

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

12 September 2024

-: Present :-

The Worshipful The Mayor of Torbay (Councillor Stevens) (In the Chair)
Deputy Civic Mayor of Torbay (Councillor Barbara Lewis)

Councillors Amil, Atiya-Alla, Billings, Brook, Bryant, Bye, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fellows, Foster, Fox, Harvey, Hutchings, Johns, Law, Chris Lewis, Long, Maddison, Nicolaou, Penny, Pentney, Spacagna, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves, Tyerman and Virdee

45 Opening of meeting

The Worshipful The Mayor of Torbay opened the meeting with a minute's silence for personal reflection.

46 Minutes

The Worshipful The Mayor of Torbay proposed and Councillor Barbara Lewis seconded a motion, which was agreed (unanimously) by the Council as set out below:

that the Minutes of the meeting of the Council, held on 18 July 2024, be confirmed as a correct record and signed by The Worshipful The Mayor of Torbay.

47 Declarations of interests

No interests were declared.

48 Communications

The Worshipful The Mayor of Torbay and the Chief Executive presented the first Air Show Volunteers appreciation and recognition certificates to voluntary groups, councillors and officers, for their time and commitment in supporting the delivery of the English Riviera Air Show 2024. The following received certificates at the meeting:

Voluntary groups:

Carol Beasley, Patrick Beasley, Alan Tozer and Anne Tozer on behalf of the Lions Club of Paignton

Alan Crocker on behalf of React Disaster Response

Volunteers:

Julie Bryant (collected by Councillor Bryant)

Stuart Crosscombe

Martin Faulkner

John Munford

Dot Swann

Councillors Bryant, Fellows, David Thomas, Jackie Thomas, Tranter and Tolchard

Officers:

Julie Auger

Phil Black

Emma Falconer

Jo Penhaligon

Matthew Redmond

Niki Redmond

Catherine Williams

The Chief Executive advised those who were unable to attend the meeting would be receiving their certificates by post.

The Leader of the Council:

1. drew Members' attention to consultation being undertaken on a new way of working to improve services for children with additional needs including Special Educational Needs (SEND). The Leader of the Council highlighted the ways to get involved and provide feedback on the proposals, including an online survey, and virtual and in person events across Torquay, Paignton and Brixham. Further details of the events were available via the Cabinet Member for Children's Services or the Leader of the Council; and
2. referred to the National Care Leavers week which was taking place at the end of October 2024, and advised this year's theme was 'All of Us We are One', connecting communities. The Leader of the Council highlighted the many events planned across Torbay, including a sponsored event by the Care Experienced Team, and urged all Members to contribute. Social Media for the event was live with the hashtag #NCLW and #NCLWTorbay.

The Overview and Scrutiny Co-ordinator advised Members of the Overview and Scrutiny Board's Spotlight Review on Water and Flooding, with South West Water and the Environment Agency attending. The review was scheduled for 8 October 2024, to be held in the Banking Hall, Torquay Town Hall and was open to the public to attend.

49 Petition on Breakwater Car Park

The Worshipful The Mayor of Torbay advised that the petitioner had requested to defer presentation of this petition.

50 Petition on Giving Cyclists a Provision as part of the Delivery of the Current Harbour Public Realm Project

In accordance with Standing Order A23, the Council received a petition requesting the Council to provide cycling provision as part of the delivery of the Harbour Public Realm Project (approximately 54 paper valid signatures and 76 valid e-petition signatures).

At the invitation of The Worshipful The Mayor of Torbay, Bethan Huntley addressed the Council in relation to the petition.

It was noted that the petition would be referred to the Director of Pride in Place, Alan Denby, for consideration in consultation with the Cabinet Member for Pride in Place, Transport and Parking, Councillor Billings.

51 Public question time

In accordance with Standing Order A24, the Council heard the following public questions and statements from:

- a) Margaret Forbes-Hamilton who presented a question and statement in relation to the decision to revoke the lease for the pitch and putt and bowls facilities at Abbey Park, Torquay. The Cabinet Member for Tourism, Events & Culture and Corporate Services, Councillor Jackie Thomas, responded to the question and the statement that had been put forward, plus a supplementary question asked by Margaret Forbes-Hamilton;
- b) Simmon McGinnes who presented a question and statement in relation to the Council's support for active travel in Torbay, given its decision to remove the cycling lane from the harbour development. The Cabinet Member for Pride in Place, Transport and Parking, Councillor Billings, responded to the question and the statement that had been put forward, plus a supplementary question asked by Simmon McGinnes;
- c) Nick Huntley who presented a question and statement in relation to the Council's delivery of a safe cycling infrastructure, as part of the Torbay Harbour project, thereby demonstrating its commitment to the Local Cycling and Walking Infrastructure Plan. The Cabinet Member for Place Development and Economic Growth, Councillor Chris Lewis, responded to the question and the statement that had been put forward, plus a supplementary question asked by Nick Huntley;
- d) David Pressley who presented a question and statement in relation to the Council's continued implementation of its Joint Health and Wellbeing Strategy

2022-26 for considering planning applications and making its Statement of Case at any appeals when it does not comply with the Strategy. The Cabinet Member for Place Development and Economic Growth, Councillor Chris Lewis, responded to the question and the statement that had been put forward, plus a supplementary question asked by David Pressley; and

- e) Ron Keegan of Mid Devon Cycling Club (on behalf of Ann Ashworth) who presented a question and statement in relation to whether the Council consulted cycling groups about revised roadside plans which did not include a cycle path. The Cabinet Member for Place Development and Economic Growth, Councillor Chris Lewis, responded to the question and the statement that had been put forward.

52 Members' questions

Members received a paper detailing questions, notice of which had been given in accordance with Standing Order A12. The paper also contained the answers to the questions which had been prepared by Councillors Bye, Chris Lewis, Tranter and Tyerman, and was circulated prior to the meeting.

Supplementary questions were put and answered by Councillors Bye, Chris Lewis and Tyerman, arising from their responses to the questions in respect of questions 2, 3 and 4.

53 Implementation of the Accommodation Re-purposing Project ("Hotels to Homes") and Acquisition of Scheme 1

The Council considered the recommendations of the Cabinet (as set out in the submitted report) on funding for the implementation of the Accommodation Re-purposing Project as part of the Housing Delivery Plan.

Councillor Tyerman proposed and Councillor Bye seconded a motion as set out below:

that the Capital Programme be uplifted by £3 million, wholly funded by capital grant received from the Ministry for Housing, Communities and Local Government, to commence delivery of the Accommodation Repurposing Project (also known as 'Hotels to Homes').

During the debate Councillor Long proposed and Councillor Cowell seconded an amendment to the motion as follows:

1. that the Capital Programme be uplifted by £3 million, wholly funded by capital grant received from the Ministry for Housing, Communities and Local Government, to commence delivery of the Accommodation Repurposing Project (also known as 'Hotels to Homes'); and
2. that Cabinet be requested to consider the opportunity of holding the housing stock acquired under this programme on a permanent basis.

The amendment was put to the vote and an equality of votes was declared. Therefore, in accordance with Standing Order A18.2, The Worshipful The Mayor of Torbay used her casting vote, voted against and declared the amendment lost.

Councillor Tyerman's and Councillor Bye's original motion was then considered by the Council which was agreed (unanimously), as set out below:

that the Capital Programme be uplifted by £3 million, wholly funded by capital grant received from the Ministry for Housing, Communities and Local Government, to commence delivery of the Accommodation Repurposing Project (also known as 'Hotels to Homes').

54 Levelling Up Fund Round 3 - Torbay Technology Park

The Council received the recommendation of the Cabinet (as set out in the submitted report) on funding for the Torbay Technology Park Project to acquire land to accelerate the project.

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

that the Director of Finance, in consultation with the Director of Pride in Place and Cabinet Member for Place Development and Economic Growth, be given delegated authority to vary the Capital Plan upon confirmation of the final acquisition price of Torbay Technology Park, which is to be funded from Levelling Up Fund grant, be approved.

55 Treasury Management Outturn 2023/24 Report

The Council considered the recommendations of the Audit Committee and the submitted report on the Council's treasury management activities during 2023/24 against the Treasury Management Strategy of the same year.

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

- 1. that the Treasury Management decisions made during 2023/24, as detailed in the submitted report be noted; and**
- 2. that the increases to limits within the Treasury Management Strategy 2024/25, as outlined in paragraph 10.4 of the submitted report, be approved, subject to the proposed change in minimum acceptable credit rating level remaining at A.**

56 Establishment of Cabinet Working Parties and Council Local Plan Working Party

The Council considered the recommendation of the Cabinet (as set out in the submitted report) on the establishment of a Council Local Plan Working Party.

Councillor David Thomas proposed and Councillor Chris Lewis seconded a motion, which was agreed by the Council as set out below:

That the Local Plan Working Party be established with the following Terms of Reference and Membership:

Terms of Reference: To assist Officers with the preparation of the revised draft Local Plan including the content, timing and scope of key consultation and submission documents in accordance with the timetable as set by the Local Development Scheme (or similar document required by subsequent legislation); to make appropriate recommendations to Cabinet and Council; and to respond to issues that may arise during examination.

Membership: 3 Conservatives (to include the Cabinet Member for Place Development and Economic Growth (who will chair the meetings)), 2 Liberal Democrats and 1 Independent.

This Working Party will be disbanded once it has completed its review of the revised Local Plan documents.

57 Constitution Amendments - Local Protocol on Relations between Overview and Scrutiny and the Cabinet

The Council considered the adoption of a new Local Protocol on Relations between Overview and Scrutiny and the Cabinet for inclusion in the Council's Constitution. It was noted, the new Local Protocol had been developed following a review of the Council's Overview and Scrutiny function and in response to the recommendations of the Local Government Association's Peer Review held in April 2024.

Councillor Jackie Thomas proposed and Councillor Spacagna seconded a motion as set out below:

that Council approves the new Local Protocol on Relations between Overview and Scrutiny and the Cabinet, set out at Appendix 1 to the submitted report, for inclusion within the Council's Constitution.

During the debate Councillor Penny proposed and Councillor Long seconded an amendment to the motion as follows:

that Council approves the new Local Protocol on Relations between Overview and Scrutiny and the Cabinet, set out at Appendix 1 to the submitted report,

for inclusion within the Council's Constitution, subject to paragraph 2.3 of Appendix 1 being amended as follows (changes underlined):

- 2.3 In addition to their rights as Councillors and reflecting the Statutory Guidance referred to in paragraph 1.1 above, Members of Overview and Scrutiny Boards/Sub-Boards and their working groups have additional rights of access to documents, as included in the Access to Information rules in the Constitution (as set out at Standing Order E20.4), which is not limited for reasons of party political or reputational expediency.

Arising from the debate on the amendment, Councillor Penny and Councillor Long withdrew their amendment and Councillors Jackie Thomas and Spacagna subsequently altered their original motion, which was agreed by the Council (unanimously) as set out below:

that Council approves the new Local Protocol on Relations between Overview and Scrutiny and the Cabinet, set out at Appendix 1 to the submitted report, for inclusion within the Council's Constitution, subject to further work, cross party, being undertaken on the Local Protocol and reported to Council as required.

(Note: Following the meeting of the Council, the Monitoring Officer reviewed the Local Protocol on Relations between Overview and Scrutiny and the Cabinet and, in consultation with Group Leaders, made technical changes to reflect the intention the of withdrawn amendment.)

58 Urgent Council Decision taken by the Chief Executive

Members noted the submitted report, which provided details of an urgent decision taken by the Chief Executive in respect of a Constitution amendment in relation to limitations on officer delegations.

The Worshipful The Mayor of Torbay