

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

**20 June 2024**

**-: Present :-**

### **The Worshipful The Mayor of Torbay (Councillor Spacagna) (In the Chair)**

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

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#### **15 Minutes**

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

**that the Minutes of the extraordinary meeting of the Council held on 30 April 2024 be confirmed as a correct record and signed by The Worshipful the Mayor of Torbay.**

#### **16 Communications**

The Leader of the Council:

- a) welcomed Councillor Foster to her first Council meeting following her election at the recent Wellswood By-Election;
- b) referred to the success of the Torbay Airshow and the intention to establish a Cabinet Working Party to review funding for future Airshows; and
- c) advised members of Devon and Cornwall Police's award for Neighbourhood Beat Manager of the Year being won by PC Jo Fawke from Torquay. On behalf of the Council, the Leader of the Council congratulated PC Fawke on her award.

#### **17 Order of Business**

In accordance with Standing Order A2.2 in relation to Council meetings, the Worshipful the Mayor of Torbay varied the order of business to enable Item 6 on the

agenda (Appointment of Overview and Scrutiny Co-ordinator and Scrutiny Lead Members) to be considered after Item 7 (Appointments to Council Committees, Working Parties and Appointment of Committee Chairmen/women and Vice-Chairmen/women for 2024/2025).

## 18 Petition

In accordance with Standing Order A23, the Council received a petition requesting the Council to consider measures to improve the safety of Ilsham Road in Torquay (approximately 84 paper signatures and 38 e-petition signatures).

At the invitation of the 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, for consideration in consultation with the Cabinet Member for Pride in Place, Transport and Parking, Councillor Billings.

## 19 Appointments to Council Committees, Working Parties and Appointment of Committee Chairmen/women and Vice-Chairmen/women for 2024/2025

The Council considered the submitted report on the annual appointment of committees, working parties, Chairman/women and Vice-Chairman/women and the allocation of seats in accordance with political balance. The report set out political balance following passing of Councillor Joyce and the subsequent by-election for the Wellswood Ward. The report also requested the Council to appoint an Independent Member to the Audit Committee. A revised Appendix 1 and an updated Appendix 3 (which included Group Leaders nominations) was circulated prior to the meeting.

Councillor David Thomas proposed and Councillor Chris Lewis seconded a motion, as set out below:

1. that the overall political balance of the committees as set out at Appendix 1 to the submitted report be approved;
2. that, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 to the submitted report be approved;
3. that, subject to 1. and 2. above, the Terms of Reference and membership for the Council's Committee's and working parties be approved as set out in Appendix 3 to the submitted report;
4. That, subject to 3. above being approved, nominations from Group Leaders be received to fill the seats on the committees;
5. That, subject to 3. above, the Chairmen/women and Vice-Chairmen/women of those Committee's be approved as set out in

revised Appendix 4 to the submitted report, circulated on 19 June 2024, subject to the following:

Councillor Penny to replace Councillor Maddison as Chair of the Audit Committee

Vice-Chair of Harbour Committee: Councillor Twelves

Vice-Chair of Statutory Licensing Committee and Regulatory Committee: Councillor Foster

Vice-Chair of Overview and Scrutiny Board: Councillor Tolchard

Chair of Children and Young People Overview and Scrutiny Board (Sub-Committee of Overview and Scrutiny): Councillor Law

Vice-Chair of Adult Social Care and Health Overview and Scrutiny Sub-Board (Sub-Committee of Overview and Scrutiny): Councillor Johns

Vice-Chair of Standards Committee: Councillor Chris Lewis;

6. that, a sub-committee of both the Statutory Licensing Committee and Regulatory Committee be established both to comprise three Members of the relevant Statutory Licensing Committee or Regulatory Committee;
7. that both the Statutory Licensing Sub-Committee and Regulatory Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations;
8. that Members' Allowance Scheme be updated to reflect the changes to the Licensing Committee with the SRA being the same for both Committees and Sub-Committees;
9. that the Head of Governance Support be authorised to empanel Members from the Statutory Licensing Committee and Regulatory Committee to serve on the Statutory Licensing Sub-Committee and Regulatory Sub-Committee as and when required; and
10. that Mr Kristian Hawkes be appointed as the Independent Member to the Audit Committee effective from 27 March 2024, that the effectiveness of the Independent Member be kept under review by the Director of Finance in consultation with the Chairman of the Audit Committee and Head of Devon Audit Partnership.

During the debate, Councillors Law, Johns and Penny raised a Point of Personal Explanation and stated they did not wish to be appointed as Chairs and Vice-Chair as proposed by Councillor David Thomas in his motion above.

The Worshipful the Mayor of Torbay requested Councillor David Thomas to alter his original motion accordingly.

Councillor David Thomas proposed and Councillor Chris Lewis seconded an alternative motion as set out below:

1. that, subject to the Overview and Scrutiny Board membership being increased from 8 to 10, with an additional seat allocated to the Conservative Group and an additional seat allocated to the Liberal Democrat Group, the overall political balance of the committees as set out at Appendix 1 to the submitted report be approved;
2. that, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 to the submitted report be approved;
3. that, subject to 1. and 2. above, the Terms of Reference and membership for the Council's Committee's and working parties be approved as set out in Appendix 3 to the submitted report;
4. that, subject to 3. above being approved, nominations from Group Leaders be received to fill the seats on the committees;
5. that, subject to 3. above, the Chairmen/women and Vice-Chairmen/women of those Committee's be approved as set out in revised Appendix 4 to the submitted report, circulated on 19 June 2024, subject to the following:

Councillor Brook to replace Councillor Maddison as Chair of the Audit Committee

Councillor Fellows to replace Councillor Brook as Vice-Chair of the Audit Committee

Vice-Chair of Harbour Committee: Councillor Twelves

Vice-Chair of Statutory Licensing Committee and Regulatory Committee: Councillor Foster

Vice-Chair of Overview and Scrutiny Board: Councillor Tolchard

Chair of Children and Young People Overview and Scrutiny Board (Sub-Committee of Overview and Scrutiny): Councillor Fellows

Vice-Chair of Adult Social Care and Health Overview and Scrutiny Sub-Board (Sub-Committee of Overview and Scrutiny): Councillor Foster

Vice-Chair of Standards Committee: Councillor Chris Lewis;

6. that, a sub-committee of both the Statutory Licensing Committee and Regulatory Committee be established both to comprise three Members of the relevant Statutory Licensing Committee or Regulatory Committee;
7. that both the Statutory Licensing Sub-Committee and Regulatory Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations;
8. that Members' Allowance Scheme be updated to reflect the changes to the Licensing Committee with the SRA being the same for both Committees and Sub-Committees;
9. that the Head of Governance Support be authorised to empanel Members from the Statutory Licensing Committee and Regulatory Committee to serve on the Statutory Licensing Sub-Committee and Regulatory Sub-Committee as and when required; and
10. that Mr Kristian Hawkes be appointed as the Independent Member to the Audit Committee effective from 27 March 2024, that the effectiveness of the Independent Member be kept under review by the Director of Finance in consultation with the Chairman of the Audit Committee and Head of Devon Audit Partnership.

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

1. that the overall political balance of the committees as set out at Appendix 1 to the submitted report be approved;
2. that, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 to the submitted report be approved, subject to the reinstatement of the Airshow Working Party, Oldway Mansion and Grounds Steering Group (Working Party) and Transport and Parking Working Party with the political balance as follows, and the Group Leaders being requested to nominate their representatives:

Group	Airshow	Oldway	Transport
Conservative	2	3	4
Liberal Democrat	2	2	3
Independent Group	1	0	0
Cllr Maddison	0	0	0
Total	5	5	7

3. that, subject to 1. and 2. above, the Terms of Reference and membership for the Council's Committee's and working parties be

approved as set out in Appendix 3 to the submitted report and that the following Terms of Reference be included:

Airshow Working Party:

1. To enable Members to be kept fully briefed on the progress of the Torbay Air Show.
2. To monitor the budget allocated for the Torbay Air Show.
3. To consider how the Torbay Air Show can provide an opportunity to create greater benefits which support the Council's broader corporate objectives (including providing opportunities for the Council's Looked After Children).

The Oldway Mansion and Grounds Steering Group (Working Party):

1. To review any condition surveys for buildings on the site.
2. To review proposals for use of buildings and grounds.
3. To ascertain community views in respect of these matters.
4. To make recommendations about how future use of building should be taken forward.
5. To identify relevant members from the local community and relevant representatives from the business, public and voluntary sectors to be invited to meetings.
6. To specify, fully cost and prioritise the works to Oldway as identified in Phase 1 of the DCA report (presented to Council on 21 June 2018).
7. To explore with the community all potential sources of funding for the entirety of the Phases, including, but not limited to:
  - Grant funding
  - Fund raising events
  - Crowd funding
  - Business opportunities and investment
  - Legacies
  - Philanthropic contributions
8. To produce a flexible programme of proposed delivery of restoration works which aligns with the availability of funding.

9. To provide strategic oversight of commissioning and delivery of any restoration works.

Transport and Parking Working Party:

1. To consider current and emerging highways and transportation issues and to make recommendations to the appropriate decision-maker.
2. To consider current and emerging parking issues and to make recommendations to the appropriate decision maker;
4. that, subject to 3. above being approved, nominations from Group Leaders be received to fill the seats on the committees, noting that the Leader of the Liberal Democrat Group wishes to allocate a Liberal Democrat seat on the Planning Committee to Councillor Maddison;
5. that, subject to 3. above, the Chairmen/women and Vice-Chairmen/women of those Committee's be approved as set out in revised Appendix 4 to the submitted report, circulated on 19 June 2024, subject to the following:
  - a. Councillor Maddison to replace Councillor Brook as the Chair of the Planning Committee;
  - b. Councillor Steve Darling to replace Councillor Twelves as Chair of the Overview and Scrutiny Board;
  - c. Councillor Penny to replace Councillor Maddison as the Chair of the Audit Committee;
  - d. Councillor Amil to replace Councillor Strang as the Chair of the Harbour Committee;
  - e. Councillor Law to be the Chair of the Children and Young People's Overview and Scrutiny Sub-Board; and
  - f. Councillor Johns to be the Vice-Chair of the Adult Social Care and Health Overview and Scrutiny Sub-Board.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Amil, Atiya-Alla, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fox, Harvey, Johns, Law, Long, Maddison, Nicolaou, Penny, Pentney and Virdee (18); and Against: Councillors Billings, Brook, Bryant, Bye, Fellows, Foster, Hutchings, Barbara Lewis, Chris Lewis, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves and Tyerman (18). Therefore, in accordance with Standing Order A18.2, The Worshipful The Mayor of Torbay used his casting vote, voted against the amendment and the amendment was declared lost.

Councillor David Thomas' and Councillor Chris Lewis' original (alternative) motion was then considered by the Council which was agreed (by recorded vote), as set out below:

1. **that, subject to the Overview and Scrutiny Board membership being increased from 8 to 10, with an additional seat allocated to the Conservative Group and an additional seat allocated to the Liberal Democrat Group, the overall political balance of the committees as set out at Appendix 1 to the submitted report be approved;**
2. **that, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 to the submitted report be approved;**
3. **that, subject to 1. and 2. above, the Terms of Reference and membership for the Council's Committee's and working parties be approved as set out in Appendix 3 to the submitted report;**
4. **that, subject to 3. above being approved, nominations from Group Leaders be received to fill the seats on the committees;**
5. **that, subject to 3. above, the Chairmen/women and Vice-Chairmen/women of those Committee's be approved as set out in revised Appendix 4 to the submitted report, circulated on 19 June 2024, subject to the following:**

**Councillor Brook to replace Councillor Maddison as Chair of the Audit Committee**

**Councillor Fellows to replace Councillor Brook as Vice-Chair of the Audit Committee**

**Vice-Chair of Harbour Committee: Councillor Twelves**

**Vice-Chair of Statutory Licensing Committee and Regulatory Committee: Councillor Foster**

**Vice-Chair of Overview and Scrutiny Board: Councillor Tolchard**

**Chair of Children and Young People Overview and Scrutiny Board (Sub-Committee of Overview and Scrutiny): Councillor Fellows**

**Vice-Chair of Adult Social Care and Health Overview and Scrutiny Sub-Board (Sub-Committee of Overview and Scrutiny): Councillor Foster**

**Vice-Chair of Standards Committee: Councillor Chris Lewis;**

6. **that, a sub-committee of both the Statutory Licensing Committee and Regulatory Committee be established both to comprise three Members of the relevant Statutory Licensing Committee or Regulatory Committee;**
7. **that both the Statutory Licensing Sub-Committee and Regulatory Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations;**
8. **that Members' Allowance Scheme be updated to reflect the changes to the Licensing Committee with the SRA being the same for both Committees and Sub-Committees;**
9. **that the Head of Governance Support be authorised to empanel Members from the Statutory Licensing Committee and Regulatory Committee to serve on the Statutory Licensing Sub-Committee and Regulatory Sub-Committee as and when required; and**
10. **that Mr Kristian Hawkes be appointed as the Independent Member to the Audit Committee effective from 27 March 2024, that the effectiveness of the Independent Member be kept under review by the Director of Finance in consultation with the Chairman of the Audit Committee and Head of Devon Audit Partnership.**

A recorded vote was taken on the motion. The voting was taken by roll call as follows: For: Councillors Billings, Brook, Bryant, Bye, Fellows, Foster, Hutchings, Barbara Lewis, Chris Lewis, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves and Tyerman (18); and Against: Councillors Amil, Atiya-Alla, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fox, Harvey, Johns, Law, Long, Maddison, Nicolaou, Penny, Pentney and Virdee (18). Therefore, in accordance with Standing Order A18.2, The Worshipful The Mayor of Torbay used his casting vote, voted for the motion and the motion was declared carried.

Following the vote, the nominations for members to serve on each committee and other bodies were confirmed by the Leaders of the Conservative, Independent and Liberal Democrat Groups, as set out in Appendix 3 to the submitted report and circulated on 20 June 2024.

The Chief Executive advised members that the Leader of the Conservative Group and the Leader of the Liberal Democrat Group would put forward their additional nominations for the Overview and Scrutiny Board to the Head of Governance Support after the meeting.

## 20 **Appointment of Overview and Scrutiny Co-ordinator and Scrutiny Lead Members**

The Council was requested to consider the appointment of the Overview and Scrutiny Co-ordinator and the appointment of Scrutiny Lead Members for the 2024/2025 Municipal Year.

Councillor David Thomas proposed and Councillor Chris Lewis seconded a motion which was agreed (by recorded vote) as set out below:

1. **that Councillor Twelves be appointed as the Overview and Scrutiny Co-ordinator for the 2024/25 Municipal Year; and**
2. **that the following Councillors be appointed as the Overview and Scrutiny Leads for the 2024/2025 Municipal Year:**
  - **Councillor Fellows - Overview and Scrutiny Lead for Children's Services;**
  - **Councillor Tolchard - Overview and Scrutiny Lead for Adults, Community Services, Public Health and Inequalities;**
  - **Councillor Hutchings - Overview and Scrutiny Lead for Place Development, Economic Growth and Culture; and**
  - **Councillor Foster - Overview and Scrutiny Lead for Housing, Finance, Corporate and Place Based Services.**

A recorded vote was taken on the motion. The voting was taken by roll call as follows: For: Councillors Billings, Brook, Bryant, Bye, Fellows, Foster, Hutchings, Barbara Lewis, Chris Lewis, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves and Tyerman (18); and Against: Councillors Amil, Atiya-Alla, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fox, Harvey, Johns, Law, Long, Maddison, Nicolaou, Penny, Pentney and Virdee (18). Therefore, in accordance with Standing Order A18.2, The Worshipful The Mayor of Torbay used his casting vote, voted for the motion and the motion was declared carried.

## 21 **Composition and Constitution of the Cabinet and Record of Delegations of Executive Functions**

Members noted the submitted report on the above, which provided details of the portfolios of the Cabinet Members and delegation arrangements of executive functions, as appointed by the Leader of the Council.

## 22 Scheme of Delegation for Council Functions

Councillor David Thomas proposed and Councillor Chris Lewis seconded a motion, as set out below:

that the Scheme of Delegation for Council Functions and the Schedule of Responsibility for Local Choice Functions, as set out in Part 3 of the Constitution (web link contained on the agenda), in so far as they relate to Council functions, be approved.

A recorded vote was taken on the motion. The voting was taken by roll call as follows: For: Councillors Billings, Brook, Bryant, Bye, Fellows, Foster, Hutchings, Barbara Lewis, Chris Lewis, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tranter, Twelves and Tyerman (17); Against: Councillors Amil, Atiya-Alla, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fox, Harvey, Johns, Law, Long, Maddison, Nicolaou, Penny, Pentney and Virdee (18); and Absent: Councillor Tolchard (1). The motion was declared lost.

(Note: Councillor Tolchard left the meeting prior to consideration of this item.)

## 23 Overview and Scrutiny Annual Report 2023/2024

The Council received and noted the Overview and Scrutiny Annual Report for 2023/2024, as presented by the former Overview and Scrutiny Co-ordinator Councillor Steve Darling.

## 24 Constitution Amendments - Local Code of Good Practice - Members and Council Officers Involved in the Planning Process

The Council considered the submitted report on changes to the Council's Constitution in respect of operational arrangements for the Planning Committee and to reflect the current status of the Neighbourhood Forums in the Local Code of Good Practice - Members and Council Officers Involved in the Planning Process.

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

**that Council approves the following revised Constitution document, as set out in Appendix 1 to the submitted report - Local Code of Good Practice - Members and Council Officers Involved in the Planning Process.**

## 25 Constitution Amendments - Outside Bodies Reporting Protocol

The Council considered the submitted report on proposed changes to the Council's Constitution in respect of the reporting arrangements for Councillors who represent the Council on outside organisations, to ensure the Constitution was up to date and fit for purpose.

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

**that Council approves the revised section E22 – Outside Bodies Reporting Protocol and requests the Head of Governance Support to update the Standing Orders – Access to Information to reflect the changes set out in Appendix 1 to the submitted report.**

The Worshipful The Mayor of Torbay

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