



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

23 February 2017

-: 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, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Pentney, Robson, Sanders, Stockman, Stocks, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield

148 Opening of meeting

The meeting was opened with a prayer.

149 Apologies for absence

Apologies for absence were received from: Councillors Carter, Kingscote, Morris and Winfield for the first part of the meeting until the adjournment; and Councillor Stringer for the whole meeting.

150 Minutes

The Minutes of the meeting of the Council held on 2 February 2017 and the adjourned meeting of the Council held on 9 February 2017 were confirmed as a correct records and signed by the Chairman.

151 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.

Councillor Thomas (D) declared a pecuniary interest in respect of the Liberal Democrat amendment on the Air Show in respect of Minute 164. The Chairman declared a pecuniary in respect of Minute 168.

152 Members' questions

Members received a paper detailing the questions and answers, as set out at Appendix 1 to these Minutes, notice of which had been given in accordance with Standing Order A13.

Written responses were circulated prior to the meeting. Supplementary questions were then asked in respect of questions 1 and 2. Verbal responses were provided at the meeting.

153 Notice of Motion - Clinical Health Services (Mayoral Decision)

Members considered a motion in relation to the removal of clinical health services in Paignton and proposals to downgrade Torbay's District General Hospital, notice of which was given in accordance with Standing Order A14.

Councillor Sanders proposed and Councillor Darling (S) seconded the motion as set out below:

this Council objects to the removal of clinical health services delivered in Paignton and to any proposal that downgrades Torbay's District General Hospital, and calls on the Mayor to contact the leaders of neighbouring local authorities whose residents will be affected by such changes to unite against them, and to use his community leadership role to raise with the Government the views of opponents to these changes from residents, patients and staff from across South Devon.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor.

The Mayor rejected the motion and a record of his decision is attached to these minutes.

154 Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust

The Council received the submitted report on the Annual Strategic Agreement (ASA) which set out the way in which Torbay Council and South Devon and Torbay Clinical Commissioning Group (CCG) commissioned services from the Torbay and South Devon NHS Foundation Trust (the Trust) for those requiring adult and social care support. The report also included a proposal for establishing an Adult Services and Public Health Monitoring Working Party to oversee changes in both adult services and public health as a result of local, regional and national pressures. Members also received details of the notice of withdrawal from the Risk Share Agreement by Torbay and South Devon NHS Foundation Trust (as set out in the submitted report).

Members received the recommendations of the Overview and Scrutiny Board for approval of the report.

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

- (i) that the Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust set out at Appendix 1 to the submitted report be approved for the period to 31 December 2017; and**
- (ii) that a Adult Services and Public Health Monitoring Working Party be established comprising 5 members (to be politically balanced), with the Executive Lead for Adults and Children and the Executive Lead for Health and Wellbeing and the Directors of Adult Services and Public Health being invited to attend meetings, with terms of reference as follows:**

 - (a) To provide strategic political interface between elected members and the Executive Lead for Adults and Children and the Directors of Adult Services and Public Health.**
 - (b) To understand the key priorities for Adult Services and Public Health.**
 - (c) To be fully briefed on the changes within Adult Services and Public Health especially in respect of the arrangements with the Integrated Care Organisation, changes arising from the Devon-wide Sustainability and Transformation Plan and changes in Government legislation and/or guidance.**
 - (d) To understand the financial situation in relation to Adult Services and Public Health.**

155 Review of Torbay Council Investment Fund Strategy

Following the Council's decision on a local investment at its meeting on 8 December 2016, the Council considered the submitted report on a review of the Investment Strategy and Investment Fund undertaken by the Investment Committee to ensure there was the greatest opportunity to maximise the benefits income, diversify investments and spread risks. The report also set out a review of the Investment Committee's terms of reference to ensure they matched the revised Strategy and working practices. Members noted the Investment Strategy formed part of the Council's Policy Framework and therefore required Council approval following recommendations by the Mayor.

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

- (i) that the Council be recommended to approve the revised Torbay Council Investment Fund Strategy set out in Appendix 1 to the submitted report; and
- (ii) that the Council be recommended to approve the revised Terms of Reference of the Investment Committee set out in Appendix 2 to the submitted report.

During the debate Councillor Tyerman proposed and Councillor Thomas (J) seconded an objection to the motion as follows:

that the Council formally objects to the adoption of the revised Torbay Council Investment Fund Strategy on the basis that the Investment Committee recommendation should be adopted by Council as follows:

- 3.3 That the Council be recommended to approve the revised Torbay Council Investment Fund Strategy set out in Appendix 1 to the submitted report, subject to the level of authority to the Investment Committee being increased to £10m.**
- 3.4 That the Council be recommended to approve the revised Terms of Reference of the Investment Committee set out in Appendix 2 to the submitted report, subject to the level of authority to the Investment Committee being increased to £10m.**

In accordance with the Constitution at F4.9, the Council therefore requires the Mayor to consider this objection by 3 March 2017 either:

- a) submit a revision of the Investment Fund Strategy 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.**

The objection was put to the vote and declared carried. The Mayor would consider the objection and publish his response by 3 March 2017 for consideration at the Council meeting on 6 April 2017.

156 Torbay Council Annual Pay Policy Statement 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.

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

- (i) that the Torbay Council Annual Pay Policy Statement 2017/18, as set out at Appendix 2 to the submitted report, be approved; and**
- (ii) that the Employers Pensions Discretions set out in Appendix 3 to the submitted report be approved.**

157 Heart of the South West Devolution - Update and Appointment of Joint Committee

Members received an update following the 'in principle' approval of the Council (at its meeting on 21 July 2016) to progress negotiations for a devolution deal and the establishment of a Combined Authority. The report also proposed the preparation and approval of a Heart of the South West (HotSW) Productivity Plan and the creation of a formal HotSW Joint Committee of the local authorities, national park authorities and partners to take forward the Productivity Plan.

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

- (i) that the update about the HotSW Combined Authority/devolution deal proposals (including that a Joint Committee, if established, will have responsibility for developing future 'deal' and combined authority proposals for recommendation to the constituent authorities) be noted;**
- (ii) that the proposals for the HotSW Productivity Plan preparation and consultation (including noting that a Joint Committee, if established, will have responsibility for approving and overseeing the implementation of the Productivity Plan) be approved;**
- (iii) that it be agreed 'In principle' that a HotSW Joint Committee be established with a Commencement Date of Friday 1 September 2017 in accordance with the summary proposals set out in the submitted report; and**
- (iv) that the 'in principle' decision at (iii) above be subject to further recommendation and report to the constituent authorities after the County Council elections in May 2017 and confirmatory decisions to: approve the establishment of the Joint Committee; a constitutional 'Arrangements' document; an 'Inter-Authority Agreement' setting out the support arrangements; appoint representatives to the Joint Committee; and appoint an Administering Authority.**

158 Decision to Opt in to the National Scheme for Auditor Appointments with Public Sector Audit Appointment (PSAA) as the 'Appointing Person'

The Council considered the submitted report setting out the Audit Committee's recommendations on proposals for appointing the external auditor to the Council for the 2018/19 accounts and beyond from the national scheme for appointing auditors. It was noted the current contract was let by the Audit Commission and that, following the closure of the Audit Commission, this contract had been moved to the Public Sector Audit Appointments (PSAA).

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

that the Council accepts Public Sector Audit Appointments' (PSAA) invitation to 'opt in' to the sector led option for the appointment of external auditors for five financial years commencing 1 April 2018.

159 Provisional Calendar of Meetings for 2017/2018

The Council received the submitted report setting out the provisional calendar of meetings for the 2017/2018 Municipal Year which had been prepared based on the Council's decision-making structure and in accordance with the Council's Standing Orders. A revised officer recommendation was circulated on 21 February 2017.

Councillor Mills proposed and Councillor Morey seconded a motion as set out below:

- (i) that the provisional calendar of meetings for 2017/2018, set out in Appendix 1 to the submitted report, plus an additional provisional Council meeting on 15 June 2017, be approved for final ratification at the Annual Council Meeting; and
- (ii) that meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman/woman.

During the debate Councillor Pentney proposed and Councillor Darling (M) seconded an amendment to the motion as follows:

- (i) that the provisional calendar of meetings for 2017/2018, set out in Appendix 1 to the submitted report, plus an additional provisional Council meeting on 15 June 2017, be approved for final ratification at the Annual Council Meeting, subject to the start time for Development Management Committee to be changed from 2.00 pm to 5.30 pm.
- (iii) the Development Management Committee be renamed Planning Committee, to take effect from the beginning of the next Municipal Year 2017/18.

The amendment was put to the vote and declared lost.

Councillor Mills' and Councillor Morey's original motion was then considered by the Council which was agreed, as set out below:

- (i) **that the provisional calendar of meetings for 2017/2018, set out in Appendix 1 to the submitted report, plus an additional provisional Council meeting on 15 June 2017, be approved for final ratification at the Annual Council Meeting; and**
- (ii) **that meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman/woman.**

160 Request for Loan to South Devon College to Support the Development and Construction of a New Hi Tech Skills Centre

Members received the submitted report setting out a proposal for the Council to assist South Devon College construct a new purpose built hi-tech and digital centre by way of a loan. It was noted the new centre would provide significant positive economic and community benefits, meet the skills demand from employers and grow high level sustainable jobs for students in Torbay.

Members received the recommendations of the Overview and Scrutiny Board for approval of the report.

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

that the Council provide South Devon College with a loan on terms set out in exempt Appendix 1 to the submitted report to enable them to develop and construct a new hi tech skills centre.

161 Review of Electoral Arrangements - Submission by Torbay Council on Council Size

Further to the Council meeting on 21 July 2016, Members considered the Council's consultation response on the Local Government Boundary Commission for England (LGBCE) review of the number of Councillors in Torbay in respect of how many councillors in total should be elected to Torbay Council.

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

that the Review of Electoral Arrangements - Submission by Torbay Council on Council Size set out at Appendix 1 to the submitted report be approved and that the Local Government Boundary Commission for England be recommended to retain 36 Councillors for Torbay.

162 Adjournment

At this juncture the meeting was adjourned until 5.30pm on Thursday, 23 February 2017.

163 Jubilee Gardens - Mayoral Recommendations

The Council considered the recommendations of the Mayor which were outside of the Council's Policy Framework (namely the Corporate Asset Management Plan) and in respect of a disposal of land adjacent to 4 Berry Head Road, Brixham known as Jubilee Gardens. The Chairman advised that revised Mayoral recommendations had been circulated on 21 February 2017.

Mayor Oliver proposed and Councillor Thomas (D) seconded a motion as set out below:

that the Council be recommended that the land adjacent to 4 Berry Head Road (known as Jubilee Gardens) remains in the Council's ownership and is not disposed of, on the basis that there are existing covenants on this land to protect it and the Council has no plans to develop it.

During the debate, Councillor Morey proposed and Councillor Ellery seconded an amendment, which (with further adjustment) was accepted by Mayor Oliver and Councillor Thomas (D), incorporated in the original motion and was agreed by the Council as set out below:

- (i) that the Council be recommended that the land adjacent to 4 Berry Head Road (known as Jubilee Gardens) remains in the Council's ownership and is not disposed of, on the basis that there are existing covenants on this land to protect it and the Council has no plans to develop it; and**
- (ii) that the Assistant Director of Corporate and Business Services be requested to explore the potential of transferring the land adjacent to 4 Berry Head Road (known as Jubilee Gardens), either as a short or medium term leasehold to Brixham Town Council, on the basis that they will be responsible for maintenance and make recommendations to the Council accordingly.**

(Note: Councillor Stockman left the meeting after consideration of this item.)

164 Revenue Budget 2017/2018

The Council considered the final Revenue Budget proposals of the Mayor (as set out in the Mayor's Record of Decision dated 16 February 2017), which he had put forward following his consideration of the objections that were made by the Council at its adjourned meeting on 9 February 2017.

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

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

that the Mayor's original budget proposals presented to Council on 9 February 2017 be recommended to Council, subject to the indicative budget figures for 2018/19 being removed and that these be considered as part of the development of the Revenue Budget for 2018/19, as set out below:

- (a) that the proposals identified for service change, income generation and efficiencies in 2017/2018, as set out in the proposed Revenue Budget Digest (excluding 2018/2019 indicative figures), be approved;
- (b) that the net revenue expenditure of £109.642m resulting in a Council Tax requirement of £60.075m for 2017/2018, a 3.99% increase which includes a 2% increase in Council Tax specifically for adult social care be approved;
- (c) that, in relation to (b) above, the Council's commitment (by a statement signed by the Chief Financial Officer) to allocate the additional funding of £1.155m raised by the 2% increase in Council Tax to adult social care be confirmed;
- (d) 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;
- (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 (as set out in the submitted report) be considered and noted; and
- (f) that it be noted that Brixham Town Council has yet to set its budget for 2017/2018 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 Thomas (D) proposed and Councillor Robson seconded an amendment to the motion as follows:

- (b) that the net revenue expenditure of ~~£109.642m~~ £110.219m resulting in a Council Tax requirement of ~~£60.075m~~ £60.652 for 2017/2018, a ~~3.99%~~ 4.99% increase which includes a ~~2%~~ 3% increase in Council Tax specifically for adult social care be approved;
- (c) that, in relation to (b) above, the Council's commitment (by a statement signed by the Chief Financial Officer) to allocate the

additional funding of ~~£1.155m~~ £1.732m raised by the 2% 3% increase in Council Tax to adult social care be confirmed;

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, King, Kingscote, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Pentney, Robson, Sanders, Stocks, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard Tyerman and Winfield (34); Abstain: Mayor Oliver (1); Absent: Councillors Stockman and Stringer (2). Therefore, as more than two-thirds of members present and voting had cast their vote in support of the amendment, it was carried.

During the debate and in accordance with Standing Order A14.4, Councillor Darling (S) proposed and Councillor Pentney seconded a further amendment to the motion as follows:

- (a) that the proposals identified for service change, income generation and efficiencies in 2017/2018, as set out in the proposed Revenue Budget Digest (excluding 2018/2019 indicative figures), be approved, subject to the reallocation of £100,000 contingency fund to underwrite the Air Show as follows:

£50,000 for grants given to community led youth service provision; and
£50,000 allocated to grounds maintenance of public open spaces

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Darling (M), Darling (S), Doggett, Ellery, Morey, Pentney, Sanders and Stocks (8); Against: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Cunningham, Excell, Haddock, Hill, King, Kingscote, Lewis, Manning, Mills, Morris, O'Dwyer, Parrott, Robson, Stubley, Sykes, Thomas (J), Tolchard, Tyerman and Winfield (25); Abstain: Councillor Carter (1); and Absent: Councillors Stockman, Stringer and Thomas (D) (3). Therefore, less than two-thirds of members present and voting cast their vote in support of the amendment and it was declared lost.

During the debate and in accordance with Standing Order A14.4, Councillor Darling (S) proposed and Councillor Sanders seconded a further amendment to the motion as follows:

- (a) that the proposals identified for service change, income generation and efficiencies in 2017/2018, as set out in the proposed Revenue Budget Digest (excluding 2018/2019 indicative figures), be approved, subject to the Mayor's Support Unit budget being reduced by £30,000 and that this budget be reallocated to the Discretionary Housing Payments fund to support the most vulnerable in our community.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Carter, Darling (M), Darling (S), Doggett, Ellery, Morey,

Pentney, Sanders and Stocks (9); Against: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Cunningham, Excell, Haddock, Hill, King, Kingscote, Lewis, Manning, Mills, Morris, O'Dwyer, Parrott, Robson, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (26); and Absent: Councillors Stockman and Stringer (2). Therefore, less than two-thirds of members present and voting cast their vote in support of the amendment and it was declared lost.

A recorded vote was taken on the amended (substantive) motion. The voting was taken by roll call as follows: For: Mayor Oliver, Amil, Barnby, Bent, Brooks, Bye, Cunningham, Ellery, Excell, Haddock, Hill, King, Kingscote, Lewis, Manning, Mills, Morris, O'Dwyer, Parrott, Robson, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (27); Abstain: Councillors Carter, Darling (M), Darling (S), Doggett, Morey, Pentney, Sanders and Stocks (8); Absent: Councillors Stockman and Stringer (2). Therefore, as more than two-thirds of members present and voting had cast their vote in support of the amended (substantive) motion, it was carried as follows:

that the Mayor's original budget proposals presented to Council on 9 February 2017 be recommended to Council (as amended), subject to the indicative budget figures for 2018/19 being removed and that these be considered as part of the development of the Revenue Budget for 2018/19, as set out below:

- (a) that the proposals identified for service change, income generation and efficiencies in 2017/2018, as set out in the proposed Revenue Budget Digest (excluding 2018/2019 indicative figures), be approved;**
- (b) that the net revenue expenditure of £110.219m resulting in a Council Tax requirement of £60.652m for 2017/2018, a 4.99% increase which includes a 3% increase in Council Tax specifically for adult social care be approved;**
- (c) that, in relation to (b) above, the Council's commitment (by a statement signed by the Chief Financial Officer) to allocate the additional funding of £1.732m raised by the 3% increase in Council Tax to adult social care be confirmed;**
- (d) 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;**
- (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 (as set out in the submitted report) be considered and noted; and**

- (f) **that is be noted that Brixham Town Council has yet to set its budget for 2017/2018 and this precept, when known, will be included as part of the Torbay Council budget for Council Tax setting purposes.**

(Note: Prior to consideration of the Liberal Democrat Group Amendment on the Air Show, Councillor Thomas (D) declared his pecuniary interest and withdrew from the meeting during the debate and voting on this amendment.)

165 Capital Plan 2017/2018

The Council considered the final Capital Plan Budget proposals of the Mayor (as set out in the Mayor's Record of Decision dated 16 February 2017), which he had put forward following his consideration of the objections that were made by the Council at its adjourned meeting on 9 February 2017.

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

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

that the Capital Plan Budget proposals for 2017/2018, as set out in Appendix 1 to the submitted report and as presented to the adjourned Council meeting on 9 February 2017, be recommended to Council for approval.

During the debate Councillor Tyerman proposed and Councillor Carter seconded an amendment to the motion as follows:

that the Capital Plan Budget proposals for 2017/2018, as set out in Appendix 1 to the submitted report and as presented to the adjourned Council meeting on 9 February 2017, be recommended to Council for approval, subject to the following conditions and for presentation to Council at its meeting in July 2017, if not before:

- (a) that the Elected Mayor and the Chief Executive be requested to review the projects listed below and make recommendations to Council on:
- (i) Claylands Redevelopment
 - (ii) Edginswell Station
 - (iii) Princess Pier Structural Repair

With no further significant work (as determined by the Chief Executive) to be undertaken until the schemes have been re-presented to Council for detailed consideration and determination as appropriate;

- (b) that the Elected Mayor and the Chief Executive review and make recommendations to Council on the specific proposals for expenditure on the capital budget for Integrated Transport;

- (c) that, on the basis that the procurement process for replacement of a Torbay wide CCTV system has been paused pending the budget being approved, that the Elected Mayor and Chief Executive review and make recommendations to Council. With no further significant work (as determined by the Chief Executive) be undertaken, until the plan for capital expenditure on CCTV has been re-presented to Council for detailed consideration and determination;
- (d) that the Elected Mayor and Chief Executive be requested to set out to Council how the capital budgets for:
 - (i) affordable housing
 - (ii) empty homes schemes
 - (iii) private sector renewals

will be used to meet the Council's Housing strategy.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, King, Kingscote, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Pentney, Robson, Sanders, Stocks, Stubbley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (35); Absent: Councillors Stockman and Stringer (2). Therefore, as more than two-thirds of members present and voting had cast their vote in support of the amendment, it was carried (unanimously).

The amended (substantive) motion was then considered by members.

A recorded vote was taken on the amended (substantive) motion. The voting was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, Hill, King, Kingscote, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Pentney, Robson, Sanders, Stocks, Stubbley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (35); Absent: Councillors Stockman and Stringer (2). Therefore, as more than two-thirds of members present and voting had cast their vote in support of the amended (substantive) motion, it was carried (unanimously) as follows:

that the Capital Plan Budget proposals for 2017/2018, as set out in Appendix 1 to the submitted report and as presented to the adjourned Council meeting on 9 February 2017, be recommended to Council for approval, subject to the following conditions and for presentation to Council at its meeting in July 2017, if not before:

- (a) that the Elected Mayor and the Chief Executive be requested to review the projects listed below and make recommendations to Council on:**

- (i) Claylands Redevelopment
- (ii) Edginswell Station
- (iii) Princess Pier Structural Repair

With no further significant work (as determined by the Chief Executive) to be undertaken until the schemes have been re-presented to Council for detailed consideration and determination as appropriate;

- (b) that the Elected Mayor and the Chief Executive review and make recommendations to Council on the specific proposals for expenditure on the capital budget for Integrated Transport;
- (c) that, on the basis that the procurement process for replacement of a Torbay wide CCTV system has been paused pending the budget being approved, that the Elected Mayor and Chief Executive review and make recommendations to Council. With no further significant work (as determined by the Chief Executive) be undertaken, until the plan for capital expenditure on CCTV has been re-presented to Council for detailed consideration and determination;
- (d) that the Elected Mayor and Chief Executive be requested to set out to Council how the capital budgets for:
 - (i) affordable housing
 - (ii) empty homes schemes
 - (iii) private sector renewals

will be used to meet the Council's Housing strategy.

166 Mayor's Response to Objection to the Review of Reserves

Further to the adjourned Council meeting held on 9 February 2017, members considered the submitted report on the Mayor's response to the objections on the review of reserves and the reallocation of reserves from Harbours and Regeneration.

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

- (i) that the transfer of £2.750m identified from a number of individual earmarked reserves (as detailed in paragraph A2.19 of the submitted report) to the following reserves be approved:
 - a) £2.0m to the Comprehensive Spending Review to fund the predicted 2016/17 Council overspend primarily as a result of budget pressures in children's and adults social care; and

- b) £0.750m to the General Fund Reserve to be used as a contingency to support the Council's financial risks in future years; and
- (ii) that, given the significant financial pressures facing the Council in future years, the allocation of additional funds, as required, to the Comprehensive Spending Review Reserve in each budget process from 2018/2019 onwards to increase, and then maintain, an ongoing minimum balance in the reserve of £2m be agreed.

During the debate Councillor Bye proposed and Councillor Ellery seconded an amendment to the motion as follows:

- (i) that the transfer of ~~£2.750m~~ £2.277m identified from a number of individual earmarked reserves (as detailed in paragraph A2.19 of the submitted report with the exception of reserves for Harbours and Regeneration) to the following reserves be approved:
 - a) £2.0m to the Comprehensive Spending Review to fund the predicted 2016/17 Council overspend primarily as a result of budget pressures in children's and adults social care.
 - b) ~~£0.750m~~ £0.277m to the General Fund Reserve to be used as a contingency to support the Council's financial risks in future years.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows For: Councillors Amil, Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, Morris, O'Dwyer, Pentney, Robson, Sanders, Stocks, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (28); Against: Mayor Oliver; Councillors Mills and Parrott (3); Abstain: Councillors Excell, Haddock, King and Manning (4); and Absent: Councillors Stockman and Stringer (2). Therefore, as more than two-thirds of members present and voting had cast their vote in support of the amendment, it was carried.

The amended (substantive) motion was then considered by members and as more than two-thirds of members present and voting had cast their vote in support, it was agreed by the Council as follows:

- (i) that the transfer of £2.277m identified from a number of individual earmarked reserves (as detailed in paragraph A2.19 of the submitted report with the exception of reserves for Harbours and Regeneration) to the following reserves be approved:**
 - a) £2.0m to the Comprehensive Spending Review to fund the predicted 2016/17 Council overspend primarily as a result of budget pressures in children's and adults social care.**

b) £0.277m to the General Fund Reserve to be used as a contingency to support the Council's financial risks in future years.

(ii) that, given the significant financial pressures facing the Council in future years, the allocation of additional funds, as required, to the Comprehensive Spending Review Reserve in each budget process from 2018/2019 onwards to increase, and then maintain, an ongoing minimum balance in the reserve of £2m be agreed.

167 Council Tax 2017/2018

The Council received the submitted report 2 (4.99% for Torbay element) in relation to the setting of Council Tax for 2017/18.

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

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

(i) that the Council is recommended to note:

1. that in December 2016 the Council calculated the Council Tax Base for 2017/18:-

(a) For the whole Council area as 44,049.22, [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 5,900.83 to which a Parish precept relates;

2. 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 (ii) 3. below.

(ii) that the Council is recommended to approve:

1. the Council Tax requirement for the Council's own purposes for 2017/18 (excluding Brixham Town Council) of £60,652,000;

2. that the following amounts be calculated for the year 2017/18 in accordance with Chapter Three of the Act:

(a) £272,976,457 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) (£212,070,000) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act;

(c) £60,906,457 being the amount by which the aggregate at (ii) 2.(a) above exceeds the aggregate at (ii) 2.(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) £1,382.69 being the amount at (ii) 2.(c) above (Item R), all divided by Item T ((i) 1.(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) £253,972 being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act;

f) £1,376.93 being the amount at (ii) 2.(d) above less the result given by dividing the amount at (ii) 2.(e) above by Item T ((i) 1.(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;

3. 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 2017/18 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
	£	£	£	£	£	£	£	£
<i>Torbay Council –</i>	<i>874.91</i>	<i>1,020.</i>	<i>1,166.5</i>	<i>1,312.</i>	<i>1,604.</i>	<i>1,895.</i>	<i>2,187.</i>	<i>2,624.</i>

<i>excluding Adult Social Care</i>		73	5	37	01	65	28	74
Torbay Council – Adult Social Care “precept” since 2016/17	43.04	50.21	57.39	64.56	78.91	93.25	107.60	129.12
Torbay Council	917.95	1,070.94	1,223.94	1,376.93	1,682.92	1,988.90	2,294.88	2,753.86
Police and Crime Commissioner	117.52	137.11	156.69	176.28	215.45	254.63	293.80	352.56
Devon and Somerset Fire and Rescue Authority	54.38	63.44	72.51	81.57	99.70	117.82	135.95	163.14
Aggregate of Council Tax Requirements ex. Town Council	1,089.85	1,271.49	1,453.14	1,634.78	1,998.07	2,361.35	2,724.63	3,269.56
Brixham Town Council	28.69	33.48	38.26	43.04	52.60	62.17	71.73	86.08
Aggregate of Council Tax Requirements including Brixham Town Council	1,118.54	1,304.97	1,491.40	1,677.82	2,050.67	2,423.52	2,796.36	3,355.64

4. **that the Council's basic amount of Council Tax for 2017/18 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. (see paragraph 5.9 of the submitted report).**

A recorded vote was taken on the motion. The voting was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bent, Brooks, Bye, Cunningham, Ellery, Excell, Haddock, Hill, King, Kingscote, Lewis, Manning, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Stubbley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (28); Abstain: Councillors Carter, Darling (M), Darling (S), Doggett, Pentney, Sanders and Stocks (7); and Absent: Councillors Stockman and Stringer (2). Therefore, the motion was declared carried.

168 Transformation Project - Generating Income through Housing

Prior to consideration of Minute 168, the Chairman declared his pecuniary interest and withdrew from the meeting. The Vice-Chairwoman chaired the meeting for this item.

Councillor Brooks in the Chair

Further to the Council's in principle decision on 22 September 2016 to establish a new wholly owned development company to develop and own homes, Members received an update on the development of proposals and details of the proposed company structure (set out in the submitted report).

Members received the recommendations of the Overview and Scrutiny Board that the proposals contained within the report were followed.

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

- (i) **that Council approves the establishment of the Holding Company as a wholly owned company limited by shares of the Council for all Council wholly owned companies, and delegates to the Director of Adults and Transformation authority to implement this decision, including approval of the Memorandum and Articles of Association, in consultation with Group Leaders;**
- (ii) **the Council approves the establishment of a Housing Development Company as a wholly owned subsidiary (company limited by shares) of the Holding Company, and delegates to the Director of Adults and Transformation authority to implement this decision, including approval of the Memorandum and Articles of Association, in consultation with Group Leaders;**
- (iii) **the Council approves the establishment of a Housing Rental Company as a wholly owned subsidiary (company limited by shares) of Holding Company, and delegates to the Director of Adults and Transformation authority to implement this decision,**

including approval of the Memorandum and Articles of Association, in consultation with Group Leaders;

- (iv) that Council authorise the Director of Adults and Transformation to approve the appointment of any Officer(s) as a director and/or company secretary of the Holding Company and/or either the Development Company or Rental Company during the application to register Holding Company and/or Housing Development Company; and**
- (v) that the Housing Company Policy Framework document be presented to Council for consideration in April 2017, together with an outline business case.**

Chairman

Questions Under Standing Order A13

A member may only submit three questions for consideration at each Council Meeting. Each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn. The time for member's questions will be limited to a total of 30 minutes.

<p>Question (1) by Councillor Darling (S) to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</p>	<p>In recent press reports it has been stated that you plan to re employ an agent in the USA who has cost the Council £120,000 to champion investment in Torbay from the USA, at a further cost of £40,000, whilst there is no evidence of any direct investments in Torbay due to their work. Can you confirm or deny this?</p>
<p>Mayor Oliver</p>	<p>The Council has previously held a three year contract with England Development Agency (EDA) LLC for lead generation in America. On our behalf they made contact with a significant number of businesses to promote Torbay, and formally passed through 103 leads. There were visits to the Bay from two companies, Boston Micro machines and Herzog, whom we remain in contact with. Additionally we retain links with approximately half of the leads, and as EPIC and other schemes progress we will be reaching out to them to promote a specific Torbay offer.</p>

Second Round

<p>Question (2) by Councillor Darling (S) to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</p>	<p>What cost was there in officer time or other financial cost to the Council or TDA to investigate a third harbour for Torquay?</p>
<p>Mayor Oliver</p>	<p>The Third Harbour for Torquay project spanned 2011 and 2012. Over this time the TDA spent a total of 351 hours on this project. There were a further 176 of Torbay Council officer time spent on this project. The total is therefore 527 hours.</p>

Third Round

<p>Question (3) by Councillor Darling (S) to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</p>	<p>What cost was there in officer time or other financial cost to the Council or TDA to investigate a container hub at Goodrington?</p>
<p>Mayor Oliver</p>	<p>Work undertaken on the production of the Tor Bay Harbour Port Masterplan included a proposal for a container hub at Goodrington. The work on this policy framework document formed part of an EU funded Interreg project and only 50% of the cost of this work fell to the Council via the harbour account. Consultants were employed to help produce the Masterplan and the TDA were used to project manage the work. A container hub at Goodrington was one of many proposals considered by the Port Masterplan team and wider stakeholders as part of the evolution of the final document. The cost of the Port Masterplan was £50,000 in total but £25,000 was claimed back via EU funding.</p>

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Record of Decision

Notice of Motion - Clinical Health Services

Decision Taker

Mayor on 23 February 2017

Decision

That the motion be rejected for the reasons given below.

Reason for the Decision

Torbay Council supports a model of care which integrates health and social care and supports people in their own home which is individuals' preference. The South Devon and Torbay Clinical Commissioning Group, after a consultation process, reduced the number of NHS beds in Paignton whilst retaining outpatient services. The Overview and Scrutiny Board, in undertaking its health scrutiny role on behalf of the Council, will continue to seek assurance as the process goes forward and that the proposals are implemented in accordance with commitments made to local people.

There is no proposal to 'downgrade' Torbay Hospital. There will be a review of acute services across the whole of Devon and Torbay Council will be consulted on any proposed changes. The Overview and Scrutiny Board will carry out its health scrutiny role throughout the process as will Healthwatch as an independent health and care watchdog (funded by Torbay Council for that purpose).

Implementation

This decision will come into force and may be implemented on 10 March 2017 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

At the Council meeting held on 23 February 2017, the Mayor considered a motion in relation to the removal of clinical health services in Paignton and proposals to downgrade Torbay's District General Hospital, notice of which was given in accordance with Standing Order A14 by Councillors Sanders and Darling (S) as set out below:

this Council objects to the removal of clinical health services delivered in Paignton and to any proposal that downgrades Torbay's District General Hospital, and calls on the Mayor to contact the leaders of neighbouring local authorities whose residents will be affected by such changes to unite against them, and to use his community leadership role to raise with the Government the views of opponents to these changes from residents, patients and staff from across South Devon.

In accordance with Standing Order A14.3(a), the motion stood referred to the Mayor.

The Mayor responded to the motion at the meeting and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

2 March 2017

Signed: _____
Mayor of Torbay

Date: 2 March 2017