



Minutes of the Adjourned Council

13 February 2014

-: Present :-

Chairman of the Council (Councillor Parrott) (In the Chair)
Vice-Chairman of the Council (Councillor Barnby)

The Mayor of Torbay (Mayor Oliver)

Councillors Addis, Amil, Baldrey, Bent, Brooksbank, Butt, Cowell, Davies, Darling, Doggett, Ellery, Excell, Faulkner (J), Hernandez, Hill, Hytche, James, Kingscote, Lewis, McPhail, Mills, Morey, Pentney, Pountney, Pritchard, Richards, Scouler, Stockman, Stocks, Thomas (D), Thomas (J) and Tyerman

113 Apologies for absence

Apologies for absence were received from Councillors Faulkner (A) and Stringer.

114 Declarations of interests

At the invitation of the Chairman, the Monitoring Officer reminded members of the dispensations granted to all members in respect of members interests in relation to the setting of the council tax and matters relating to Council controlled companies where members were appointed as unpaid directors by the Council.

The following non pecuniary interests were declared:

Councillor	Minute Number	Nature of interest
Councillor James	115	Member of Brixham Town Council
Councillor Morey	115	Member of Brixham Town Council
Councillor Stockman	115	Member of Brixham Town Council
Councillor Thomas (J)	115	Non-paid trustee of Shekinah Mission

115 Budget Proposals 2014/15

Further to the meeting of the Council held on 6 February 2014, members considered the recommendations of the Mayor in relation to the Revenue Budget 2014/15, the review of reserves, the Capital Strategy and Asset Management Plan and the Treasury Management Strategy, as set out in the submitted report.

The Chairman advised that the Government had written to all councils outlining an expectation to hold recorded votes at budget meetings. The intention was to enable greater transparency on members' voting on budget decisions. Forthcoming legislation would make this mandatory, but to meet the Government's expectations, the Chairman stated he would be requiring a recorded vote on the budget, including amendments.

The Chairman also reported that a revised officer recommendation had been tabled in respect of paragraph 2.1(d) of the submitted report.

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

- (i) That it be recommended to Council:
 - (a) that the revenue budget for 2014/15 (paragraph 4.6 of the submitted report) and the associated fees and charges be approved;

<http://www.torbay.gov.uk/index/yourcouncil/financialservices/budget/budget1415.htm>
 - (b) that the equality impact assessments and details of the consultation and feedback as shown in agenda item 3b included within this agenda are considered by Members when reaching their final decision;
 - (c) that an earmarked contingency of £2m be created specifically to mitigate against any budget pressures that may arise within Children's Services Safeguarding and Wellbeing;
 - (d) that the spending reductions proposed for 2015/16 be agreed to form the basis of the 2015/16 budget save for those which still require consultation and which will be presented to Council in September 2014 for decision;
 - (e) that the final notified Dedicated Schools Grant be used in accordance with the nationally laid down Schools Financial Regulations (paragraph 6.1(a) of the submitted report) and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed;
 - (f) that the Members' Allowances Scheme be implemented in 2014/2015 in accordance with the decision of the Council at its meeting on 1 February 2012 subject to the annual local government pay percentage increase (paragraph 6.1 (b) of the submitted report);
 - (g) that the Chief Finance Officer in consultation with the Mayor and Executive Lead Member for Finance be authorised to

approve expenditure from the Comprehensive Spending Review Reserve;

- (h) that in accordance with the requirement of the Local Government Act 2003, to consider and note 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 (sections 8 and 9 of the submitted report);
- (i) that the Chief Finance Officer, in consultation with the Mayor and Executive Lead Member for Finance, be authorised to make adjustments to and introduce new fees and charges within the budget during 2014/15 if it is in the best interest for the Council;
- (j) that the Chief Finance Officer, in consultation with the Mayor, Executive Lead Member for Finance and appropriate officers, be authorised to determine the allocation and expenditure of any new grant monies, unallocated grants or other additional income that may be received during the year 2014/15;
- (k) that the Chief Finance Officer be authorised to make adjustments to the budgets for any technical changes;
- (l) that the Chief Finance Officer prepare the appropriate documentation for the Council to approve the setting of Council Tax at the meeting on 27 February 2014 and all other returns to be made by the appropriate date;
- (m) that the Review of Reserves report be noted and the following be approved (report found on attached link);

<http://www.torbay.gov.uk/reviewofreserves1415.doc>

1. the transfer of the surplus on a number of individual reserves to the Comprehensive Spending Review Reserve;
2. the transfer of the surplus of £0.1m identified on a number of individual reserves to a new Geopark Conference Reserve;
3. the transfer of the surplus of £0.250m identified on a number of individual reserves to the IT Replacement Reserve;
4. the transfer of £0.4m from the pensions reserve to the Comprehensive Spending Review Reserve;
5. the transfer of £1.5m from the PFI Sinking Fund to

Children's Services on an "invest to save" basis and any budget pressures that arise. Children's Services will budget to repay the reserve in future years.

- (n) that Capital Strategy and Asset Management Plan be approved and endorsed (report found on attached link);
<http://www.torbay.gov.uk/summarycapitalstrategy1415.doc>
<http://www.torbay.gov.uk/assetmanagementplan1418.doc>
 - (o) that the latest position on the 4 year Capital Investment Plan be noted (report found on attached link);
<http://www.torbay.gov.uk/DemocraticServices/documents/s16816/Capital%20Plan%20monitoring%20Q2%201314.pdf>
 - (p) that the Treasury Management Strategy and the recommendations in the report be approved and endorsed (report found on attached link);
<http://www.torbay.gov.uk/DemocraticServices/documents/s17304/Treasury%20Management%20Strategy%202014-15.pdf>
 - (q) that the latest updated Medium Term Resource Plan be noted (report found on attached link);
<http://www.torbay.gov.uk/mediumtermresourceplan.doc>
 - (r) that it be noted that Torbay has continued to be part of the Devonwide Pool as part of the Business Rates Retention scheme;
 - (s) that the completed NNDR1 form be noted (found on attached link) which forms part of the Council's overall income to fund the 2014/15 budget;
<http://www.torbay.gov.uk/index/yourcouncil/financialservices/budget/budget1415.htm>
 - (t) the collection fund deficit as set out in section 4 of the report which forms part of the council's overall income to fund the 2014/15 budget be noted; and
 - (u) that the Chief Finance Officer be recommended to develop a policy for retail relief in accordance with the DCLG guidance; and
- (ii) that due to the size of the reductions required to deliver a balanced budget and their impact, Council accept all the risks in preparing this

budget both in terms of the impact upon service delivery and the potential for budget pressures which may require remedial action during the year. These risks have been identified in detail in this report and associated budget proposals prepared by officers for their respective Business Units.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Darling and seconded by Councillor Stockman:

This Council objects that the Mayor's budget has not appropriately considered:

- (a) The short term opportunities for budgetary reductions in respect of how the Council is governed for example:
- Reducing the number of Executive Leads to 5;
 - Streamlining the Committee structure e.g. the merger of Audit Committee and the Overview and Scrutiny Board; and
 - Abolition of Policy Development Groups; and
- (b) The long term strategic vision for the Bay for a sustainable future for the Local Authority. This to be achieved by the establishment of a Commission, led by Overview and Scrutiny, to include key partners and ensuring cross party representation. Such a Commission to consider, amongst other things:
- Opportunities for local government reorganisation;
 - Merger with other public sector services;
 - Reduction in the number of Councillors to 24; and
 - Changing the current mayoral system of governance.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (J), James, Morey, Pentney, Pountney, Stocks and Stockman (13); Against: the Mayor, Councillors Addis, Amil, Barnby, Bent, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Mills, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (21); Abstain: Councillor Parrott (1); and Absent: Councillors Faulkner (A) and Stringer (2). Therefore, the amendment was declared lost.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Cowell and seconded by Councillor Pentney:

The Council objects that the Mayor has not appropriately considered the Overview and Scrutiny Board's recommendation in respect of the Riviera International Conference Centre (RICC) and therefore the Mayor to arrange for a 3 month feasibility study to be undertaken on the RICC for alternative options, to inform current and future years' budget proposals. This study to be carried out by the Torbay Development Agency, in partnership with the RICC Board, to include no change, significant change of provision of the

services offered by the Centre (including consideration of the DragonGate proposals), or closure.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (J), James, Morey, Pentney, Pountney, Stocks and Stockman (13); Against: the Mayor, Councillors Addis, Amil, Barnby, Bent, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Mills, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (21); Abstain: Councillor Parrott (1); and Absent: Councillors Faulkner (A) and Stringer (2). Therefore, the amendment was declared lost.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Pountney and seconded by Councillor Ellery:

- (i) That £750,000 of the current year's under spend within Adults Services be used to create a new transitional reserve fund for Supporting People's Services; and
- (ii) that the Director of Adult Social Services, in consultation with the relevant Executive Lead and Director of Finance, be authorised to determine where the additional monies will be most effectively applied, to include:
 - (a) PLUSS
 - (b) Folks at Home
 - (c) Sheltered Housing
 - (d) Social Inclusion Floating Service
 - (e) Community Outreach Support Service

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (J), James, Morey, Pentney, Pountney, Stocks and Stockman (13); Against: the Mayor, Councillors Addis, Amil, Barnby, Bent, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Mills, Parrott, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (22); and Absent: Councillors Faulkner (A) and Stringer (2). Therefore, the amendment was declared lost.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor James and seconded by Councillor Davies:

That the Events Budget, within Residents and Visitor Services, be reduced by £87,000 and these funds be reallocated as follows:

- (a) £50,000 to English Riviera Tourism Company for the establishment of a Tourism BID; and
- (b) £37,000 to reinstate the budget reduction to Brixham Town Council.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Baldrey, Cowell, Darling, Davies, Doggett, Ellery, Faulkner (J), James, Morey, Pentney, Pountney, Stocks and Stockman (13); Against: the Mayor, Councillors Addis, Amil, Barnby, Bent, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Mills, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (21); Abstain: Councillor Parrott (1); and Absent: Councillors Faulkner (A) and Stringer (2). Therefore, the amendment was declared lost.

Following the Mayor's announcement during his opening budget speech that resources would be made available in year to avoid the cuts proposed for post 16 SEN school transport in 2014/15, Councillor Ellery requested to withdraw his notice of motion in respect of post 16 SEN school transport and this was supported by Councillor Darling.

In accordance with Standing Order A14.4, an amendment was proposed by Councillor Cowell and seconded by Councillor Doggett:

The Council objects to the Mayor's proposals for the removal of the mobile library in 2014-15 as the Full Needs Assessment for the Library Service is yet to be completed. Any decision on library service should be deferred until 2015-16.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Baldrey, Cowell, Darling, Doggett, Ellery, Faulkner (J), James, Morey, Pentney, Pountney, Stocks and Stockman (12); Against: the Mayor, Councillors Addis, Amil, Barnby, Bent, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Mills, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (21); Abstain: Councillors Parrott and Davies (2); and Absent: Councillors Faulkner (A) and Stringer (2). Therefore, the amendment was declared lost.

(Note: At this juncture, the Chairman advised that as the meeting would exceed four hours in duration, Members would be required (in accordance with Standing Order A11) to determine whether the meeting should continue. It was agreed to continue the meeting.)

The original motion was then put to the vote. The voting was taken by roll call as follows: For: the Mayor, Councillors Addis, Amil, Barnby, Bent, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Mills, Parrott, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (22); Against: Councillors Baldrey, Cowell, Darling, Doggett, Ellery, Faulkner (J), James, Morey, Pentney, Pountney, Stocks and Stockman (12); Abstain: Councillor Davies; and Absent: Councillors Faulkner (A) and Stringer (2). Therefore, the motion was declared carried.

(Note: During consideration of minute 115, Councillor James, Morey and Stockman declared their non pecuniary interests.)