

**MINUTES OF THE ADJOURNED ANNUAL MEETING OF THE
COUNCIL OF THE BOROUGH OF TORBAY**

held at Oldway, Paignton on Thursday, 15th May 2003

-: Present :-

The Mayor (Councillor Bye) (In the Chair)

The Deputy Mayor (Councillor Faulkner)

Councillors Browne, Burridge, Carter, Charwood, Colborne, Cope, Craig, Darling, Davis, Doggett, Dunn, Faulkner (Mr A), Fenton, Harris, Hayman, Hodge, Hytche, James, Jennings, Killick, Lomas, McHugh, Monaghan, Nicholls, Pentney, Phillips, Porter, Salloway, Stocks, Stringer, Turnbull and Westwood.

12. Apologies. Apologies for absence were received from Councillors Brennan and Oxley.

13. Revised Decision-Making Structures and Amendments to the Constitution. The Council received Report Corp/55/03 proposing revisions to the existing decision-making structures together with associated amendments to the Constitution and other changes to that document.

It was proposed by Councillor Harris and seconded by Councillor Colborne:

(i) **THAT** the Council's Constitution be amended to achieve the following principal objectives:

(a) that Executive Members be appointed by the Council instead of the Leader of the Council;

(b) that the Leader and the Executive Members no longer have individual decision-making powers with executive decisions being taken collectively by the Executive;

(c) that Executive Support Member positions be established to provide assistance to Executive Members in relation to the following five areas: jobs and industry, children, older persons, housing and transport;

(d) that an Overview and Scrutiny Board of eight Members be established to perform the overview and scrutiny function, such board to have the ability to set up sub-committees and working parties with Members drawn from its membership and/or non-executive Members comprising the Scrutiny Panel;

(e) that an Overview and Scrutiny Co-ordinator be appointed who will have responsibility for the Scrutiny function;

(f) that Overview and Scrutiny Lead Members be appointed with special responsibilities for particular areas (to match

the Executive Member areas of responsibility with an additional responsibility for Health);

(g) that the call-in procedure be amended by requiring five Members of the Council to call-in an Executive decision for further consideration;

(h) that a Panel of twelve Members be established from which four of them (to include the Chairman of the Committee) can be drawn to serve on the Licensing Committee;

(i) that an Appointments Committee be established to consider appointments of Senior Officer positions;

(j) that the Appeals Panel (Employment, School Transport, Student Awards, Licensing and Discretionary Housing Payments) be re-established from which Members can be appointed to serve on the respective Committees;

(k) that the Standards Committee be re-established comprising four elected members and four independent members with terms of reference as set out at Appendix 1 to Report Corp/54/03;

(l) that a Licensing Working Party of six Members be established with terms of reference:

(1) To develop a "Licensing Statement of Policy" for Torbay Council for a three-year period, in accordance with the Secretary of State's guidance and having regard to the views of all consultees; and

(2) To recommend the "Licensing Statement of Policy" to Council which adequately promotes the licensing objectives specified in the Licensing Act 2003, currently:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm;

(m) that the Appointments and Structural Review Working Party be renamed the Structural Review Working Party (consisting of six Members) with the membership and terms of reference being as set out at Appendix 1 to Report Corp/54/03;

(n) that the Constitution Working Party of six Members be re-established with the intention that it undertakes a fundamental review of the Constitution and reports accordingly to Council; and

(o) that the Change Management Board of four elected members and other representatives be re-established with the external representation on the Board being extended to include a representative from the business sector;

(ii) that the amendments to the Constitution set out in Appendix 1 to Report Corp/55/03 be approved, subject to the suggested change to paragraph 1.02 of the Constitution being deleted and replaced with the following text "The Council will develop a new set of corporate priorities in consultation with local people and other stakeholders";

(iii) that the Monitoring Officer be given authority to make any other necessary consequential amendments to the Constitution and to report the changes to the Constitution Working Party;

(iv) that Councillor Jennings be appointed as the Overview and Scrutiny Co-ordinator; and

(v) that the following Members be appointed as Scrutiny Lead Members with the areas of responsibility as indicated:-

<u>Name of Scrutiny Lead</u>	<u>Area of Responsibility</u>
(Conservative Member - to be nominated)	Corporate Governance/ Economic Regeneration
Councillor Stocks	Social Services and Inclusion

Councillor Faulkner (Mr A) Environment

Councillor Fenton Lifelong Learning

Councillor Hayman Human Resources, Law and Support

(Conservative Member – to be nominated) Finance

Councillor Burridge Health

An amendment was proposed by Councillor Salloway and seconded by Councillor Turnbull:

THAT the revised decision-making structures and amendments to the Constitution, as set out in Report Corp/55/03, be referred to the Constitution Working Party for consideration.

On being put to the vote, the amendment was declared **LOST**.

A further amendment was proposed by Councillor Phillips and seconded by Councillor Turnbull:

THAT all the proposed references in the Constitution to the "Minority Group" be replaced with the "Opposition".

At the request of Councillor Phillips and eight other Members who signified their support in accordance with Standing Order 19.4, the voting on the amendment was taken by roll call as follows:-
For: Councillors Craig, Hodge, Hytche, Phillips, Salloway and Turnbull (6); **Against:** Councillors Browne, Burridge, Carter, Charlwood, Colborne, Cope, Darling, Davis, Doggett, Dunn, Faulkner (Mr A), Fenton, Harris, Hayman, James, Jennings, Killick, Lomas, McHugh, Monaghan, Nicholls, Pentney, Porter, Stringer and Westwood (25); **Not Voting:** The Mayor and the Deputy Mayor (2); **Absent:** Councillors Brennan, Oxley and Stocks (3).

The amendment was accordingly declared **LOST**.

The original motion, as proposed by Councillor Harris and seconded by Councillor Colborne, was then put to the vote and declared **CARRIED**.

(Note: The Members of the Conservative Group requested that their votes against the above decision be recorded.)

14. Decision Making in Relation to Planning Applications. The Council received Report Env/55/03 on improvements to the planning system

which had been prepared in response to the Government advice on the matter. In particular, the Report proposed amendments to the existing arrangements by way of the establishment of a single committee (the Development Control Committee) for dealing with planning applications and through increasing the delegations to officers in respect of such applications.

It was proposed by Councillor Harris and seconded by Councillor Colborne:-

THAT the changes to working practice and procedures operated by the Council and the Development and Conservation Planning Division, which are needed to comply with Best Value Performance Indicators and Government advice as set out in paragraph 6.1 of Report Env/55/03, be endorsed and in particular:

- (i) that the Scheme of Delegation as set out in Appendix 3 to Report Env/55/03 be approved;
- (ii) that, from the start of the Municipal Year 2003/2004, the Area Development Committees be abolished; and
- (iii) that, from the start of the Municipal Year 2003/2004, planning applications not dealt with by officers under delegated powers be dealt with by the Development Control Committee (of 12 Members, politically balanced) with the membership comprising, if reasonably possible, Members from various areas of the Borough.

On being put to the vote, the motion was declared **CARRIED**.

(Note: The Members of the Conservative Group requested that their votes against the above decision be recorded.)

15. Appointments to Committees, Working Parties, Other Bodies and Programme of Meetings. The Council considered Report Corp/54/03 addressing the political balance of Committees for the Municipal Year, following the elections held on 1st May 2003, and sought nominations to Committees, Working Parties and other bodies. The Report also set out a proposed calendar of meetings for the 2003/2004 Municipal Year.

It was proposed by Councillor Harris and seconded by Councillor Colborne:-

- (i) **THAT** the size and overall proportionality of the Committees be approved as set out in paragraph 5.4 to Report Corp/54/03;

(ii) that the Members of the Liberal Democrat Group nominated to serve on the Committees, Working Parties and other bodies, as set out at Appendix 1 to Report Corp/54/03, which was circulated at the meeting, be noted (the Conservative Group nominations to be notified to the Managing Director);

(iii) that the terms of reference for the Committees and Working Parties set out at Appendix 1 to Report Corp/54/03 be approved, subject to the terms of reference for the Appointments Committee being amended to read as follows: "To determine appointments to Director positions of the Council, including the terms and conditions of contracts, appointment procedures and arrangements"; and

(iv) that the calendar of meetings for the 2003/2004 Municipal Year as set out at Appendix 2 to Report Corp/54/03 be approved.

On being put to the vote, the motion was declared **CARRIED**.

16. Appointment of the Executive. It was proposed by Councillor Harris and seconded by Councillor Colborne:-

- (i) **THAT** the Executive comprise the Leader of the Council and six other Members of the Liberal Democrat (Majority) Group with specific areas of responsibility and that one Member of the Conservative (Minority) Group be offered a place on the Executive with no area of responsibility; and
- (ii) that the following Members be appointed to the Executive with the areas of responsibility as indicated and as set out in full on pages 18, 19 and 20 of Appendix 1 to Report Corp/55/03, subject to the areas of responsibility of the Executive Member for Corporate Governance and Economic Regeneration being amended by the addition of "economy" to the respective list of responsibilities:

<u>Name of Executive Member</u>	<u>Area of Responsibility</u>
Councillor Harris	Leadership
Councillor Colborne	Corporate Governance/ Economic Regeneration

Councillor Darling	Social Services and Inclusion
Councillor Charwood	Environment
Councillor Cope	Lifelong Learning
Councillor James	Human Resources/ Law/Support
Councillor Stringer	Finance
Conservative Group	No area of responsibility

(**Note:** Councillor Salloway advised that the Conservative Group would not be taking up the offer of a place on the Executive)

(iii) that the following Executive Support Members be appointed:

<u>Name of Executive Support Member</u>	<u>Area</u>
Councillor Browne	Jobs and Industry
Councillor Faulkner (Mrs J)	Children
Councillor McHugh	Older Persons
Councillor Nicholls	Housing
Councillor Doggett	Transport

On being put to the vote, the motion was declared **CARRIED**.

17. Scheme of Delegation It was proposed by Councillor Harris and seconded by Councillor Colborne:-

THAT the scheme of delegation in respect of the functions set out in Schedule 7 of Part 3 of the Constitution be approved, subject to the amendments in relation to:

(i) urgent decisions taken by the Managing Director or the Director of Corporate Governance in his absence; and

(ii) the delegation of powers to the Head of Development and Conservation Planning

as set out in Report Corp/55/03 and Env/55/03 respectively.

On being put to the vote, the motion was declared **CARRIED**.

18. Appointment of Group Assistants. The Council received Report Corp/53/03, requesting that consideration be given to the appointment of officers (to be known as Group Assistants) under the Local Government and Housing Act 1989 to provide support to the Majority and Minority Groups of the Council.

It was proposed by Councillor Harris and seconded by Councillor Colborne:-

(i) **THAT** the Council offer to the Majority Group and the Minority Group (and any other qualifying Group from time to time) the appointment of officers (to be known as Group Assistants) under Section 9 of the Local Government and Housing Act 1989 (the 1989 Act) to provide support to those groups, subject to no group having more than one Group Assistant and not more than three such assistants being appointed;

(ii) that any Group Assistants are appointed on fixed term contracts to expire on or before the day of the Annual Council Meeting in 2007, on a salary not to exceed the maximum amount permitted by regulations from time to time;

(iii) that the Managing Director be asked to arrange for job descriptions and person specifications for Group Assistants to be drawn up, in consultation with the Leader of the Council and the Leader of the Minority Group, and to arrange for such posts to be advertised and filled (in accordance with the wishes of the respective Groups) as soon as practicable; and

(iv) that, the Monitoring Officer be requested to present to the Constitution Working Party a draft protocol for Group Assistants and his proposed amendments to the Council's Constitution to ensure that the Council complies with the requirements of Section 9 of the 1989 Act in relation to Standing Orders for authorities seeking to appoint assistants under that section.

On being put to the vote, the motion was declared **CARRIED**.

19. Torre Abbey Admission Charges 2004. The Council received Report Ed/21/03 proposing a scale of admission charges for Torre Abbey in 2004.

It was proposed by Councillor Harris and seconded by Councillor Colborne:-

THAT the admission charges in respect of Torre Abbey, as set out in paragraph. 5.2. of

Adjourned Annual Council

15/5/03

Adjourned Annual Council

Report Ed/21/03 be approved for implementation in 2004.

An amendment was proposed by Councillor Salloway and seconded by Councillor Turnbull:-

THAT consideration of the Report be deferred to enable clarification to be sought on a number of matters in relation to that document.

On being put to the vote the amendment was declared **LOST**.

The original motion, as proposed by Councillor Harris and seconded by Councillor Colborne, was then put to the vote and declared **CARRIED**.

(Note: Prior to consideration of the item in Minute 19, Councillor Nicholls declared a personal interest by virtue of his membership of Friends of Torre Abbey.)

Mayor
