



Minutes of the Adjourned Council

8 February 2012

-: Present :-

Chairman of the Council (Councillor Mills) (In the Chair)
Vice-Chairman of the Council (Councillor Stringer)

The Mayor of Torbay (Mayor Oliver)

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

533 Apologies for absence

An apology for absence was received from Councillor Bent.

534 Order of Business

In accordance with Standing Order A7.2, the order of business was varied to enable agenda item 13 (Revenue Budget Proposal 2012/2013), to be considered after item 14 (Capital Plan Budget 2012/2013 to 2015/2016).

535 Capital Plan Budget 2012/13 to 2015/16

Further to the meeting of the Council held on 1 February 2012, Members considered the recommendations of the Mayor on the proposed Capital Investment Plan for 2012/13 to 2015/16 which incorporated the Summary Capital Strategy 2012/13, the Asset Management Plan 2012/13 and the Capital Investment Plan 2012/13 to 2015/16 (including Prudential Indicators 2012/13) as set out in the submitted report.

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

that it be recommended to Council:

- (i) that the Summary Capital Strategy 2012/13 set out at Appendix 1 to the submitted report be approved;
- (ii) that the Asset Management Plan 2012/13 set out at Appendices 2 and 3 to the submitted report be approved;

- (iii) that the Capital Investment Plan 2012/13 to 2015/16 set out at Appendices 4 and 5 to the submitted report be approved;
- (iv) that the initial four year indicative allocations of funding to schemes/services for planning purposes within the Capital Investment Plan 2012/13 to 2015/16 be approved;
- (v) that approval of specific capital schemes within the approved Capital Investment Plan in (iv) above be delegated to the Chief Executive, in consultation with the Mayor, Executive Lead for Finance and Chief Finance Officer;
- (vi) that the Prudential Indicators for 2012/13 set out at Appendix 6 to the submitted report be approved; and
- (vii) that the Combined Impact Assessment for the Capital Investment Plan set out at Appendix 7 be noted.

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

- (i) that the Executive Head Finance be requested not to allocate any Capital Plan Budget from the £2 million identified for employment schemes to the Riviera International Conference Centre; and
- (ii) that the Executive Head Finance be requested to allocate £252,000 to fund a councillor community fund for 2012/13 and this be funded from the £2 million employment scheme fund from within the Capital Plan Budget. The councillor community fund to provide £7,000 allocation to each councillor towards community needs within their ward and the Executive Head Finance is requested to identify funding for this project in future years.

On being put to the vote, the motion was declared lost.

The original motion was put to the vote and declared carried.

536 Revenue Budget Proposal 2012/2013

Further to the meeting of the Council held on 1 February 2012, Members considered the recommendations of the Mayor in relation to the Revenue Budget for 2012/13. Representations were circulated at the meeting from SPOT (Speaking Out in Torbay), Torbay Sports Council and Julie Brandon and Susie Colley.

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

- (i) that it be recommended to Council:
 - (a) that the budget for 2012/13 set out in paragraph A2 to the submitted report and the associated fees and charges, be approved;

- (b) that the final notified Dedicated Schools Grant be used in accordance with the nationally laid down Schools Financial Regulations and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed;
- (c) that the Members' Allowances Scheme will be implemented in 2012/2013 in accordance with the decision of the Council at its meeting on 1 February 2012;
- (d) that the Chief Finance Officer in consultation with the Mayor and Executive Lead Member for Finance be authorised to approve expenditure from reserves and provisions in accordance with the terms of the respective reserve or provision;
- (e) 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 be noted;
- (f) that the Chief Finance Officer, in consultation with the Mayor and Executive Lead Member for Finance, be authorised to prepare a report on the financial issues in respect of 2013/14 and later years and issue any appropriate spending targets that may arise as a consequence;
- (g) 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 2012/13 if it is in the best interest of the Council;
- (h) 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 or unallocated grants that may be received during the year;
- (i) that the Chief Finance Officer be authorised to make adjustments to the budgets for any technical changes;
- (j) that the Review of Reserves report and the transfer of the surplus on a number of individual reserves to a Building Dilapidation and Contingent Liability reserve be approved;
- (k) that the Chief Finance Officer prepare the appropriate documentation for the Council to permit the Council Tax setting at the meeting on 1 March 2012 and all other returns to be made by the appropriate date; and

- (i) that the impact assessments as shown in annex 4 of the submitted report be noted; and
- (ii) that the risks in preparing this budget package be accepted. 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, it was proposed by Councillor Darling and seconded by Councillor Pentney:

- (i) that the Revenue Budget for 2012/13 be amended to include:
 - (a) £655,000 allocated to Adult Social Care to support the transformations to domiciliary care and residential and nursing home placements. £500,000 of this allocation will support one off initiatives and will not be used to support ongoing commitments;
 - (b) £85,000 (50% of the original proposal to reduce Library Services) allocated back to the Library Service;
 - (c) a one off contribution of £100,000 to establish a South Devon Link Road employment opportunity fund to be administered by the Torbay Development Agency;
 - (d) £10,000 to reinstate the out of hours service for environmental health emergencies; and
 - (e) £200,000 to fund concessionary bus fares to reduce the proposed cut from £400,000 to £200,000;
- (ii) that the following funding be allocated to support the spending identified in (i) above:
 - 1. the Executive Head Finance to identify approximately 2% of Council reserves to achieve £500,000 to be allocated to Adult Social Care (part of (a) above) and £100,000 to the South Devon Link Road Employment opportunity fund ((c) above);
 - 2. the Commissioner of Place and Environment be requested to negotiate a reduction of £100,000 in the grant allocated to the Riviera International Conference Centre. This funding to be used for: Adult Social Care (£55,000) (part of (a) above); Library Service (£35,000) (part of (b) above); and out of hours service for environmental health emergencies (£10,000) ((d) above);
 - 3. the Executive Head Finance to review the Treasury Management Budget with a view to making an additional income of £150,000. This income to be used for Library Service (£50,000) (part of (b) above)

and £100,000 of this be allocated to the Adult social care (part of (a) above); and

4. the Executive Head Finance allocates £200,000 from the £500,000 budget contingency fund for concessionary bus fares ((e) above).

In accordance with Standing Order A19.4 and at the request of Councillor Darling, 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 (A), Faulkner (J), Morey, Parrott, Pentney, Pountney, Stocks and Stockman (14); Against: The Mayor, Councillors Addis, Amil, Barnby, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, James, Kingscote, Lewis, McPhail, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (20); Abstain: Councillors Mills and Stringer (2); and Absent: Councillor Bent (1). Therefore, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Baldrey and seconded by Councillor Doggett:

while there is some understandable local support for 'local issues to be dealt with by local people' the proposed transfer of Brixham Town Hall and Shoalstone Pool to Brixham Town Council will impose additional costs onto the residents of Brixham because there has been no discussion of a counter-balancing reduction in Torbay Council tax for Brixham Residents. This would have the effect of taxing some Torbay residents more highly than others which would clearly be unfair and thus we believe would be of questionable legality.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Pentney and seconded by Councillor Faulkner (J):

that the Council expresses its concern that the Neighbourhood Youth Service will have a gap in service provider. It is important that the quality of the Neighbourhood Youth Service is maintained or improved.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Stocks and seconded by Councillor Faulkner (J):

objection to the loss of a Sexual Health Advisor within Torbay.

Torbay has suffered from high levels of teenage pregnancy for many years and with the appointment of the Sexual Health Advisor figures have finally begun to drop but this improvement has not yet been completely embedded. The loss of the Sexual Health Advisor would affect the delivery of:

- of the health and Schools team.
- National PSHE Programme
- And the loss of the strategic lead for reintegration of teenage mums back into education which reduces the chances of second teenage pregnancies.
- The strategic lead on reducing the spread of Chlamydia amongst the Bays young people.

While many local schools are going to academy status there will still be a demand for this kind of leadership in promoting teenagers' life's chances and enabling them to live more meaningful and rewarding lives.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Cowell and seconded by Councillor Ellery:

- (i) that the revenue budget for 2012/13 be amended to include £63,000 to reinstate the library opening hours reduction within the Residents and Visitors Services budget; and
- (ii) that the funding be allocated to support the spending in (i) above from the £500,000 proposed budget contingency fund.

In accordance with Standing Order A19.4 and at the request of Councillor Ellery, 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 (A), Faulkner (J), James, Morey, Parrott, Pentney, Pountney, Stocks, Stockman and Stringer (16); Against: The Mayor, Councillors Addis, Amil, Barnby, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (19); Abstain: Councillor Mills (1); and Absent: Councillor Bent (1). Therefore, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Parrott and seconded by Councillor Stockman:

- (i) that the revenue budget for 2012/13 be amended to include £100,000 to reinstate the reduction in early years provision within the Children's Services budget; and
- (ii) that the Commissioner of Place and Environment be requested to negotiate a reduction of £100,000 in the grant allocated to the Riviera International Conference Centre to fund the spending in (i) above.

In accordance with Standing Order A19.4 and at the request of Councillor Stockman, 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 (A), James, Morey, Parrott, Pentney, Pountney, Stocks and Stockman (14); Against: The Mayor, Councillors Addis, Amil, Barnby, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (19); Abstain: Councillors Faulkner (J), Mills and Stringer (3); and Absent: Councillor Bent (1). Therefore, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Parrott and seconded by Councillor Morey:

- (i) that the revenue budget for 2012/13 be amended to include £20,000 to provide a fit for purpose out of hours service for environmental health services; and
- (ii) that the funding be allocated to support the spending in (i) above from the £500,000 proposed budget contingency fund.

On being put to the vote, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Ellery and seconded by Councillor Cowell:

- (i) that the revenue budget for 2012/13 be amended to reinstate £150,000 to the Youth Service to enable remodelling for utilising partnerships with the voluntary sector. This funding will support one off initiatives and will not be used to support ongoing commitments; and
- (ii) that the Executive Head Finance be requested to identify £150,000 of council reserves to be allocated to (i) above.

In accordance with Standing Order A19.4 and at the request of Councillor Cowell, 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 (A), Faulkner (J), James, Morey, Parrott, Pentney, Pountney, Stocks, Stockman and Stringer (16); Against: The Mayor, Councillors Addis, Amil, Barnby, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (19); Abstain: Councillor Mills (1); and Absent: Councillor Bent (1). Therefore, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Parrott and seconded by Councillor Stockman:

- (i) that, in view of the need to ensure continued reduction in Torbay's teenage conception rates, £85,000 be reinstated to the Children's Services budget to continue to fund the Strategic Lead Post for Teenage Pregnancies for 2012/13; and
- (ii) that the funding be allocated to support the spending in (i) above from the £500,000 proposed budget contingency fund.

In accordance with Standing Order A19.4 and at the request of Councillor Stockman, 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 (A), Faulkner (J), Morey, Parrott, Pentney, Pountney, Stocks and Stockman (14); Against: The Mayor, Councillors Addis, Amil, Barnby, Brooksbank, Excell, Hernandez, Hill, Hytche, James, Kingscote, Lewis, McPhail, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (19); Abstain: Councillors Butt, Mills and Stringer (3); and Absent: Councillor Bent (1). Therefore, the motion (to refer the amendment to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Parrott and seconded by Councillor Ellery:

- (iii) that the revenue budget for Adult Social Care be amended to include an additional £219,000 to accord with the Care Trusts original planning assumptions regarding inflationary pressures. This addition will be a one off provision; and
- (iv) that the Executive Head Finance be requested to identify £219,000 of council reserves to be allocated to (i) above.

In accordance with Standing Order A19.4 and at the request of Councillor Ellery, 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 (A), Faulkner (J), Morey, Parrott, Pentney, Pountney, Stocks and Stockman (14); Against: The Mayor, Councillors Addis, Barnby, Brooksbank, Butt, Excell, Hernandez, Hill, Hytche, James, Kingscote, Lewis, McPhail, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (19); Abstain: Councillors Amil, Mills and Stringer (3); and Absent: Councillor Bent (1). Therefore, the motion (to refer the amendment to the Mayor) was declared lost.

At this juncture and in accordance with Standing Order A11.2, the Chairman advised that the meeting had lasted four hours and the Deputy Chief Executive, the Monitoring Officer and Section 151 Officer had advised that the business remaining on the agenda should be transacted at this meeting.

On being put to the vote it was resolved that the meeting continues.

In accordance with Standing Order A14.4, it was proposed by Councillor Pountney and seconded by Councillor Baldrey:

this Council objects to the increasing of £5,000 to the Chairman's budget, as outlined in the budget proposal.

At a time when everybody has had to tighten their belts and make economies, it appears indefensible that this Council is without any real consultation preparing to spend £5000 on unexplained expenditure.

Only at the last Council meeting we were told that "now was not the right time to increase allowance to Councillors", but in this area there seems to have been an exception.

At a time of austerity, all unnecessary expenditure should be rejected.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Davies and seconded by Councillor Darling:

that the Council objects to the cuts to the service provided by PLUS. Whilst recognising the need to make financial savings in this sensitive area and with the full knowledge of the cuts by Torbay Care Trust in Day Care for vulnerable adults, assurance is needed of how and where these adults' needs are to be met before considering support being taken away from PLUS.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Doggett and seconded by Councillor Faulkner (A):

this Council objects to the £400,000 reduction in the reimbursement rate from the Council to bus companies from the concessionary fares due to the adverse impact on local bus services as identified by Overview and Scrutiny Board during the budget process. This reduction will have a negative effect on services to the public throughout the bay as bus operators are already suffering from increases in the cost of fuel and in April 2012 the 20% reduction regarding bus operators' grant will take place. Furthermore the Council will have to be vigilant that services to the outer lying areas of the Bay are not lost. These are essential to convey people and school children, who do not have access to a car or similar vehicle to the main link bus service running through the centre of the Bay from Brixham to Newton Abbot via, Paignton and Torquay.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

In accordance with Standing Order A14.4, it was proposed by Councillor Cowell and seconded by Councillor Morey:

- (i) that £100,000 is allocated to the Torbay Development Agency to support the delivery of the LABV and to develop Torbay's efforts for economic regeneration and new jobs. This funding will support one off initiatives and will not be used to support ongoing commitments; and
- (ii) that the Executive Head Finance be requested to identify £100,000 of council reserves to be allocated to (i) above.

On being put to the vote, the motion (to refer the objection to the Mayor) was declared lost.

The original motion put forward by the Mayor was then put to the vote and declared carried.

Note: During consideration of Minute 536 the following personal interests were declared:

Councillor	Nature of interest
Faulkner (J)	Vice-Chair of Acorn, President and Chair of Chilled-Out and President of Windmill
Darling	Acorn and Councillor Stocks' deputy on PLUSS
Stringer James	Daughter works for Youth Service Trustee on Brixham Youth Enquiry Service
Stocks	Council nominated NED of PLUSS
Faulkner (A)	Director of TDA
Thomas (D)	Director of TDA
Tyerman	Director of TDA

537 Strategic Agreement between Torbay NHS Care Trust and Torbay Council - Policy Framework

The Council considered the submitted report on the Annual Strategic Agreement (ASA) for 2012/13 between the Council and Torbay NHS Care Trust for the delivery of Adult Social Care.

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

that the Strategic Agreement between Torbay NHS Care Trust and Torbay Council set out at Appendix 1 to the submitted report be approved.

In accordance with Standing Order A19.4 and at the request of Councillor Parrott, a recorded vote was taken on the motion. The voting was taken by roll call as follows: For: The Mayor, Councillors Excell, Hernandez, Hill, Hytche, Kingscote, Lewis, McPhail, Pritchard, Richards, Scouler, Thomas (D), Thomas (J) and Tyerman (14); Against: Councillors Addis, Cowell, Darling, Doggett, Ellery, Faulkner (A), Faulkner (J), Morey, Parrott, Pentney, Pountney, Stocks, Stockman and Stringer (14); Abstain: Councillors Amil, Baldrey, Barnby, Brooksbank, Butt, Davies, James and Mills (8); and Absent: Councillor Bent (1). Therefore, in accordance with Standing Order A19.2, the Chairman used his casting vote, voted for the motion and declared it carried.

Chairman
