



## Minutes of the Adjourned Annual Meeting the Council

1 June 2015

-: 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, Lang, Lewis, Manning, Mills, Morey, Morris, Parrott, Robson, Stockman, Stocks, Stringer, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield

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### 9 Apologies for absence

Apologies for absence were received from Councillors O'Dwyer and Pentney.

### 10 Declarations of interests

The following non-pecuniary interests were declared:

| <b>Councillor</b>  | <b>Minute Number</b> | <b>Nature of interest</b>  |
|--------------------|----------------------|--|
| Councillor Haddock | 15                   | Owns adjoining land at Brixham   |
| Councillor Tyerman | 15                   | Trustee of Torbay Coast and Countryside Trust and Director of subsidiary companies |

The Mayor and Councillors Excell and Lang declared a pecuniary interest in respect of Minute 13 and Councillor Thomas (D) declared pecuniary interests in respect of Minute 16.

### 11 Communications

The Chairman advised that his civic dinner was due to take place at The Grand Hotel, Torquay on Thursday 4 June 2015 at 7.30 pm.

The Mayor advised of the recent Government announcement that a new Psychoactive Substances Bill would be developed. The proposed change to legislation was a welcome step forward to assist with dealing with anti-social behaviour.

**12 Order of Business**

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable agenda Item 4 (Members Questions) to be considered after Item 15 (Composition and Constitution of Executive and Delegation of Functions).

**13 Torquay and Paignton Masterplans Supplementary Planning Documents**

The Council considered the submitted report on proposed masterplans for Torbay and Paignton town centres. The masterplans promoted regeneration and growth for Torquay and Paignton Town Centres and would be included as Supplementary Planning Documents for the purposes of guiding the planning process. A revised officer recommendation was circulated prior to the meeting.

It was proposed by Councillor King and seconded by Councillor Kingscote:

- (i) that the masterplans for Torquay Town Centre and Paignton Town Centre (set out at Appendix 1 and Appendix 2 to the submitted report) be adopted as Supplementary Planning Documents; and
- (ii) that a Masterplan Delivery Team, Programme Board and Advisory Team (as outlined out in paragraphs 6.4 to 6.10 of the submitted report) be established to market, promote and deliver masterplan projects from within existing resources and that the Masterplan Programme Board comprises the following persons or their nominated representatives:
  - (a) Mayor;
  - (b) 2 Conservative Members;
  - (c) 1 Liberal Democrat Member;
  - (d) 1 Independent Member;
  - (e) Torbay Economic Development Company Limited (non-Councillor);
  - (f) Business Forum Representative;
  - (g) Torbay Development Agency Director of Economic Strategy;
  - (h) Head of Spatial Planning; and
  - (i) Executive Director of Operations and Finance.

On being put to the vote, the motion was declared carried (unanimous).

(Note 1: Prior to consideration of Minute 13, Mayor Oliver and Councillors Excell and Lang declared pecuniary interests and withdrew from the meeting.)

(Note 2: During consideration of Minute 13, Councillor Winfield declared a pecuniary interest and withdrew from the meeting.)

(Note 3: During consideration of Minute 13, Councillor Doggett declared a non-pecuniary interest as Chairman of Paignton Shopmobility Group.)

**14 Local Validation List for Planning Applications**

Members considered the submitted report on a new Local List for validating planning applications which would ensure all necessary information was provided with planning applications. The list would provide applicants with greater certainty about the requirements for submitting valid applications, ensure that the Local Planning Authority received the requisite information in order to determine applications and enable quicker and robust decisions.

It was proposed by Councillor King and seconded by Councillor Kingscote:

That the new Local Validation List for Planning Applications (Local List) set out at Appendix 1 to the submitted report be adopted and used to test the validity of submitted planning applications. In accordance with the Local List, applications will remain invalid until information necessary for determination is submitted. The Council will continue to take a proportionate, flexible and pragmatic approach to validation to ensure that this approach does not lead to perverse delays in the validation of applications or in applicants being asked to provide information that is not needed to determine the application.

On being put to the vote, the motion was declared carried (unanimous).

**15 Loan to Torbay Coast and Countryside Trust (TCCT)**

The Council considered the submitted report which sought approval for the Council to provide a loan to Torbay Coast and Countryside Trust.

It was proposed by Mayor Oliver and seconded by Councillor Lewis:

- (i) that a long term loan to Torbay Coast and Countryside Trust sum of up to £900,000 be approved;
- (ii) that a new guarantee on an overdraft facility to Torbay Coast and Countryside Trust up to £100,000 be approved;
- (iii) that it be noted that (i) and (ii) above are dependent on the Council's current guarantee of £975,000 being cancelled and that the total of the loan and new guarantee combined do not exceed £900,000 in total; and
- (iv) that the negotiation of the final terms of the loan and guarantee be delegated to the Chief Financial Officer and the Assistant Director of Corporate and Business Services.

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

(Note: During consideration of Minute 15, Councillors Haddock and Tyerman declared non-pecuniary interests, details of which are contained in Minute 10 above.)

**16 Commercial Team Service Plan - Community Safety (incorporating the Statutory Service Plans for Food Safety and the Council's Under Age Sales Policy for Tobacco Products and Other Age Restricted Goods)**

The Council considered the submitted report on the Commercial Team Service Plan, which incorporated the Food Safety Service Plan and the Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods.

It was proposed by Councillor Excell and seconded by Councillor Amil:

- (i) that the Statutory Food Safety Service Plan set out in Appendix 2 to the submitted report be approved;
- (ii) that the Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods set out in Appendix 3 to the submitted report be approved; and
- (iii) that the overall work plan of the Commercial Team for 2015/16 set out in Appendix 5 to the submitted report be noted.

On being put to the vote, the motion was declared carried (unanimous).

(Note: Prior to consideration of Minute 16, Councillor Thomas (D) declared a pecuniary interest and withdrew from the meeting.)

**17 Torbay Retail and Tourism Business Improvement District for Torbay**

The Council considered the submitted report on the arrangements for a ballot in respect of the proposal to create a combined retail and tourism business improvement district for Torbay.

It was proposed by Councillor Haddock and seconded by Councillor Mills:

that the Executive Director of Operations and Finance, in consultation with the Mayor and Group Leaders be nominated to cast the Council's votes in the ballot for a retail and tourism business improvement district.

On being put to the vote, the motion was declared carried (unanimous).

**18 Overview and Scrutiny Annual Report**

The Council received and noted the Overview and Scrutiny Annual Report for 2014/2015.

**19 Review of Political Balance and Appointments to Committees and Other Bodies**

The Council considered the submitted report on the appointment of committees and other bodies in the light of the political balance of the Council.

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

- (i) that the overall political balance of the committees, as set out in Appendix 1 to the submitted report, be approved;
- (ii) that the committees be appointed with the terms of reference set out in Appendix 2 to the submitted report;
- (iii) that nominations be received to fill the seats on the committees;
- (iv) that the outcome of the review and proposed appointments to the outside bodies and other groups for 2015 to 2019 set out in Appendix 3 to the submitted report be approved.

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

Following the vote, the members to serve on each committee and other bodies were nominated by the Group Leaders as set out in Appendix 2 to the submitted report. Councillor Thomas (D) advised that Councillor Lang would be replaced by Councillor Tyerman on the Overview and Scrutiny Board following the Mayor's appointments to his Executive.

**20 Appointment of Overview and Scrutiny Co-ordinator and Scrutiny Leads**

The Council was requested to consider the appointment of the Overview and Scrutiny Co-ordinator and the appointment of scrutiny lead members for 2015/2016.

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

- (i) that Councillor Lewis be appointed as the Overview and Scrutiny Co-ordinator for 2015/16 municipal year;
- (ii) that the following Councillors be appointed as the Scrutiny Leads as indicated for the 2015/16 municipal year:

Joint Commissioning – Children and Adults: Councillor Barnby

Joint Commissioning – Health and Wellbeing and Public Health:  
Councillor Bent; and

- (iii) that the Executive Director of Operations and Finance be authorised, in consultation with the Group Leaders, to appoint a councillor nominated by the Liberal Democrat Group to the Joint Operations Scrutiny Lead role.

On being put to the vote, the motion was declared carried (unanimous).

**21 Calendar of Meetings 2015/2016**

The Council considered the submitted report setting out the proposed calendar of meetings for 2015/2016.

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

- (i) that the calendar of meetings for 2015/2016, set out in Appendix 1 to the submitted report, be approved;
- (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; and
- (iii) that the Priorities and Resources meetings be determined by the Governance Support Manager in consultation with the relevant Chairman/woman.

On being put to the vote, the motion was declared carried (unanimous).

**22 Scheme of Delegation for Council Functions**

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

that the Scheme of Delegation of Functions set out in part 3 of the Constitution in so far as they relate to Council functions, be confirmed.

On being put to the vote, the motion was declared carried (unanimous).

**23 Composition and Constitution of the Executive and Delegation of Functions**

The Mayor presented his report as submitted with the agenda, on the above, which was noted.

**24 Member's question - Oldway Mansion Contract**

Members received a question submitted by Councillor Doggett and attached to the agenda, notice of which had been given in accordance with Standing Order A13.

A verbal response was provided at the meeting. A supplementary question was then put by Councillor Doggett and answered by the Mayor.