

Conservative Group Motion

Council Meeting

20 July 2017

That this Council has no confidence in the elected Mayor, Gordon Oliver. Such lack of confidence has arisen for numerous reasons including inter alia;

1. The Local Government Association in their Corporate Peer Review advised of their governance concerns in respect of the following;
 - i. There are tensions at a senior level politically that has real implications for the leadership of the Council,
 - ii. There was a lack of a consistent political purpose,
 - iii. That unless concerns were addressed the Council would continue to be held back and have real implications.

It is the Council's view that the Mayor has failed to respond appropriately to the governance concerns as raised by the Local Government Association and consider this to be a dereliction of the Mayor's duties in serving the interests of the people of Torbay.

2. On 3 July 2017 the Monitoring Officer issued a Monitoring Officer Report pursuant to s.5 Local Government and Housing Act 1989. The report sets out that the Mayor has sought to make a decision that is unlawful, as it is ultra vires, despite clear advice in this respect having been provided to him. It is the Council's view that such behavior by the Mayor demonstrates a complete disregard as to the limitations placed upon him by Council, a belief that as Mayor that he can do as he wishes. As such this is considered to be a dereliction of the Mayor's duties in serving the interests of the people of Torbay.
3. The Local Government Association in their Corporate Peer Review advised of their concerns in respect of the Council's financial position as follows;
 - i. That more must be done in order to bring forward budget proposals and/or accelerate them and de-risk them to ensure delivery,
 - ii. That the predicted budget gap was highly concerning and that the efficiency plan and financial resilience of the Council needed to be urgently reviewed,
 - iii. That the financial demands were such that they advised that there should be a separate Executive Lead for Finance.

It is the Council's view that the Mayor has failed to respond appropriately to the financial concerns as raised by the Local Government Association

and consider this to be a dereliction of the Mayor's duties in serving the interests of the people of Torbay.

4. Over the last two years the Mayor has consistently failed to obtain the support of Council for a large number of Policy Framework proposals, which have in most instances been substantially altered by Council resolution. His most recent revenue and capital budgets have been significantly amended by Council, and he has failed to receive support from Council for numerous proposals brought by him and his Executive. This demonstrates that the Mayor has lost touch with the will of Council, and is therefore considered a dereliction of the Mayor's duties in serving the interests of the people of Torbay.
5. That at the closure of the meeting of the Policy Development and Decision Group (Joint Operation Team) on the 18th May 2017 the Mayor, together with other members of the Executive, left the room prior to the commencement of the Policy Development and Decision Group (Joint Commissioning Team) scheduled to commence at the rising of the previous meeting. As a consequence the meeting was not quorate resulting in the deferment of agenda items, which included important issues related to children with learning difficulties (Autism Framework) and access for children with disabilities (Accessibility Strategy), which are clearly important for the residents of Torbay. This is considered a dereliction of the Mayor's duties in serving the interest of the people of Torbay, and the failure to cancel the meetings in the knowledge that he would not be attending demonstrates a lack of common courtesy to members and officers of the Council and the residents of Torbay.
6. That the Mayor did not attend the Policy Development and Decision Group (Joint Operations Team) or the Policy Development and Decision Group (Joint Commissioning Team) scheduled for 19 June 2017. These meetings were due to consider matters important to the residents of Torbay, including the previous items held over from the May meeting where no decisions had been taken in respect of the Joint Commissioning Team meeting. Again the meetings were not quorate and items on the agenda were not able to be considered. Apologies had been received from the Mayor who was attending a civic occasion at which the Council could have been adequately represented by the Chairman. For the Mayor to prioritise such a civic occasion above decision making is considered to be a further dereliction of the Mayor's duties in serving the interest of the people of Torbay, and the failure to cancel the meetings in the knowledge that he would not be attending demonstrates a lack of common courtesy to members and officers of the Council and the residents of Torbay.
7. That at the council Meeting held on 22 June 2017 the Mayor tabled, only minutes before the meeting started, an Executive motion to the effect that the Council declare that the Palace Theatre in Paignton be declared surplus to requirements and should be sold. It is noted that as part of the 2017/18 budget approval the future of the Palace Theatre was considered and subsequently determined that the Council would seek an

external partner to secure its future as a community theatre. The tender process produced one compliant bid and the officer recommendation which was supported by the Executive Lead for Tourism, Culture and Harbours was that negotiations continue with the preferred bidder to effect the transfer of the Palace Theatre under a ten year lease to a new Community Interest Company. It is noted that no consultation had taken place with the community on the Mayor's proposal, which would be a matter of significant public interest and that no notice had been given to the public that such an idea was being contemplated. It is believed that during the course of debate it was apparent that the Mayor had limited understanding of the officer and Executive Lead's recommended proposal. It is considered that the Mayor's motion was ill conceived and lacking an understanding of the views of members as evidenced by only the Mayor and Deputy Mayor supporting his proposal. As such this is considered a further dereliction of the Mayor's duties in that the Mayor showed a total disregard for officers, members and the residents of Torbay in both the content and manner of introduction of his proposals and failed to act in a manner consistent with serving the best interests of the residents of Torbay.

8. That at the Council meeting held on 2 February 2017 the Mayor, having declared an interest and absented himself from one agenda item, did not return to the meeting when it considered subsequent agenda items. Further that the Mayor has only attended one of the last three Council meetings, failing to attend on 10th May 2017 and 13th June 2017. It is further noted that the Mayor has only attended two of the last five scheduled monthly Meetings of the Mayor and Group Leaders, and has failed to engage in all but one of the recently re-established Strategic Partnership meetings. All of these are considered a pattern of dereliction of the Mayor's duties in serving the interests of the people of Torbay.

The Council has no confidence in the Mayor and the level of commitment shown by him in carrying out the duties required of him as elected Mayor of Torbay. The Council calls on the Mayor to resign as elected Mayor of Torbay by 10am on Monday 24 July 2017.

That if the Mayor does tender his resignation, the Chief Executive be instructed to seek permission from DCLG to introduce with immediate effect the leader and cabinet governance model chosen by the population of Torbay in a referendum held on 5 May 2016.

That if the Mayor does not tender his resignation, the Chief Executive be instructed to make representations to DCLG and the LGA requesting that they explore;

1. how the Mayoral term can be reduced in order to move at the earliest opportunity to the leader and cabinet governance model chosen by the population of Torbay in the referendum held on 5 May 2016, and/or
2. how the Mayoral influence/decision making can be minimised during the remainder of his period in office.

Proposer Councillor David Thomas
Secunder Councillor Alan Tyerman