

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

25 February 2021

-: Present :-

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

Councillors Amil, Atiya-Alla, Barrand, Barnby, Brooks, Brown, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Dudley, Ellery, Foster, Hill, Howgate, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, Pentney, Stockman, Sykes, David Thomas, Jacqueline Thomas and John Thomas

188 Opening of meeting

The Worshipful the Mayor of Torbay advised that, as the meeting was being held remotely via Zoom during the Corona Virus pandemic, the meeting would follow the Remote Meeting Standing Orders with all voting being taken by roll call throughout the meeting.

The meeting was then opened with a prayer.

189 Apologies for absence

Apologies for absence were received from Councillors Kavanagh and O'Dwyer.

190 Communications

The Worshipful the Mayor of Torbay shared a letter she had received from Royal Air Force Brize Norton. The Worshipful Mayor advised Members that the letter provided an insight on the activities of at Royal Air Force Brize Norton and highlighted the wide variety of support that they provide, particularly the peace missions they have undertaken.

The Leader of the Council requested all Members to promote the Torbay Lottery Small Grants Fund, Members were advised that there was £22,000 to be allocated and any local charity, voluntary or community group could apply.

The Leader of the Council also informed Members that he had met with colleagues at South West Water to discuss all year round water quality alerts for water users. The Leader of the Council also advised that he would be meeting Great Western Railways in the near future to champion for improved services to London and better local connections at Newton Abbot.

At the request of the Leader of the Council, the Cabinet Member for Economic Regeneration, Tourism and Housing, updated the Council on his attendance, as the Council's representative, at the Heart of the South West Joint Committee held on 29 January 2021 including:

- Formal agreement of the Building Back Better Plan which provides a framework for making the case with Government for investment in Heart of the SW and helps guide investment decisions made by members of the partnership as part of the area's recovery work; and
- Discussed the Coastal Communities Plan and received updates on the Climate Emergency and Peninsula Transport Board.

The Interim Chief Executive led a minute's silence for a serving member of staff, David Needham who had sadly passed away.

The Interim Chief Executive informed Members that 26 February 2021 would be Dr Caroline Dimond's last day as the Council's Director of Public Health. The Interim Chief Executive thanked Caroline for everything she had achieved during her time with Torbay Council and wished her well in her retirement.

191 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 Morey and Long and was circulated prior to the meeting.

Supplementary questions were put and answered by Councillors Morey and Long, arising from their responses to the questions in respect of questions 3 and 5. Councillor Long agreed to provide a further written response in respect of supplementary question 2.

192 Resource Management and Waste Strategy

The Council considered the recommendation of the Cabinet and submitted report on the Resource Management and Waste Strategy, which sets out how the Council will effectively manage household waste.

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

That the Resource Management and Waste Strategy, as set out at Appendix 1 to the submitted report, be approved.

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

That the Council formally objects to the adoption of the Resource Management and Waste Strategy on the basis that the reference to the three weekly bin collection is deleted from the Strategy as this is not widely supported by the community.

In accordance with the Constitution at F4.9, the Council therefore requires the Cabinet to consider this objection by 23 March 2021 and either:

- a) submit a revision of the Resource Management and Waste Strategy with the reasons for any amendments 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.

The objection was put to the vote and declared lost. Councillor Morey's and Councillor Steve Darling's original motion was then considered and agreed by the Council, as set out below:

That the Resource Management and Waste Strategy, as set out at Appendix 1 to the submitted report, be approved.

193 Community Engagement and Empowerment Strategy

The Council considered the submitted report and Cabinet's recommendations which sought approval of the Community Engagement and Empowerment Strategy.

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

- (i) **that the Policy Framework be amended to replace the Communication, Engagement and Consultation Strategy with the Community Engagement and Empowerment Strategy;**
- (ii) **that the Community Engagement and Empowerment Strategy set out at Appendix 3 to the submitted report be approved; and**
- (iii) **that Head of Policy, Performance and Community Engagement, working as part of the 'Our Communities' project team, takes responsibility for implementing the plans required to deliver this Strategy.**

(Note: at the conclusion of this item Councillor Barnby left the meeting.)

194 Council Tax 2021/2022

The Council received the submitted report in relation to the setting of Council Tax for 2021/22.

Councillor Cowell proposed and Councillor Steve Darling seconded a motion, which was agreed as set out below:

That the Council is recommended to note:

- (i) On the 3rd December 2020 Council approved the following Council Tax Bases for 2021/22:-**
 - a) For the whole Council area as 45,464.53, [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 6,115.06 to which a Parish precept relates.**
- (ii) 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 (v) below.**

That the Council is recommended to approve:

- (iii) The Council Tax requirement for the Council's own purposes for 2021/22 (excluding Brixham Town Council) of £74,607,300.**
- (iv) That the following amounts be calculated for the year 2021/22 in accordance with Chapter Three of the Act:**
 - a) £312,524,518 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) (£237,562,000) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.**
 - c) £74,962,518 being the amount by which the aggregate at (iv)(a) above exceeds the aggregate at (iv)(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) £1,648.81 being the amount at (iv)(c) above (Item R), all divided by Item T ((i)(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) £355,218 being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act
- f) £1,641.00 being the amount at (iv)(d) above less the result given by dividing the amount at (iv)(e) above by Item T ((i)(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.

- (v) 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 2021/22 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	1,094.00	1,276.33	1,458.66	1,641.00	2,005.67	2,370.33	2,735.00	3,282.00
Police and Crime Commissioner	157.71	183.99	210.28	236.56	289.13	341.70	394.27	473.12
Devon and Somerset Fire and Rescue Authority	60.00	70.00	80.00	90.00	110.00	130.00	150.00	180.00
Aggregate of Council Tax Requirements ex. Town Council	1,311.71	1,530.32	1,748.94	1,967.56	2,404.80	2,842.03	3,279.27	3,935.12
Brixham Town Council	38.73	45.18	51.64	58.09	71.00	83.91	96.82	116.18
Aggregate of Council Tax Requirements	1,350.44	1,575.50	1,800.58	2,025.65	2,475.80	2,925.94	3,376.09	4,051.30

including Brixham Town Council								
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Note: Torbay Council's precept includes the Adult Social Care "precept" set in 2016/17 to 2018/19, 2020/21 and 2021/22.

- (vi) That the Council's basic amount of Council Tax for 2021/22 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.**

The voting was taken by roll call as follows: For: Councillors Amil, Atiya-Alla, Brown, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Douglas-Dunbar, Dudley, Ellery, Howgate, Kennedy, Law, Long, Loxton, Manning, Mills, Morey, Pentney, Stockman (21), Against: Councillors Barrand, Brooks, Bye, Foster, Hill, Barbara Lewis, Chris Lewis, Sykes, David Thomas, Jacqueline Thomas and John Thomas (11) and Absent: Barnby, Kavanagh and O'Dwyer (3).

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

The Council considered the submitted report setting out the Council's Annual Pay Policy Statement, as required under Section 38(1) of the Localism Act 2011. 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. Prior to the meeting a revised Pay Policy Statement (Appendix 1) was circulated to reflect the recent decision to remove the Restriction of Public Sector Exit Payment Regulations due to come into force on 4 November 2020, which the Government had decided not to implement.

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

- (i) that the Torbay Council Annual Pay Policy Statement 2021/22 as set out in revised Appendix 1 to the submitted report be approved for publication;**
- (ii) that the Torbay Council Gender Pay Gap Report, contained within the Annual Pay Policy Statement 2021/22 in Appendix 1 be approved for publication; and**
- (iii) that the Employers Pensions Discretions set out in Appendix 2 to the submitted report be approved for publication.**

196 Review of the Members Code of Conduct

The Council considered the submitted report on a review of the Members Code of Conduct, which had been reviewed following the consultation and release of the Local Government Association Model Code of Conduct.

Councillor Mandy Darling proposed and Councillor Mills seconded a motion that was agreed (unanimously) by the Council as set out below:

That the revised Members Code of Conduct, as set out in Appendix 1 to the submitted report be approved.

The Worshipful The Mayor of Torbay

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