



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

7 February 2019

-: Present :-

Chairman of the Council (Councillor Doggett) (In the Chair)

The Elected Mayor of Torbay (Mayor Oliver)

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

162 Apologies for absence

Apologies for absence were received from Councillors Barnby, Bent, King, Morris, Stubbley and Winfield.

163 Declarations of pecuniary and non-pecuniary interests

Councillor Tyerman declared a non-pecuniary interest in respect of Minute 165 as a Trustee of the Torbay Coast and Countryside Trust.

164 Transformation Project - Future of ICT Services Update

The Chairman reported that this item had been deferred.

165 Revenue Budget 2019/2020

Further to the meeting of the Council held on 31 January 2019, Members considered the recommendations of the Elected Mayor in relation to the Revenue Budget 2019/20 as set out in the submitted report and supporting documents.

In accordance with legislation, the Chairman advised that recorded votes would be taken on the motion and the objections.

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

- (i) that the proposals identified for 2019/2020, as set out in the Elected Mayor's Response to Consultation and the Draft Revenue Budget Digest, be approved;

- (ii) that the net revenue expenditure of £111.367m resulting in a Council Tax requirement of £68.688m for 2019/2020 (a 2.99% increase in Council Tax) 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;
- (iv) that the proposed Fees and Charges for 2019/2020 be approved;
- (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 considered and noted; and
- (vi) that it be noted that once Brixham Town Council has set its budget for 2019/2020, the resulting precept will be included as part of the Torbay Council budget for Council Tax setting purposes.

The Chairman advised that six notice of motions to object to the Elected Mayor's revenue budget proposals had been received in accordance with Standing Order A14.4 and would be considered in the order that they were received.

Councillor Pentney proposed and Councillor Darling (S) seconded an objection to the motion as follows:

that the Council formally objects to the Elected Mayor's revenue budget proposals on the basis that:

There are serious issues facing our communities in Torbay; the levels of poverty in Torbay continue to increase significantly, Torbay has the second highest number of children who are looked after in the country (per head of population), our Children's Services is set to incur a £4 million overspend in the current year which has resulted in a spending freeze on other services across Torbay, so that our built environment and public open space has become even more tired and neglected. Furthermore, the Elected Mayor has failed to identify a clear strategy to stabilise the overspend of Children's Services.

The service particularly needs additional wrap around support for foster carers and an improved strategy for the retention and recruitment of social workers. Therefore, Council object to the Elected Mayor's budget on the basis that it should identify funding of a minimum £150,000 to support working on these specific areas.

In accordance with the Constitution at F2.9, the Council therefore requires the elected Mayor to consider this objection by 14 February 2019 either:

- a) submit a revision of the estimates or amounts as amended by the elected Mayor 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 elected Mayor has with any of the Council's objections and the elected Mayor's reasons for any such disagreement.**

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Elected Mayor Oliver, Councillors Amil, Brooks, Bye, Carter, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, Kingscote, Lewis (B), Lewis (C), Long, Manning, Mills, Morey, O'Dwyer, Parrott, Pentney, Robson, Sanders, Stockman, Stocks, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (31); and Absent: Councillors Barnby, Bent, King, Morris, Stubley and Winfield (6). Therefore the objection was agreed unanimously by the Council (shown in bold text above) and the Chairman advised that the Elected Mayor would consider the objection and publish his response on 14 February 2019 for consideration at the Council meeting on 21 February 2019.

Councillor Thomas (D) proposed and Councillor Bye seconded an objection to the motion as follows:

that the Council formally objects to the Elected Mayor's revenue budget proposals on the basis that:

The Elected Mayor's budget proposals for the reduction in the management fee paid to the Torbay Coast and Countryside Trust (TCCT) are considered premature as it is not certain whether this saving can be achieved, especially considering early feedback from TCCT has indicated that they do not believe the savings are deliverable. This approach is therefore considered unreliable and presents a risk for setting a balanced budget for 2019/20.

In accordance with the Constitution at F2.9, the Council therefore requires the Elected Mayor to consider this objection by 14 February 2019 either:

- a) submit a revision of the estimates or amounts as amended by the Elected Mayor 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 Elected Mayor has with any of the Council's objections and the Elected Mayor's reasons for any such disagreement.

Prior to the recorded vote, the Monitoring Officer provided clarification on Councillor Tyerman's point of order in respect of the Council decision on 18 December 2018 on the heads of terms for surrender of land with TCCT. The Monitoring Officer confirmed the head of terms agreed by the Council expressly stated that the agreement would not directly affect the management fee to TCCT.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Brooks, Bye, Hill, Kingscote, Lewis (B), Lewis (C), Morey, O'Dwyer, Robson, Sykes, Thomas (D), Thomas (J) and Tolchard (13); Against: Elected Mayor Oliver, Councillors Amil, Carter, Darling (M), Darling (S), Ellery, Excell, Haddock, Long, Manning, Mills, Parrott, Pentney, Sanders, Stockman and Stocks (16); Abstain: Councillors Doggett and Tyerman (2); and Absent: Councillors Barnby, Bent, King, Morris, Stublely and Winfield (6). Therefore, the objection was declared lost.

Councillor Tyerman proposed and Councillor Lewis (C) seconded an objection to the motion as follows:

That the Council formally objects to the Elected Mayor's revenue budget proposals on the basis that:

the reduction proposed for the Highways Budget may be unsustainable at the full amount proposed by the Elected Mayor and could therefore have a further detrimental impact on Torbay's highways network.

In accordance with the Constitution at F2.9, the Council therefore requires the Elected Mayor to consider this objection by 14 February 2019 either:

- a) submit a revision of the estimates or amounts as amended by the Elected Mayor 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 Elected Mayor has with any of the Council's objections and the Elected Mayor'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 Brooks, Bye, Hill, Kingscote, Lewis (B), Lewis (C), O'Dwyer, Robson, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (13); Against: Elected Mayor Oliver, Councillors Amil, Carter, Darling (M), Darling (S), Ellery, Excell, Haddock, Long, Manning, Mills, Morey, Parrott, Pentney, Sanders, Stockman and Stocks (17); Abstain: Councillors Doggett (1); and Absent: Councillors Barnby, Bent, King, Morris, Stublely and Winfield (6). Therefore, the objection was declared lost.

(Note: At this juncture, Councillor Morey left the meeting.)

Councillor Thomas (D) proposed and Councillor Robson seconded an objection to the motion as follows:

That the Council formally objects to the Elected Mayor's revenue budget proposals on the basis that:

Whilst the Elected Mayor has removed this proposal in his final draft budget, this fails to take in to account the operational efficiencies that will be achieved in locating the administrative base for the Registrars Service at Torquay Town Hall and also fails to take in to account the results of the public consultation which demonstrated 70.5% of respondents were in support of the proposal.

In accordance with the Constitution at F2.9, the Council therefore requires the Elected Mayor to consider this objection by 14 February 2019 either:

- a) submit a revision of the estimates or amounts as amended by the Elected Mayor 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 Elected Mayor has with any of the Council's objections and the Elected Mayor'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 Brooks, Bye, Hill, Kingscote, Lewis (B), Lewis (C), O'Dwyer, Robson, Sykes, Thomas (D), Thomas (J) Tolchard and Tyerman (13); Against: Elected Mayor Oliver, Councillors Amil, Carter, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Long, Manning, Mills, Parrott, Pentney, Sanders, Stockman and Stocks (17); and Absent: Councillors Barnby, Bent, King, Morey, Morris, Stubley and Winfield (7). Therefore, the objection was declared lost.

Councillor Tyerman proposed and Councillor Lewis (B) seconded an objection to the motion as follows:

That the Council formally objects to the Elected Mayor's revenue budget proposals on the basis that:

the funding for illuminations should be retained whilst a fundamental review is undertaken to ensure that there is a long term strategy for the future provision of illuminations in Torbay.

In accordance with the Constitution at F2.9, the Council therefore requires the Elected Mayor to consider this objection by 14 February 2019 either:

- a) submit a revision of the estimates or amounts as amended by the Elected Mayor 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 Elected Mayor has with any of the Council's objections and the Elected Mayor'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 Brooks, Bye, Hill, Kingscote, Lewis (B), Lewis (C), O'Dwyer, Robson, Sykes, Thomas (D), Thomas (J) Tolchard and Tyerman (13); Against: Elected Mayor Oliver, Councillors Amil, Carter, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Long, Manning, Mills, Parrott, Pentney, Sanders, Stockman and Stocks (17); and Absent: Councillors Barnby, Bent, King, Morey, Morris, Stubley and Winfield (7). Therefore, the objection was declared lost.

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

That the Council formally objects to the Elected Mayor's revenue budget proposals on the basis that:

the funding for the Natural Environment Service should be retained whilst a fundamental review is undertaken to ensure that there is a long term strategy for the future delivery of the Service.

In accordance with the Constitution at F2.9, the Council therefore requires the Elected Mayor to consider this objection by 14 February 2019 either:

- a) submit a revision of the estimates or amounts as amended by the Elected Mayor 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 Elected Mayor has with any of the Council's objections and the Elected Mayor'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 Brooks, Bye, Hill, Kingscote, Lewis (B), Lewis (C), O'Dwyer, Robson, Sykes, Thomas (D), Thomas (J) Tolchard and Tyerman (13); Against: Elected Mayor Oliver, Councillors Amil, Carter, Darling (M), Darling (S), Ellery, Excell, Haddock, Long, Manning, Mills, Parrott, Pentney, Sanders, Stockman and Stocks (16); Abstain: Councillor Doggett (1); and Absent: Councillors Barnby, Bent, King, Morey, Morris, Stubley and Winfield (7). Therefore, the objection was declared lost.

166 Capital Plan Budget 2019/2020

Further to the meeting of the Council held on 31 January 2019, Members considered the recommendations of the Elected Mayor in relation to the Capital Plan 2019/2020 as set out in the submitted report.

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

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

that the Capital Plan for 2019/2020 as set out in Appendix 1 to the submitted report be approved.

The Chairman advised that two notice of motions to object to the Elected Mayor's capital plan proposals had been received in accordance with Standing Order A14.4 and would be considered in the order that they were received.

Members received the following motion objecting to the proposal:

That the Council formally objects to the Elected Mayor's Capital Budget proposals on the basis that they do not address repairing Paignton beach south slipway, which is impacting on a number of sailing events, tourism and the local community.

In accordance with the Constitution at F3.9, the Council therefore requires the Elected Mayor to consider this objection by 14 February 2019 either:

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

In accordance with Standing Order A16.9 and in light of the Interim Director of Place's decision for the 2018/19 essential capital repair budget to be applied to fund repairs to the south slipway at Paignton beach, Councillor Carter withdrew her objection to motion with the consent of Councillor Sanders as seconder.

Councillor Tyerman proposed and Councillor Robson seconded an objection to the motion as follows:

That the Council formally objects to the Elected Mayor's Capital Budget proposals on the basis that there is a lack of provision in the proposals to use capital expenditure for regeneration projects in Torbay to address deprivation in our communities.

In accordance with the Constitution at F3.9, the Council therefore requires the Elected Mayor to consider this objection by 14 February 2019 either:

- a) submit a revision of the draft Capital Plan as amended by the Elected Mayor with the reasons for any amendments made to the draft Capital Plan, to the Council for its consideration; or
- b) inform the Council of any disagreement that the Elected Mayor has with any of the Council's objections and the Elected Mayor'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 Brooks, Bye, Hill, Kingscote, Lewis (B), Lewis (C), O'Dwyer, Robson, Sykes, Thomas (D), Thomas (J) Tolchard and Tyerman (13); Against: Elected Mayor Oliver, Councillors Amil, Carter, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Long, Manning, Mills, Parrott, Pentney, Sanders, Stockman and Stocks (17); and Absent: Councillors Barnby, Bent, King, Morey, Morris, Stubbley and Winfield (7). Therefore, the objection was declared lost.

Elected Mayor Oliver's and Councillor Mills original motion was then considered and agreed by the Council (by recorded vote) as set out below:

that the Capital Plan for 2019/2020 as set out in Appendix 1 to the submitted report be approved.

The voting was taken by roll call as follows: For: Elected Mayor Oliver, Councillors Amil, Brooks, Bye, Carter, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, Kingscote, Lewis (B), Lewis (C), Long, Manning, Mills, Parrott, Pentney, Robson, Sanders, Stockman, Stocks, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (29); Against: Councillor O'Dwyer (1); and Absent: Councillors Barnby, Bent, King, Morey, Morris, Stubbley and Winfield (7).

167 Treasury Management Strategy 2019/20 (incorporating the Annual Investment Strategy 2019/20 and the Minimum Revenue Provision Policy 2019/20)

The Council received the Treasury Management Strategy for 2019/20 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.

Elected Mayor Oliver proposed and Councillor Mills seconded a motion, which was agreed by the Council as set out below:

that Council approve:

- **the Treasury Management Strategy for 2019/20 (incorporating the Annual Investment Strategy 2019/20);**
- **the Prudential Indicators 2019/20;**
- **the Annual Minimum Revenue Provision Policy Statement for 2019/20; and**
- **adoption of the CIPFA Code of Practice: Treasury Management in the Public Services**

as set out in the Appendices to the submitted report.

168 Corporate Capital Strategy

Members considered the submitted report setting out a review of the Corporate Capital Strategy. The strategy set out the principles to be used to guide the allocation of capital investment across all Council services and informed decisions on capital spending priorities within the Council's 4-year Capital Plan.

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

that, subject to Section 2.1 of the proposed Capital Strategy being amended so that Business Cases prepared self-funding or invest-to-save capital schemes include all future maintenance costs over the life of the scheme, the Council be recommended to approve the Capital Strategy as set out at Appendix 1 to the submitted report.

The motion was put to the vote and declared lost.

169 Reserves

Members considered the submitted report setting out a review of the Council's financial reserves as part of the Council's annual budget process.

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

Council approve that:

- (i) Up to £1.0m is earmarked from the Comprehensive Spending Review Reserve to fund the balance of the predicted 2018/19 Council overspend; and
- (ii) £2.1m of reserves identified in paragraph 4.2 of the submitted report are transferred to both the Comprehensive Spending Review Reserve (£1.1m) and the IT reserve (£1.0m) to support future IT replacement and IT investment for all services including a replacement Children's Services care management system.

The motion was put to the vote and declared lost.

Chairman