Ring-Fenced Grant uplift, as circulated 20 February 2025 and at Appendix 8 of the submitted report, be approved as part of the budget for 2025/26;
6. that the Revenue Reserves Statement 2025/26, Capital Strategy 2025/26 and Treasury Management Strategy 2025/26 be approved as published for Cabinet on 26 November 2024; and
7. that any technical adjustments to the Revenue and Capital Budget be delegated to the Section 151 Officer in consultation with the Cabinet Member for Housing and Finance.

The voting was taken by roll call as follows: For: Councillors Billings, Brook, Bryant, Bye, Fellows, Foster, Hutchings, Barbara Lewis, Chris Lewis, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves and Tyerman (18); Against: Councillor Carter (1); Councillor Abstain: Councillors Amil, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fox, Johns, Long, Maddison, Penny, Pentney and Virdee (13); and Absent: Councillors Atiya-Alla, Harvey, Law and Nicolaou (4).

98 Council Tax 2025/2026

The Council received the submitted report in relation to the setting of Council Tax for 2025/2026.

Councillor Tyerman proposed and Councillor David Thomas seconded a motion, which was agreed by the Council (by recorded vote) as set out below:

1. that it be noted on the 5 December 2024 Council approved the following Council Tax Bases for 2025/26:
 - a. for the whole Council area as 49,254.24 [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 6,670.18 to which a Parish precept relates;

2. that it be noted 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 5. below;

That the Council is recommended to approve:

3. the Council Tax requirement for the Council's own purposes for 2025/26 (excluding Brixham Town Council) of £95,896,000;
4. that the following amounts be calculated for the year 2025/26 in accordance with Chapter Three of the Act:
 - a. £391,072,801 being the estimated 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. £294,644,866 being the estimated aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act;
 - c. £96,427,935 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. £1,957.76 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. £531,935 being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act;
 - f. £1,946.96 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 2025/26 for each part of its area and for each of the categories of dwellings; and

	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	1,297.97	1,514.30	1,730.63	1,946.96	2,379.62	2,812.28	3,244.92	3,893.91
Police and Crime Commissioner	192.13	224.16	256.18	288.20	352.24	416.29	480.33	576.40
Devon and Somerset Fire and Rescue Authority	69.79	81.42	93.05	104.68	127.94	151.20	174.47	209.36
Aggregate of Council Tax Requirements excluding Town Council	1,559.89	1,819.88	2,079.86	2,339.84	2,859.80	3,379.77	3,899.72	4,679.67
Brixham Town Council	53.17	62.03	70.89	79.75	97.47	115.19	132.92	159.50
Aggregate of Council Tax Requirements including Brixham Town Council	1,613.06	1,881.91	2,150.75	2,419.59	2,957.27	3,494.96	4,032.64	4,839.17

Note: Torbay Council's precept includes the Adult Social Care "precept" set in 2016/17 to 2018/19 and 2020/21 to 2025/26.

6. that it be noted that the Council's basic amount of Council Tax for 2025/26 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. (Refer to paragraph 5.7 of the submitted report.)

The voting was taken by roll call as follows: For: Councillors Amil, Billings, Brook, Bryant, Bye, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fellows, Foster, Fox, Hutchings, Johns, Barbara Lewis, Chris Lewis, Long,

Penny, Pentney, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves, Tyerman and Virdee (31); Abstain: Councillor Maddison (1); and Absent: Councillors Atiya-Alla, Harvey, Law and Nicolaou (4).

99 Budget Monitoring 2024/25 - April to December 2024 Revenue and Capital Outturn Forecast

Members considered the recommendations of the Cabinet in relation to the Budget Monitoring 2024/25 - April to December 2024, which included consideration of the year-end forecasts based on level of spend and financial information at the end of quarter three (as set out in the submitted report).

The submitted report included recommendations to revise the Council's Capital Programme.

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

that Council approves the revisions to the Capital Investment Plan, as per the submitted report.

100 Good Governance the Torbay Way - Effective Administration and Opposition - Leaders' Agreement, Principles and Constitution Amendments

The Council considered the submitted report on the result of work undertaken by the Group Leaders to co-create a Leaders' Agreement, associated principles, amendments to the Constitution and ways of working to embed effective Administration and Opposition for good governance, and in response the recommendations of the Local Government Association's Corporate Peer Challenge.

Councillor David Thomas proposed and Councillor Long seconded a motion, which was agreed by the Council (and by recorded vote requested by The Worshipful The Mayor of Torbay) as set out below:

- 1. that the Council approve the Group Leaders' Agreement, the associated principles and amendments to the Constitution, as set out at Appendix 1 to the submitted report, in order to embed effective Administration and Opposition in our 'Torbay Way' for good governance and for inclusion in the Council's Constitution;**
- 2. that, subject to approval of 1. above, the Group Leaders be requested to sign the Leaders' Agreement and principles at the Council Meeting on 27 February 2025;**
- 3. that, in order to bring into effect the associated changes to the various roles as a result of the Group Leaders' Agreement, the Council resolves:**

- a) the decision of the Council on 18 July 2024, to appoint Councillor Spacagna as Overview and Scrutiny Co-ordinator be rescinded (Minute 39/7/24 refers) and that Councillor Long be appointed as Overview and Scrutiny Co-ordinator and Chairman of the Overview and Scrutiny Board (in accordance with Article 5.04) for the remainder of the Municipal Year 2024/25;
- b) the decision of the Council on 20 June 2024 to appoint the following Scrutiny Leads be rescinded (Minute 20(2)/6/24 refers):
- Councillor Fellows - Overview and Scrutiny Lead for Children's Services;
- Councillor Tolchard - Overview and Scrutiny Lead for Adults, Community Services, Public Health and Inequalities;
- Councillor Hutchings - Overview and Scrutiny Lead for Place Development, Economic Growth and Culture; and
- Councillor Foster - Overview and Scrutiny Lead for Housing, Finance, Corporate and Place Based Services.
- c) the following Scrutiny Leads be appointed for the remainder of the 2024/2025 Municipal Year:
- Councillor Law - Overview and Scrutiny Lead for Children's Services;
- Councillor Johns - Overview and Scrutiny Lead for Adults, Community Services, Public Health and Inequalities;
- Councillor Carter - Overview and Scrutiny Lead for Place Development, Economic Growth and Culture; and
- Councillor Cowell - Overview and Scrutiny Lead for Housing, Finance, Corporate and Place Based Services.
- d) the decision of the Council on 20 June 2024 to appoint the following Chairmen/women be rescinded (Minute 19(5)/6/24 refers):
- Audit Committee - Councillor Brook
- Children and Young People Overview and Scrutiny Sub-Board – Councillor Fellows

**Adult Social Care and Health Overview and Scrutiny Sub-Board
- Councillor Tolchard**

- e) **the following Chairmen/women be appointed for the remainder of the 2024/25 Municipal Year:**

Audit Committee - Councillor Penny

**Children and Young People Overview and Scrutiny Sub-Board
– Councillor Law**

**Adult Social Care and Health Overview and Scrutiny Sub-Board
- Councillor Johns**

- f) **the decision of the Council on 20 June 2024 to appoint the following Vice-Chairmen/women be rescinded (Minute 19(5)/6/24 refers):**

Audit Committee – Councillor Fellows

Harbour Committee – Councillor Twelves

Statutory Licensing Committee – Councillor Foster

Regulatory Committee - Councillor Foster

Overview & Scrutiny Board – Councillor Tolchard

**Children and Young People Overview and Scrutiny Sub-Board
– Councillor Twelves**

**Adult Social Care and Health Overview and Scrutiny Sub-Board
- Councillor Foster**

Planning Committee – Councillor Billings

Standards Committee – Councillor Chris Lewis

- g) **the following Vice Chairmen/women be appointed for the remainder of the 2024/25 Municipal Year:**

Audit Committee – Councillor Brook

Harbour Committee – Councillor Carter

Statutory Licensing Committee – Councillor Douglas-Dunbar

Regulatory Committee - Councillor Pentney

Overview & Scrutiny Board – Councillor Spacagna**Children and Young People Overview and Scrutiny Sub-Board
– Councillor Fellows****Adult Social Care and Health Overview and Scrutiny Sub-Board
- Councillor Tolchard****Planning Committee – Councillor Fox****Standards Committee – Councillor Atiya-Alla**

The voting was taken by roll call as follows: For: Councillors Amil, Billings, Brook, Bryant, Bye, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fellows, Foster, Fox, Hutchings, Johns, Barbara Lewis, Chris Lewis, Long, Penny, Pentney, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves, Tyerman and Virdee (31); Abstain: Councillor Maddison (1); and Absent: Councillors Atiya-Alla, Harvey, Law and Nicolaou (4).

After the recorded vote and in accordance with the decision of the Council at 2. above, the Group Leaders signed the Leaders' Agreement and principles.

101 Constitution Amendments - Various

The Council considered the submitted report on proposed changes to the Council's Constitution, including the thresholds for officer decisions in respect of leases (following benchmarking with other local authorities) and minor changes to the rules around the number of petitions and public questions that can be presented at a Council meeting.

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

that Council approves the amendments to the following parts of the Constitution as set out in the submitted report:

Officer Scheme of Delegation (Appendix 1 to the submitted report);

Financial Regulations and Contracts Procedures (Appendix 2 to the submitted report);

Standing Orders Council Meetings – Petitions Scheme (Appendix 3 to the submitted report); and

Standing Orders – Council Meetings – Public Question Time (Appendix 4 to the submitted report).