



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

8 February 2018

-: Present :-

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

The Mayor of Torbay (Elected Mayor Oliver)

Councillors Amil, Barnby, Bent, Bye, 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), Tolchard, Tyerman and Winfield

166 Apologies for absence

Apologies for absence were received from Councillors Carter, King, Morris, Stubley and Thomas (J). Councillor Winfield arrived later during the meeting.

167 Revenue Budget 2018/2019

Further to the meeting of the Council held on 1 February 2018, Members considered the recommendations of the Elected Mayor in relation to the Revenue Budget 2018/19 as set out in the submitted report and supporting documents.

In accordance with legislation, the Chairwoman 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 service change, income generation and efficiencies in 2018/2019, as set out in the Elected Mayor's Response to Consultation (<http://www.torbay.gov.uk/media/10932/mayors-budget-proposals-response-1819.pdf>) and the Draft Revenue Budget Digest (<http://www.torbay.gov.uk/DemocraticServices/documents/g8771/Public%20reports%20pack%20Friday%2026-Jan-2018%20Budget%20Digest.pdf?T=10>) , be approved;
- (ii) that the net revenue expenditure of £112.006m resulting in a Council Tax requirement of £65.477m for 2018/2019 (a 5.99% increase in

Council Tax which includes a 3% increase specifically for adult social care) be approved;

- (iii) that, in relation to (ii) above, the Council's commitment (by a statement signed by the Chief Financial Officer) to allocate the additional funding of £1.851m raised by the 3% increase in Council Tax to adult social care be confirmed;
- (iv) 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;
- (v) that the proposed Fees and Charges for 2018/2019 be approved (<http://www.torbay.gov.uk/DemocraticServices/documents/g8769/Public%20reports%20pack%20Friday%2026-Jan-2018%20Budget%20Digest.pdf?T=10>);
- (vi) 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 submitted report) be considered and noted; and
- (vii) that it be noted that Brixham Town Council has yet to set its budget for 2018/2019 and this precept, when known, will be included as part of the Torbay Council budget for Council Tax setting purposes.

During the debate and in accordance with Standing Order A14.4, Councillor Doggett proposed and Councillor Long 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:

This Council notes that Torbay Council does not fund bus subsidies in Torbay from Council tax payers. This compares to local authorities such as Plymouth and Devon County Council that on the latest figures available from the campaign for better transport, fund bus services at a rate of £384,029 and £4,780,129 respectively.

The lack of subsidy has contributed in bus services being ended or suffering reductions such as the 64, 65, 67 and 32 routes.

This Council further notes that the combination of the operation of the concessionary fares scheme along with the lack of subsidy provided by this Council, could leave some current routes across Torbay vulnerable to further reductions in service, during the next financial year.

In light of the above this Council calls upon the Elected Mayor to establish a fund for subsidising buses in Torbay of £150,000.

In accordance with the Constitution at F2.9, the Council therefore requires the Elected Mayor to consider this objection by 16 February 2018 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 Darling (M), Darling (S), Doggett, Long, Morey, Pentney, Sanders and Stocks (8); Against: Elected Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Ellery, Excell, Haddock, Hill, Kingscote, Lewis (B), Lewis (C), Manning, Mills, O'Dwyer, Parrott, Robson, Sykes, Thomas (D), Tolchard, Tyerman and Winfield (23); Abstain: Councillor Stockman (1); and Absent: Councillors Carter, King, Morris, Stubley and Thomas (J) (5). Therefore, the objection was declared lost.

During the debate and in accordance with Standing Order A14.4, Councillor Darling (S) proposed and Councillor Stocks 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:

This Council notes that at a time when:

- Child poverty has increased in Torbay to approximately 30% of children in the Bay;
- Torbay is falling behind the rest of the UK with its Gross Value Added reducing to less than 60% of the national average; and
- Torbay suffers from the highest levels of personal insolvency in England and Wales.

The Elected Mayor is proposing a £162,000 cut to the adult substance misuse service budget line over the next two years.

In light of the above this Council calls upon the Elected Mayor to passport these savings to tackling poverty in Torbay. This funding could support projects that include the funding of debt advice, support a Credit Union in Torbay, employment support for workless people or other measures to reduce poverty and improve the Bay's economic performance.

In accordance with the Constitution at F2.9, the Council therefore requires the elected Mayor to consider this objection by 16 February 2018 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 Darling (M), Darling (S), Doggett, Long, Pentney, Sanders and Stocks (7); Against: Elected Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Ellery, Excell, Haddock, Hill, Kingscote, Lewis (B), Lewis (C), Manning, Mills, O'Dwyer, Parrott, Robson, Stockman, Sykes, Thomas (D), Tolchard, Tyerman and Winfield (24); Abstain: Councillor Morey (1); and Absent: Councillors Carter, King, Morris, Stubbley and Thomas (J) (5). Therefore, the objection was declared lost.

During the debate and in accordance with Standing Order A14.4, Councillor Pentney proposed and Councillor Darling (M) 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:

This Council notes with concern the reduction in town centre footfall in Torbay.

In light of this this Council proposes a three month trial of on street car parking at 50p for one hour parking with no return within 24 hours. This is to take effect from the Easter holidays 2018 onwards or as soon as the legal timeframe (eg. statutory consultation and notice period) permits for this year.

In accordance with the Constitution at F2.9, the Council therefore requires the Elected Mayor to consider this objection by 16 February 2018 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 Darling (M), Darling (S), Doggett, Long, Morey, Pentney, Sanders and Stocks (8); Against: Elected Mayor Oliver, Councillors Amil, Barnby,

Bent, Brooks, Bye, Ellery, Excell, Haddock, Hill, Kingscote, Lewis (B), Lewis (C), Manning, Mills, O'Dwyer, Parrott, Robson, Stockman, Sykes, Thomas (D), Tolchard, Tyerman and Winfield (24); and Absent: Councillors Carter, King, Morris, Stubley and Thomas (J) (5). Therefore, the objection was declared lost.

During the debate and in accordance with Standing Order A14.4, Councillor Sanders proposed and Councillor Stocks 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:

1. £10,000 should be allocated to conduct a study into young people's public transport needs and costs and how they could be assisted;
2. An additional £20,000 should be allocated to the Council's Public Health budget to allow GP surgeries across Torbay to help to identify at risk patients who could benefit from taking up a physical activity and to subsidise the first weeks or months of their leisure centre subscriptions; and
3. £10,000 should be allocated to encourage the use of musical instruments owned and held in storage by the Council as well as adding to the overall instrument library. Such instrument library to be used to support schools and widen the opportunities for students who are unable to access such musical instruments themselves.

In accordance with the Constitution at F2.9, the Council therefore requires the elected Mayor to consider this objection by 16 February 2018 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 Darling (M), Darling (S), Doggett, Long, Pentney, Sanders and Stocks (7); Against: Elected Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Ellery, Excell, Haddock, Hill, Kingscote, Lewis (B), Lewis (C), Manning, Mills, Morey, O'Dwyer, Parrott, Robson, Stockman, Sykes, Thomas (D), Tolchard, Tyerman and Winfield (25); and Absent: Councillors Carter, King, Morris, Stubley and Thomas (J) (5). Therefore, the objection was declared lost.

During the debate and in accordance with Standing Order A14.4, Councillor Sanders 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:

The Elected Mayor is not fully utilising all opportunities for income generation under the Sustainable Communities Act 2007. This Act gives Local Authorities the ability to submit proposals to the Secretary of State asking for the removal of legislative and other barriers that prevent them from improving the sustainability of the local area. An example of this could be the introduction of a local levy of 8.5% of the rate on large retail outlets in their area with a rateable annual value not less than £500,000. Any such proposals requires that the revenue from this levy be retained by the Local Authority in order to be used to improve local communities in their areas by promoting local economic activity, local services and facilities, social and community wellbeing and environmental protection.

The Council notes that if such a power as outlined above was acquired this would present the opportunity to raise further revenue, resulting in a positive impact on the Council's overall budget and generate income of approximately £800,000.

In accordance with the Constitution at F2.9, the Council therefore requires the elected Mayor to consider this objection by 16 February 2018 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 Darling (M), Darling (S), Doggett, Long, Morey, Pentney, Sanders and Stocks (8); Against: Elected Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Ellery, Excell, Haddock, Hill, Kingscote, Lewis (B), Lewis (C), Manning, Mills, O'Dwyer, Parrott, Robson, Stockman, Sykes, Thomas (D), Tolchard, Tyerman and Winfield (24); and Absent: Councillors Carter, King, Morris, Stubley and Thomas (J) (5). 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:

- (i) that the proposals identified for service change, income generation and efficiencies in 2018/2019, as set out in the Elected Mayor's Response to Consultation**

<http://www.torbay.gov.uk/media/10932/mayors-budget-proposals-response-1819.pdf>) and the Draft Revenue Budget Digest

<http://www.torbay.gov.uk/DemocraticServices/documents/g8771/Public%20reports%20pack%20Friday%2026-Jan-2018%20Budget%20Digest.pdf?T=10>), be approved;

- (ii) that the net revenue expenditure of £112.006m resulting in a Council Tax requirement of £65.477m for 2018/2019 (a 5.99% increase in Council Tax which includes a 3% increase specifically for adult social care) be approved;
- (iii) that, in relation to (ii) above, the Council's commitment (by a statement signed by the Chief Financial Officer) to allocate the additional funding of £1.851m raised by the 3% increase in Council Tax to adult social care be confirmed;
- (iv) 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;
- (v) that the proposed Fees and Charges for 2018/2019 be approved (<http://www.torbay.gov.uk/DemocraticServices/documents/g8769/Public%20reports%20pack%20Friday%2026-Jan-2018%20Budget%20Digest.pdf?T=10>);
- (vi) 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 submitted report) be considered and noted; and
- (vii) that it be noted that Brixham Town Council has yet to set its budget for 2018/2019 and this precept, when known, will be included as part of the Torbay Council budget for Council Tax setting purposes.

The voting was taken by roll call as follows: The voting was taken by roll call as follows: For: Elected Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Ellery, Excell, Haddock, Hill, Kingscote, Lewis (B), Lewis (C), Manning, Mills, Morey, O'Dwyer, Parrott, Robson, Stockman, Sykes, Thomas (D), Tolchard, Tyerman and Winfield (25); Against: Councillors Darling (M), Darling (S), Doggett, Long, Pentney, Sanders and Stocks (7); and Absent: Councillors Carter, King, Morris, Stubley and Thomas (J) (5).

(Note: Councillor Winfield arrived during consideration of this item.)

168 Capital Plan Budget 2018/2019

Further to the meeting of the Council held on 1 February 2018, Members considered the recommendations of the Elected Mayor in relation to the Capital Plan 2018/2019 as set out in the submitted report.

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

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

that the Capital Plan for 2018/2019 as set out in Appendix 1 to the submitted report be approved.

During the debate and in accordance with Standing Order A14.4, Councillor Long proposed and Councillor Pentney 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 support for sports clubs within the Bay and therefore a capital fund of £50,000 be established for matched funded capital grants to sports clubs to support the purchase of capital equipment. The criteria for the fund to be developed in consultation with Sport Torbay. The outcomes and benefits from this fund, including associated Public Health benefits, to be reviewed as part capital budget setting for future financial years.

In accordance with the Constitution at F3.9, the Council therefore requires the Elected Mayor to consider this objection by 16 February 2018 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 Darling (M), Darling (S), Doggett, Ellery, Long, Morey, Pentney, Sanders Stockman and Stocks (10); Against: Elected Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Excell, Haddock, Hill, Kingscote, Lewis (B), Lewis (C), Manning, Mills, O'Dwyer, Parrott, Robson, Sykes, Thomas (D), Tolchard, Tyerman and Winfield (22); and Absent: Councillors Carter, King, Morris, Stubley and Thomas (J) (5). 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 2018/2019 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, Barnby, Bent, Brooks, Bye, Ellery, Excell, Haddock, Hill, Kingscote, Lewis (B), Lewis (C), Manning, Mills, O'Dwyer, Parrott, Robson, Sykes, Thomas (D), Tolchard, Tyerman and Winfield (23); Against: Councillors Darling (M), Darling (S), Doggett, Long, Morey, Pentney, Sanders, Stockman and Stocks (9); and Absent: Councillors Carter, King, Morris, Stubley and Thomas (J) (5).

169 Treasury Management Strategy 2018/19 (incorporating the Annual Investment Strategy 2018/19 and the Minimum Revenue Provision Policy 2018/19)

The Council received the Treasury Management Strategy for 2018/19 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 Tyerman seconded a motion, which was agreed (unanimously) by the Council as set out below:

that Council approve the:

- **Treasury Management Strategy for 2018/19 (incorporating the Annual Investment Strategy 2018/19);**
- **the Prudential Indicators 2018/19; and**
- **the Annual Minimum Revenue Provision Policy Statement for 2018/19**

as set out in the Appendix to the submitted report.

170 Corporate Asset Management Plan

The Council considered an annual review of the Corporate Asset Management Plan (as set out in the submitted report) which set out the strategies that the Council will use to rationalise the number of assets that it has, replace them where appropriate and improve the quality of its remaining assets.

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

that the Corporate Asset Management Plan 2015-2019 (2018/2019 Revision) set out in Appendix 1 to the submitted report be approved.

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

that the Council formally objects to the adoption of the Corporate Asset Management Plan on the basis that:

The current approach to leasing to sports clubs at full market rent is leading to a hiatus in clubs gaining stability with their long term leasing arrangements with the Council. Long term leases provide clubs with a greater opportunity to apply for funding that could result in better facilities for the people of Torbay.

The approach of using market value in the development of sports leases has resulted in limited sports leases being established across Torbay. Therefore, the Elected Mayor is requested to consider changing his proposals to instruct officers to engage with Sports Torbay (formerly known as Torbay Sports Council) as to an alternative approach which provides improved outcomes for the clubs and the Council. A two month consultation and engagement exercise to be undertaken with Sports Torbay and other key stake holders, with a report to be submitted to Council in May 2018.

In accordance with the Constitution at F4.9, the Council therefore requires the Mayor to consider this objection by 16 February 2018 and either:

- a) submit a revision of the Corporate Asset Management 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.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Darling (M), Darling (S), Doggett, Ellery, Long, Morey, Pentney, Sanders Stockman and Stocks (10); Against: Elected Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Excell, Haddock, Hill, Kingscote, Lewis (B), Lewis (C), Manning, Mills, O'Dwyer, Parrott, Robson, Sykes, Thomas (D), Tolchard, Tyerman and Winfield (22); and Absent: Councillors Carter, King, Morris, Stubley and Thomas (J) (5). Therefore, the objection was declared lost.

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

that the Corporate Asset Management Plan 2015-2019 (2018/2019 Revision) set out in Appendix 1 to the submitted report be approved.

171 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, which was agreed by the Council as set out below:

that the Corporate Capital Strategy (including the Capital Receipts Strategy) as set out in Appendix to the submitted be approved.

172 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, which was agreed by the Council as set out below:

- (i) that £2.0 million be earmarked in the Comprehensive Spending Review Reserve to fund the predicted 2017/18 Council overspend;**
- (ii) that £0.200 million be transferred from the Comprehensive Spending Review Reserve to the IT Replacement Fund; and**
- (iii) that £0.050 million be allocated from the Comprehensive Spending Review Reserve to a Swimming Pool Reserve to support the 2018/19 budget proposal**

Chairwoman