



## **Minutes of the Adjourned Council**

**11 February 2016**

**-: Present :-**

**Chairman of the Council (Councillor Hill) (In the Chair)  
Vice-Chairwoman of the Council (Councillor Brooks)**

The Mayor of Torbay (Mayor Oliver)

Councillors Amil, Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, King, Kingscote, Lewis, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Stringer, Stubbley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield

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### **130 Apologies for absence**

Apologies for absence were received from Councillors Lang and Manning.

### **131 Declarations of interests**

At the invitation of the Chairman, the Monitoring Officer reminded Members of the dispensation granted 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. 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.

The Mayor declared a pecuniary interest in respect of Minute 132 in relation to Connections.

### **132 Revenue Budget 2016/17**

Further to the meeting of the Council held on 3 February 2016, Members considered the recommendations of the Mayor in relation to the Revenue Budget 2016/17, the Review of Reserves 2016/2017 and the Treasury Management Strategy 2016/2017 as set out in the submitted report. In addition, the Quarter 3 Revenue Budget Monitoring was noted.

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

It was proposed by the Mayor and seconded by Councillor Mills:

that it be recommended to Council:

- (i) that the net revenue expenditure and council tax requirement for 2016/17, as shown in paragraph 3.3 of the submitted report, that includes the funding raised by the 2% council tax increase specifically for adult social care, be approved;
- (ii) that in relation to (i) above, Council confirms its commitment (by a statement signed by the Section 151 Officer) to allocate the additional funding raised by the 2% council tax increase to adult social care in 2016/17 and in future years;
- (iii) that the 2016/17 allocation of the revenue budget to services as per the budget digest and the associated fees and charges (both circulated separately) be approved;
- (iv) that the Dedicated Schools Grant be used in accordance with the nationally laid down Schools Financial Regulations (paragraph 11 of the submitted report) and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed and this authorisation be included in the officer scheme of delegation;
- (v) 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 (paragraph 12 of the submitted report);
- (vi) that Council approve the temporary use of £2.5m from the Insurance Reserve in 2015/16 to fund the projected 2015/16 overspend, which is to be repaid from the 2016/17 budget;
- (vii) that Council note that Brixham Town Council have yet to set their budget for 2016/17 and this precept, when known, will be included as part of the Torbay Council budget for Council Tax setting purposes;
- (viii) that, subject to clarification of the acceptance process from DCLG, that Council delegate acceptance of a four year funding settlement for Revenue Support Grant to the Chief Finance Officer in consultation with the Mayor and Executive Director of Operations and Finance;
- (ix) that, the Review of Reserves 2016/2017, as set out in the submitted report at appendix 3, be approved; and
- (x) that, the Treasury Management Strategy 2016/2017 (incorporating the Annual Investment Strategy 2016/2017 and the Minimum Revenue Provision Policy 2016/2017), as set out in the submitted report at appendix 4, be approved.

(Note: Prior to consideration of the following two objections, the Mayor declared his pecuniary interest in relation to Connections and withdrew from the meeting.)

In accordance with Standing Order A14.4 an objection was proposed by Councillor Stocks and seconded by Councillor Doggett:

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

1. the deletion of the Social Fund from the baseline budget that will eventually end crisis support for those in desperate need in our community;
2. there is no clear strategy for how the reductions to the Connections offices will be applied which could result in impacting heavily on people in most need of Council services and support, and result in a second class service for residents in two of our three towns;
3. it is unclear from these proposals as to whether the Council have got the balance right between caring for those in need of social care in their homes and those in a residential setting, as the Council has yet to determine the priorities within the Annual Strategic Agreement;
4. cutting £331,000 from highways maintenance when there's a £19 million backlog of work in the Bay which is imprudent; and
5. finally we have grave concerns that Councillors are being expected to support this budget without considering this in the context of the Council determining the Efficiency Plan, which is urgently required to set out how the Council will achieve financial sustainability over the next 4 years and beyond.

In accordance with the Constitution at F2.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 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 Carter, Darling (M), Darling (S), Doggett, Ellery, Morey, Sanders, Stockman, Stocks and Stringer (10); Against: Amil, Barnby, Bent, Brooks, Bye, Cunningham, Excell, Hill, King, Kingscote, Lewis, Mills, Morris, O'Dwyer, Parrott, Robson, Stubley, Sykes, Thomas (D), Thomas (J) Tolchard and Winfield (22); Abstain: Councillors Haddock and Tyerman (2); and Absent: Mayor

Oliver and Councillors Lang and Manning (3). Therefore the objection was declared lost.

In accordance with Standing Order A14.4 an objection was proposed by Councillor Morey and seconded by Councillor Ellery:

that the Council formally objects to the Mayor's revenue budget proposals in respect of the reduction to the Connections Service, on the basis that it is not clear how the savings will be achieved, despite significant opposition to change being indicated in the public consultation and the potential that any change could adversely affect senior citizens and the more vulnerable in society.

In accordance with the Constitution at F2.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 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 Bent, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, Robson, Sanders, Stockman, Stocks, Stringer, Skyes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (22); Against: Councillors Amil, Barnby, Brooks, Bye, Excell, King, Mills, Morris, Parrott and Stubbley (10); Abstain: Councillors Haddock and O'Dwyer (2); and Absent: Mayor Oliver and Councillors Lang and Manning (3). Therefore the objection was declared carried and the Chairman advised that, as the Mayor had an interest in the matter, the Executive Lead for Business would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

In accordance with the Standing Order A14.4 an objection was proposed by Councillor Thomas (D) and seconded by Councillor Tyerman:

that the Council formally objects to the Mayor's revenue budget proposals on the basis that the £600,000 allocated for Investment in Transformation has no clear control mechanisms for how decisions on the allocation of this money will be undertaken.

In accordance with the Constitution at F2.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 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 Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (25); Against: Amil, Excell, Haddock, King, Mills, Morris, Parrott and Stublely (8); Abstain: Mayor Oliver and Stocks (2); and Absent: Councillors Lang and Manning (2). Therefore the objection was declared carried and the Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

The Chairman referred Members to the two recommendations of the Overview and Scrutiny Board to the Council in relation to objections to the Council's Policy Framework.

(Note: Prior to consideration of the following objection, the Mayor declared his pecuniary interest in relation to Connections and withdrew from the meeting.)

It was proposed by Councillor Lewis and seconded by Councillor Darling (S):

that the Council formally objects to the current Corporate Plan on the basis that the following should be included:

The Council will maintain a face-to-face customer service presence in Torquay, Paignton and Brixham for at least part of the week.

In accordance with the Constitution at F4.9, the Council therefore requires the Executive Lead for Business Services to consider this objection by 19 February 2016 either:

- a) submit a revision of the Corporate Plan with the reasons for any amendments to the Council for its consideration; or
- b) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.

An amendment was proposed by Councillor Thomas (D) and seconded by Councillor Tyerman:

The Council will maintain a face-to-face customer service presence in Torquay, Paignton and Brixham for at least part of the week and before any change is made to the locations of face-to-face customer service a report be presented to Council for approval.

On being put to the vote, the amendment was declared carried.

The substantive motion (the original motion with the additional wording) was then before Members for consideration.

On being put to the vote, the substantive motion was declared carried. The Chairman advised that, as the Mayor had an interest in the matter, the Executive Lead for Business would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

It was proposed by Councillor Lewis and seconded by Councillor Darling (S):

That the Council formally objects to the current Corporate Plan on the basis that the following should be included:

The Council will maintain libraries in Torquay, Paignton and Brixham.

In accordance with the Constitution, Standing Orders – Budget and Policy Framework, paragraph F4.9, the Council therefore requires the Mayor to consider this objection by 19 February 2016 either:

- a) submit a revision of the Corporate Plan with the reasons for any amendments to the Council for its consideration; or
- b) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.

An amendment was proposed by Councillor Mills and seconded by Councillor Parrott:

The Council will maintain libraries in Torquay, Paignton, Churston and Brixham.

On being put to the vote, the amendment was declared carried.

The substantive motion (the original motion with the additional word) was then before Members for consideration.

On being put to the vote, the substantive motion was declared carried. The Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

### **133 Capital Plan Budget 2016/2017 to 2019/2020**

Further to the meeting of the Council held on 3 February 2016, Members considered the recommendations of the Mayor in relation to the Capital Plan Budget 2016/2017 to 2019/2020, 2016/17 Capital Strategy and Corporate Asset Management Plan 2015 to 2019. The report also set out the quarter 3 2015/2016 Capital Plan monitoring information.

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

It was proposed by the Mayor and seconded by Councillor Mills:

- (i) that the latest position for the Council's Capital expenditure and funding for 2015/16 be noted;
- (ii) that 2016/17 Capital Strategy (set out at Appendix 1 of the submitted report) be approved;
- (iii) that prudential borrowing of £10 million for an Investment Fund to enable acquisition of properties for investment purposes to be funded from future rental income be approved and that purchases within the Fund to be subject to specific criteria:
  - Rate of Return expected to exceed 6% per annum net of costs
  - Property assessed as an asset life in excess of 50 years (or repayment period)
  - Tenants assessed as reasonable credit quality and pre lets agreed if possible
  - Independent valuation of asset to support purchase price
  - Any UK property to be considered subject to no more than 50% in any county area.
  - Any sale proceeds of assets purchased to be reinvested in fund.

and that the allocation of the Fund, if the criteria is met, be agreed by Executive Director of Operations and Finance in consultation with the Chief Finance Officer and the Mayor and Group Leaders with the Overview and Scrutiny Co-ordinator being notified in advance of any decisions;

- (iv) that prudential borrowing of £3 million for essential capital repair works be approved with the cost of borrowing to be included in future year revenue budgets and that the allocation of the budget be agreed by the Executive Head – Business Services in consultation with the Chief Finance Officer and the Mayor and Group Leaders with the Overview and Scrutiny Co-ordinator being notified in advance of any decisions;
- (v) that prudential borrowing of £0.350 million to upgrade and update the Council's CCTV equipment be approved with the cost of borrowing to be included in future year revenue budgets offset by any future external contributions and any resulting revenue savings;
- (vi) that prudential borrowing of £1.0 million for an IT Investment Fund for 2016/17 to 2019/20 be approved with the cost of borrowing to be included in future year revenue budgets and that the allocation of the Fund be agreed by Executive Director of Operations and Finance in consultation with the Chief Finance Officer, the Executive Head – Customer Services and the Executive Lead for Customer Services;

- (vii) that the reallocation of £0.5m within the existing schools capital allocation to provide two mobile accommodation buildings at Paignton Community Sports Academy be approved to meet an immediate need for pupil places;
- (viii) that the allocation of £0.350m to improvements at The Strand in Torquay in line with the proposed Corporate Plan Delivery Plans be approved and that the Council determine whether this is funded from:
  - Option 1: prudential borrowing when the scheme is deemed to be self financing; or
  - Option 2: the Comprehensive Spending Review Reserve;
- (ix) that the Council will not take up the option in 2016/17 of using capital receipts to fund one off revenue costs of transformation to meet future budget reductions;
- (x) that, subject to approval of (iii) to (ix) above, the budget forecast for 2016/17 to 2019/20 at Appendix 2 be approved as the Capital Plan; and
- (xi) that the Corporate Asset Management Plan for 2015 – 2019 (as set out in Appendix 4 of the submitted report) be approved.

In accordance with Standing Order A14.4 an objection was proposed by Councillor Ellery and seconded by Councillor Morey:

that the Council formally objects to the Mayor's capital budget proposals on the basis of the allocation of £0.35 million to the improvements at the Strand in Torquay, as there has been no matrix applied to prioritise capital projects within Torbay.

In accordance with the Constitution at F3.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 either:

- a) submit a revision of the draft Capital Plan as amended by the elected Mayor (the "revised draft Capital Plan"), 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 his 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, Bent, Brooks, Bye, Carter, Cunningham, Darling

(M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (25); Against: Councillors Amil, Excell, Haddock, King, Mills, Morris, Parrott and Stubley (8); Abstain: Mayor Oliver and Councillor Winfield (2); and Absent: Councillors Lang and Manning (2). Therefore the objection was declared carried and the Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

In accordance with Standing Order A14.4 an objection was proposed by Councillor Carter and seconded by Councillor Sanders:

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

this Council notes that £10.5 million (£161 per capita) has been spent on Torquay waterfront projects, £20.1 million (£1,201 per capita) spent on Brixham waterfront projects and £0.6 million (£12 per capita) spent on Paignton waterfront projects within the last 9 years as per figures set out in the table below:

<b>Project</b>	<b><u>Total project cost</u> £m</b>	<b><u>Approx. Dates</u></b>
<b>Torquay</b>		
Tqy Town Dock	1.20	2007/08-2008/09
Tqy Townscape Heritage	0.70	2008/09-2010/11
Mallock Memorial	0.20	2010/11
Princess Promenade	4.00	2011/12-2013/14
Haldon/Princess Piers	3.10	2009/10-2015/16
Princess Pier decking	0.40	2015/16
Inner Harbour pontoons	0.90	2013/14-2015/16
	10.50	
<b>Paignton</b>		
Paignton Geopark	0.60	2011/12-2012/13
	0.60	
<b>Brixham</b>		
Bxm Harbour Regen	19.70	2007/08-2012/13
Harbours Major Repairs	0.30	2013/14
Bxm Breakwater	0.05	2013/14
	20.05	

In light of the lack of investment in Paignton seafront and harbour side that the Mayoral project for Torquay seafront and harbour side be deleted and that

public consultation be undertaken to ensure that appropriate projects are brought forward for the Paignton seafront and harbour side.

In accordance with the Constitution at F3.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 either:

- a) submit a revision of the draft Capital Plan as amended by the elected Mayor (the “revised draft Capital Plan”), 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 his 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, Bent, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O’Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (23); Against: Mayor Oliver and Councillors Amil, Bye, Excell, Haddock, King, Mills, Morris, Parrott, Stubley and Winfield (11); Abstain: Councillor Brooks (1); and Absent: Councillors Lang and Manning (2). Therefore the objection was declared carried and the Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

In accordance with Standing Order A14.4 an objection was proposed by Councillor Darling (M) and seconded by Councillor Darling (S):

that the Council formally objects to the Mayor’s capital budget proposals on the basis that:

This Council notes that the emerging Government policy in respect of the development of social housing means that funding for this provision will effectively end. Torbay also has less than half the national average of the number of affordable homes as part of our housing stock. In light of this, the Council should permit borrowing to facilitate a programme of affordable housing up to the value of an additional £2.5 million to ensure the provision of social housing in Torbay.

In accordance with the Constitution at F3.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 either:

- a) submit a revision of the draft Capital Plan as amended by the elected Mayor (the “revised draft Capital Plan”), 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 his reasons for any such disagreement.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Carter, Darling (M), Darling (S), Doggett, Ellery, Morey, Sanders, Stockman, Stocks, and Stringer (10); Against: Councillors Amil, Barnby, Bent, Brooks, Bye, Cunningham, Excell, Haddock, Hill, Kingscote, Lewis, Mills, Morris, O'Dwyer, Parrott, Robson, Stubbley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (23); Abstain: Mayor Oliver and Councillor King (2); and Absent: Councillors Lang and Manning (2). Therefore the objection was declared lost.

In accordance with the Standing Order A14.4 an objection was proposed by Councillor Thomas (D) and seconded by Councillor Bent:

That the Council formally objects to the Mayor's capital budget proposals on the basis that a matrix scoring criteria (as referred to in the Capital Strategy at paragraph 2.5) is required for approval by Council as part of the Capital Strategy, to enable the Council to prioritise Capital Plan projects. This matrix to be used to approve and prioritise existing schemes on the reserve list and new schemes within the Capital Plan.

In accordance with the Constitution at F3.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 either:

- a) submit a revision of the draft Capital Plan as amended by the elected Mayor (the "revised draft Capital Plan"), 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 his 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, Bent, Brooks, Bye, Carter, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (25); Against: Councillors Amil, Excell, Haddock, King, Mills, Morris, Parrott and Stubbley (8); Abstain: Mayor Oliver (1); and Absent: Councillors Cunningham, Lang and Manning (3). Therefore the objection was declared carried and the Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

(Note: Councillor Cunningham had left the meeting for a short period and during the recorded vote on the above objection.)

In accordance with the Constitution at A14.4 an objection was proposed by Councillor O'Dwyer and seconded by Councillor Thomas (D):

That the Council formally objects to the Mayor's capital budget proposals on the basis that currently any spending in respect of the £10 million Investment Fund has no clear strategic direction, no set parameters and no requirement for clear business plans.

In accordance with the Constitution at F3.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 either:

- a) submit a revision of the draft Capital Plan as amended by the elected Mayor (the "revised draft Capital Plan"), 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 his 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, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Stringer, Sykes Thomas (D), Thomas (J), Tolchard and Tyerman (26); Against: Councillors Amil, Excell, Haddock, King, Mills, Morris and Stubley (7); Abstain: Mayor Oliver and Councillor Winfield (2); Absent: Councillors Lang and Manning (2). Therefore the objection was declared carried and the Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

(Note: At this juncture Councillors Morris and Winfield left the meeting.)

In accordance with the Constitution at A14.4 an objection was proposed by Councillor Lewis and seconded by Councillor Darling (S):

That the Council formally objects to the Mayor's capital budget proposals on the basis that in light of the earlier objection in respect of the Capital project matrix scoring criteria, that the Strand scheme should be prioritised alongside other schemes using the matrix and not treated as a standalone scheme.

In accordance with the Constitution, Standing Orders – Budget and Policy Framework, paragraph F3.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 either:

- a) submit a revision of the draft Capital Plan as amended by the elected Mayor (the "revised draft Capital Plan"), 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 his 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, Bent, Brooks, Bye, Carter, Cunningham Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (25); Against: Councillors Amil, Excell, Haddock, King, Mills, Parrott and Stubbley (7); Abstain: Mayor Oliver (1); and Absent: Councillors Lang, Manning, Morris and Winfield (4). Therefore the objection was declared carried and the Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

In accordance with the Constitution, Standing Orders – Council, paragraph A14.4 an objection was proposed by Councillor Tyerman and seconded by Councillor Kingscote:

That the Council formally objects to the Mayor's capital budget proposals on the basis that there is no mechanism for the Council to determine a choice of funding between the options set out in paragraph 3.8 of the submitted report.

In accordance with the Constitution at F3.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 either:

- a) submit a revision of the draft Capital Plan as amended by the elected Mayor (the "revised draft Capital Plan"), 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 his 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, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (24); Against: Councillors Amil, Excell, Haddock, King, Mills, Parrott and Stubbley (7); Abstain: Mayor Oliver and Councillor Brooks (2); and Absent: Councillors Lang, Manning, Morris and Winfield (4). Therefore the objection was declared carried and the Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

The Chairman referred to the recommendations of the Overview and Scrutiny Board in respect of the Capital Plan budget (as set out on page 174 of the submitted report) and invited the Monitoring Officer to update the Council in respect of these recommendations. The Monitoring Officer confirmed that recommendation

5 had been incorporated in the submitted Capital Plan; recommendation 7 would come into force on the day it is approved by Council as it was a revision to the current Corporate Asset Management Plan 2015-2019; and recommendation 8 would be treated as an objection to the Capital Plan Budget and in accordance with Standing Orders A14.4. Therefore, the objection was proposed by Councillor Lewis and seconded by Councillor Darling (S):

That the Executive Director – Operations and Finance and Chief Finance Officer (or their nominees) work with the Mayor, Group Leaders and Overview and Scrutiny Co-ordinator to prioritise current potential capital projects (with the aim that the prioritised list is available when the next Capital Plan Monitoring Report is presented).

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (24); Against: Councillors Amil, Brooks, Excell, Haddock, King, Mills, Parrott and Stubley (8); Abstain: Mayor Oliver (1); and Absent: Councillors Lang, Manning, Morris and Winfield (4). Therefore the objection was declared carried and the Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

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Chairman