



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

**14 May 2018**

**-: Present :-**

**Chairman of the Council (Councillor Doggett) (In the Chair)  
Vice-Chairwoman of the Council (Councillor Barnby)**

The Elected Mayor of Torbay (Mayor Oliver)

Councillors Amil, Bent, Brooks, Bye, Carter, Darling (M), Darling (S), Ellery, Excell, Haddock, Hill, King, Kingscote, Lewis (B), Lewis (C), Long, Manning, Mills, Morey, O'Dwyer, Parrott, Pentney, Sanders, Stockman, Stocks, Stubbley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield

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**9 Apologies for absence**

Apologies for absence were received from Councillors Morris and Robson.

**10 Declarations of interests**

No interests were declared.

**11 Communications**

The Chairman thanked those who were due to attend the Chairman's Civic Lunch at the Redcliffe Hotel, Paignton on Friday 18 May 2018 at 1.00 pm.

The Elected Mayor advised that the May Bank Holiday weekend was a success with a number of major events being hosted in Torbay. These included the Power Boat Festival in Torquay, the BMAD (Bikers Make a Difference) event in Paignton and the Brixham Pirate Festival. The Elected Mayor thanked all the volunteers, event organisers and Council staff who were involved in making the events successful. The Elected Mayor also thanked staff, volunteers and contractors for the recovery efforts since the storms in February/March 2018 for getting the Bay ready for the summer season.

**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 14 (Procurement of a development partner – South Quay, Paignton Harbour) to be considered after Item 5 (Public

Question Time); and agenda item 16 (Torre Abbey Restoration Project – Phase 3 Heritage Lottery Fund Bid) to be considered after Item 14.

**13 Public question time**

The Chairman advised that there were no public questions for this meeting.

**14 Procurement of a development partner - South Quay, Paignton Harbour**

Further to the Council's decision on 19 October 2017 to establish a £25 million Town Centre Regeneration Fund as part of the delivery of the Transformation Strategy for Torbay's Town Centre, the Council considered the submitted report on terms for a development partnership for the redevelopment of South Quay, Paignton Harbour.

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

- (i) that the Council supports the procurement of a development partner to identify a preferred and viable solution for the redevelopment of South Quay, Paignton Harbour; and
- (ii) that a further report is presented to the Harbour Committee and Council, within 6 months from the date of appointment of a development partner, when a preferred development solution has been identified, such that the Council can assess the outcomes of such a solution and make a decision at that time about whether to proceed with the redevelopment and, if so, on exactly what terms.

During the debate Councillor Carter proposed and Councillor King seconded an amendment to the motion as follows:

that this Council remains unconvinced that adequate public consultation and buy-in into the regeneration proposals for South Quay, Paignton, has taken place. Therefore, the Executive Head of Asset and Business Services, be instructed to undertake community engagement on the community's aspirations for the regeneration of Paignton Harbour and establish a liaison group that includes local residents. A further report on the outcome of the community engagement to be presented to the Harbour Committee and Council within 4 months of this decision.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Elected Mayor Oliver, Councillors Amil, Carter, Darling (M), Darling (S), Ellery, Excell, King, Long, Mills, Pentney, Sanders and Stocks (13); Against: Councillors Barnby, Bent, Brooks, Bye, Haddock, Hill, Kingscote, Lewis (B), Lewis (C), Manning, Morey, O'Dwyer, Parrott, Stockman, Stubbley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (21); Abstain: Councillor Doggett (1); and Absent: Councillors Morris and Robson (2). Therefore the amendment was declared lost.

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

- (i) that the Council supports the procurement of a development partner to identify a preferred and viable solution for the redevelopment of South Quay, Paignton Harbour; and**
- (ii) that a further report is presented to the Harbour Committee and Council, within 6 months from the date of appointment of a development partner, when a preferred development solution has been identified, such that the Council can assess the outcomes of such a solution and make a decision at that time about whether to proceed with the redevelopment and, if so, on exactly what terms.**

A recorded vote was taken on the motion. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Brooks, Bye, Haddock, Hill, Kingscote, Lewis (B), Lewis (C), Manning, Morey, O'Dwyer, Parrott, Stockman, Stubbley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (21); Against: Elected Mayor Oliver, Councillors Amil, Carter, Darling (M), Darling (S), Ellery, King, Long, Mills, Pentney, Sanders and Stocks (12); Abstain: Councillors Doggett and Excell (2); and Absent: Councillors Morris and Robson (2).

(Note: Councillor Tolchard left the meeting after consideration of Minute 14.)

## **15 Torre Abbey Restoration Project - Phase 3 Heritage Lottery Fund Bid**

Members considered proposals for the submission of the Phase 3 bid to the Heritage Lottery Fund (HLF) for the Torre Abbey Restoration Programme, as set out in the submitted report. It was noted, that if the HLF bid was successful, the Phase 3 project would help protect the Abbey for the benefit of the local community and visitors.

Elected Mayor Oliver proposed and Councillor Amil seconded the motion, as set out below:

- (i) that the Executive Head of Assets and Business Services be authorised to submit a Heritage Lottery Fund (Round 1) application for £4.5 million for Phase 3 of the Torre Abbey Restoration Programme as described in this report and appendices, to be submitted to the Heritage Lottery Fund by 14 June 2018; and**
- (ii) that the Council agrees in principle to borrow up to £1.15 million to provide the financial commitment outlined in the submitted report and required for submission of the Heritage Lottery Fund (Round 1) application for £4.5 million indicated in (i) above with the final decision to revert to Council once the final outcome of the Heritage Lottery Fund bid is known.**

Councillor Tyerman proposed and Councillor Brooks seconded an amendment, which was accepted by Elected Mayor Oliver and Councillor Amil and was then incorporated in the original motion as set out below:

- (i) that the Executive Head of Assets and Business Services be authorised to submit a Heritage Lottery Fund (Round 1) application for £4.5 million for Phase 3 of the Torre Abbey Restoration Programme as described in the submitted report and appendices, to be submitted to the Heritage Lottery Fund by 14 June 2018;
- (ii) that the Council agrees in principle to borrow up to £1.15 million to provide the financial commitment outlined in the submitted report and required for submission of the Heritage Lottery Fund (Round 1) application for £4.5 million indicated in (i) above with the final decision to revert to Council once the final outcome of the Heritage Lottery Fund bid is known; and
- (iii) that during the Torre Abbey round 2 development programme the Executive Head of Assets and Business Services be requested to further investigate the broader implications of constructing a new footpath from the seafront esplanade to Torre Abbey as currently proposed. This remit to also look at the feasibility of enhancing the existing path which leads from the seafront to Torre Abbey and the Riviera International Conference Centre thereby delivering multiple benefits.

During the debate Councillor Pentney proposed and Councillor Darling (M) seconded a further amendment to the motion as follows:

- (i) that the Executive Head of Assets and Business Services be authorised to submit a Heritage Lottery Fund (Round 1) application for £4.5m for Phase 3 of the Torre Abbey Restoration Programme as described in this report and appendices, subject to an alternative for the proposed pathway over the pitch and putt facility over Torre Abbey Meadows, to be submitted to the Heritage Lottery Fund by 14 June 2018;

The amendment was put to the vote and declared lost.

At this juncture, a procedural motion (in accordance with Standing Order A16.11(a)(iv)) to move to the vote was proposed by Councillor Haddock and seconded by Councillor Thomas (D). On being put to the vote, the procedural motion was declared carried.

Elected Mayor Oliver's and Councillor Amil's original motion (incorporating Councillors Tyerman's and Brooks' amendment) was then put to the vote and was agreed by the Council, as set out below:

- (i) that the Executive Head of Assets and Business Services be authorised to submit a Heritage Lottery Fund (Round 1)**

**application for £4.5 million for Phase 3 of the Torre Abbey Restoration Programme as described in the submitted report and appendices, to be submitted to the Heritage Lottery Fund by 14 June 2018;**

- (ii) that the Council agrees in principle to borrow up to £1.15 million to provide the financial commitment outlined in the submitted report and required for submission of the Heritage Lottery Fund (Round 1) application for £4.5 million indicated in (i) above with the final decision to revert to Council once the final outcome of the Heritage Lottery Fund bid is known; and**
- (iii) that during the Torre Abbey round 2 development programme the Executive Head of Assets and Business Services be requested to further investigate the broader implications of constructing a new footpath from the seafront esplanade to Torre Abbey as currently proposed. This remit to also look at the feasibility of enhancing the existing path which leads from the seafront to Torre Abbey and the Riviera International Conference Centre thereby delivering multiple benefits.**

(Note: Councillors Bent, Pentney and Sanders left the meeting after consideration of Minute 15.)

## **16 Order of Business and Chairman of the Meeting**

At this juncture, the Chairman left the meeting and the Vice-Chairwoman chaired the remainder of the meeting.

### **Vice-Chairwoman, Councillor Barnby, in the Chair**

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable agenda Item 6 (Members' questions) and agenda item 7 (Notice of Motion – Member and Officer Protocol) to be considered after Item 17 (Children and Young People's Plan).

## **17 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 2018/2019.

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

- (i) that Councillor Lewis (C) be appointed as the Overview and Scrutiny Co-ordinator for 2018/2019 municipal year; and**
- (ii) that the following Councillors be appointed as the Scrutiny Leads as indicated for the 2018/2019 municipal year:**

**Joint Commissioning – Children’s and Adults: Councillor Barnby;**

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

**Joint Operations – Corporate and Business Services: Councillor Darling (S); and**

**Joint Operations – Community and Customer Services: Councillor Long.**

**18 Review of Political Balance and Appointments to Committees and Working Parties**

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 noted the political balance of the Council had been updated following notification that Councillor King wished to be known as a member of the Liberal Democrat Group and Councillor Stocks wished to be known as a member of the Independent Group.

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

- (i) that the overall political balance of the committees and working parties, as set out in Appendices 1 and 2 to the submitted report, be approved;**
- (ii) that, subject to (i) above being approved, the committees and working parties be appointed with the terms of reference set out in Appendix 3 to the submitted report;**
- (iii) that, subject to (i) above being approved, nominations be received to fill the seats on the committees;**
- (iv) that, a sub-committee of the Licensing Committee be established to comprise three Members of the Licensing Committee;**
- (v) that the terms of reference of the Licensing Sub-Committee be to consider and determine all matters in connection with licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles);**
- (vi) that the Licensing Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations;**

- (vii) that the Governance Support Manager be authorised to empanel Members from the Licensing Committee to serve on the Licensing Sub-Committee as and when required; and
- (viii) that the elected Mayor confirms the appointments to the Health and Wellbeing Board as set out in Appendix 3 to the submitted report.

Following the vote, the members to serve on each committee and other bodies were nominated by the Leader of the Liberal Democrat Group and Leader of the Independent Group as set out in Appendix 3 to the submitted report. The Conservative Group Leader advised that changes to Appendix 3 to the submitted report for the Conservative Group members would be provided to the Governance Support Manager on 16 May 2018.

## 19 Calendar of Meetings for 2018/2019

The Council considered the submitted report setting out the proposed calendar of meetings for 2018/2019.

Elected Mayor Oliver proposed and Councillor Mills seconded a motion as set out below:

- (i) that the calendar of meetings for 2018/2019, set out in Appendix 1 to the submitted report, be approved; and
- (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.

During the debate Councillor Darling (S) proposed and Councillor Carter seconded an amendment to the motion as follows:

- (i) that the calendar of meetings for 2018/2019, set out in Appendix 1 to the submitted report, be approved, subject to the start time for Development Management Committee to be changed from 2.00 pm to 5.30 pm.
- (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.
- (iii) the Development Management Committee be renamed Planning Committee with immediate effect.

The amendment was put to the vote and declared lost.

Elected Mayor Oliver's and Councillor Mills' original motion was then considered by the Council which was agreed, as set out below:

- (i) that the calendar of meetings for 2018/2019, set out in Appendix 1 to the submitted report, be approved; and
- (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.

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

Members noted the submitted report on the above, which also provided details of changes by the Elected Mayor to his Executive.

**21 Scheme of Delegation for Council Functions**

Councillor Thomas (D) proposed and Councillor Darling (S) seconded a motion which was agreed by the Council as set out below:

**that the scheme of delegation of Council functions, as set out in Part 3 of the Constitution in so far as they relate to Council functions be approved.**

**22 Annual Report of the Overview and Scrutiny Board for 2017/2018**

The Council received and noted the Overview and Scrutiny Annual Report for 2017/2018.

**23 Brixham Breakwater Improvements**

The Council received the submitted report on a variation to the Capital Plan to enable improvements to be made to Brixham Breakwater and repairs undertaken following winter storm damage. It was noted the repairs and improvements were required to ensure Brixham Breakwater remained a fit for purpose sea defence structure in order to provide future flood protection for the Brixham town and Brixham Harbour and estate.

Elected Mayor Oliver proposed and Councillor Ellery seconded a motion, which was agreed (unanimously) by the Council as set out below:

- (i) that the Head of Finance, in consultation with the Elected Mayor, be asked to endorse and approve the application to the Marine Management Organisation (MMO) for a European Maritime and Fisheries Funding (EMFF) grant of up to £2m; and
- (ii) that a variation to the Capital Plan of approximately £3.853 million to undertake capital works that will improve Brixham Breakwater, to be funded from EMFF external grant funding and Council funding from the capital major repairs and renewals budget, be approved.

**24 Children and Young People's Plan**

The Vice-Chairwoman reported that this item had been deferred to the Council meeting due to be held on 21 June 2018.

**25 Members' questions**

Members received a paper detailing questions, as set out at Appendix 1 to these minutes, notice of which had been given in accordance with Standing Order A13. The paper also contained the answers to the questions which had been prepared by Councillor Haddock.

Supplementary questions were put and answered by Councillor Haddock, arising from his responses to the questions in respect of questions 1, 2 and 3.

**26 Notice of motion - Member and Officer Protocol (Council Decision)**

Members considered a motion in relation to amending the Local Protocol on Member and Officer Relations to ensure notes of significant informal meetings are kept, notice of which was given in accordance with Standing Order A14. In accordance with Standing Order A14.3(b), the motion was dealt with by this meeting.

Councillor Long proposed the motion, which was seconded by Councillor Darling (S), as set out below:

Following concerns raised by the Liberal Democrat Group as to the lack of written record by elected Members when meeting with commercial operators this Council instructs the Monitoring Officer to make the following amendment to the Local Protocol on Member and Officer Relations:

**13. Record of Informal Meetings**

13.1 There is an expectation that either a Member or Officer will compile written notes during or shortly after significant informal meetings to ensure the Council maintains records of important matters.

During the debate, Councillor Tyerman and Councillor Thomas (D) seconded the following motion to exclude the press and public from the meeting, which was agreed by the Council:

**that the press and public be excluded from the meeting at this stage in the debate on this item on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.**

Following the exempt element of the debate, Councillor Morey proposed and Councillor Mills seconded the following motion, which was agreed by the Council:

**that the Council meeting reverts back to public session and the press and public be invited back to the meeting.**

The Vice-Chairwoman invited the press and public back to the meeting.

The notice of motion was then put to the vote and declared lost.

**27 Investment and Regeneration Committee Recommendation - Investment Opportunity**

The Vice-Chairwoman reported that there were no recommendations from the Investment and Regeneration Committee for consideration at this meeting of the Council.

Chairman

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## Questions Under Standing Order A13

A member may only submit three questions for consideration at each Council Meeting. Each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn. The time for member's questions will be limited to a total of 30 minutes.

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| <b>Question (1) by Councillor Carter to the Chairman of the Town Centre Regeneration Programme Board (Councillor Haddock)</b>      | <b>Can you please advise the council of what actions you have undertaken to facilitate the compulsory purchase of Crossways Paignton?</b>  |
| Councillor Haddock   | I am pleased to reassure Councillor Carter that the Council continues to look at a range of options for the Crossways site. At the most recent meeting of the Town Centre Regeneration Programme Board, held on the 4 <sup>th</sup> of May, there was a full and thorough cross-party debate about Crossways, where a range of options were considered and discussed. I am sure that Councillor Steve Darling will be able to provide his Group with a briefing regarding this matter. The Town Centre Regeneration Programme Board will of course make appropriate recommendations to the Council if and when it is necessary, regarding any aspect of Paignton Town Centre.  |
| <b>Question (2) by Councillor Darling (M) to the Chairman of the Town Centre Regeneration Programme Board (Councillor Haddock)</b> | <b>Can you update the Council on the progress of developing the Town Hall Car Park on Lymington Road in Torquay?</b>   |
| Councillor Haddock   | <p>I am pleased to say that the Town Centre Regeneration Programme Board, made up of representatives of all political parties and business representatives, received a highlight report on this issue on the 4th of May and has had updates almost every month prior to that. It is inevitable that some of the work undertaken by the Town Centre Regeneration Programme Board involves the sharing of sensitive and confidential information in order to provide updates on progress. Board members can of course brief their Groups about these matters and the position in respect of any progress, in accordance with Member's Code of Conduct and the Council Constitution.</p> <p>The most recent highlight report to the Board states that:</p> <ul style="list-style-type: none"> <li>• A local education provider has been asked whether it wishes to purchase and lease back (to the Council) the whole of the town hall site. This is on the basis of previous discussions with the Town Centre Regeneration Programme Board and the education provider, with a view to establishing a new campus on the site.</li> <li>• Further discussions are taking place with prospective investors / developers.</li> </ul> |

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|  | <p>There is also demand from discount food retailers for good sized town centre sites. Consequently the TDA, acting on the Council's behalf, is working with three developers – who have discount food retailers as clients – to work up redevelopment proposals for the Town Hall Car Park. The developers have been asked to retain parking and promote a mixed use development.</p> <p>The Town Centre Regeneration Programme Board will of course make appropriate recommendations to the Council if and when it is necessary, regarding any options for developing the Town Hall Car Park in Torquay.</p>   |
| <p><b>Question (3) by Pentney to the Chairman of the Town Centre Regeneration Programme Board (Councillor Haddock)</b></p> | <p><b>Do you agree with me that now is the time to include the Former B &amp; Q building in Torre as one of the projects for Town Centre regeneration</b></p>  |
| <p>Councillor Haddock</p>  | <p>This is an interesting question, as it is the Liberal Democrat Member of the Town Centre Regeneration Programme Board who is concerned that the Council is seeking to deliver too many projects in its town centres regeneration programme and that we ought to be reducing the number of projects, not increasing them.</p> <p>However, I am aware of the delays to the delivery of this project, but equally I am also aware of the work by the Planning Team, assisted by the TDA, to encourage the owner to start the work on site. In March 2018 the developer advised that he was reworking the cost and work schedules and he hoped to be making more practical progress in the near future.</p> <p>I am also aware that the Council's Housing Company has been asked to consider acquiring properties in the development, to help accelerate delivery.</p> <p>We have also brought this site to the attention of Homes England, in case Homes England could acquire and deliver the site.</p> <p>In summary I am pleased to report that the Council, with support from the TDA, are already doing as much as they reasonably can to achieve delivery on this site. I therefore don't believe it needs to be added to the already substantial town centres regeneration programme.</p> |