

## Cabinet Meeting - Oldway Mansion 20 October 2009.

I was requested to attend the above Cabinet Meeting, together with [REDACTED]. There was to be a Public Question session prior to the full meeting, and this would start at 4.30pm. The Cabinet Meeting was to start at 5.00pm prompt.

I was advised to get there early, which I did, and sat in the front row, the better to be able to see everything and follow the proceedings. I had been phoned prior to my departure from home, by Mr.Keith Stevens. He asked me if I could report on any positive aspects I found at the meeting, as well as being critical of the negative aspects. I had the "Standards Committee Meeting Things to Consider" sheet with me, to use as a guideline. I saw Mr.Bye by chance, prior to the meeting, and he said it would probably be a lively meeting. His reason for saying that, was because one of the items to be decided upon was the closure of Curledge Road, lying between two schools, and it was a very emotive issue.

I sat through the Public Question Meeting, chaired by the Mayor Mr.Bye, and I then sat through 90% of the Cabinet meeting, having to get home by 6.30 p.m. I can confidently say, that in my opinion, the meetings were run in a copy-book manner. Mr.Bye took control from the outset, of both meetings. His diction was very clear, he knew his subjects. He gave everyone the chance to speak, even inviting unscheduled speakers to say a few words. He was the height of courtesy at all times. The speakers were entitled to speak for five minutes each, which he reiterated to them, but requested, for the sake of time, that if possible could they stay within five minutes, but not putting any pressure on them to do so. The speakers had all researched what they were to say, and had speeches prepared in some cases, from what I could see. They went to the speakers table in a very orderly manner, gave their speeches well, and returned to their seats. They were always thanked by the chairman for the manner in which they had presented their views, and it was in a very sincere manner.

The answers to the questions raised in the first part were given by the Mayor himself, Councillor Butt, Councillor McPhail and Councillor Lewis, all giving, in my opinion, satisfactory answers in a very acceptable manner.

The Cabinet Meeting itself started promptly. Declarations of personal interest were given clearly and concisely on three matters, one being by the Chief Executive, who arrived late and gave it as soon as she could. There were no declarations of prejudicial interest. The Chairman went through the items on the agenda in order, and gave reasons why he was going to change the order they would be heard in, which was in only one instance. On at least two occasions prepared statements were read out when an involved Cabinet Member had not been able to be present. This showed a great deal of thought and effort had gone into the meeting. Councillors sitting on the sidelines, were given every opportunity to express their views, both for and against the motions that were being dealt with. At all times they were acting with total decorum, and respectful of the meeting. I was very pleased to have attended the meeting, and was especially pleased with the manner in which it progressed, quite expecting to have to make some criticism, however none was called for.

I was at one time about to be critical of the Chairman for allowing a young child to run around noisily without admonishing its parents. However he duly did get around to it, after, presumably seeing that the child would not stop on its own behalf, and he

was the epitome of tact and good manners in speaking to them, and we had no more problems from the child. I hope this report is of some use, and is what was expected of me.

[REDACTED]

Independent Member  
Standards Committee

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**Standards Committee Observations of Council Meetings**

**Meeting Attended:** Council

**Date:** 10 December 2009

**Venue:** Ballroom, Oldway Mansion, Paignton

**Committee Members Observing:**



<b>Agenda Item</b>	<b>Members Action(s)</b>	<b>Remarks</b>	<b>Action</b>
Fire Services Presentation	The Members were on the whole attentive. One member who was late waved several times to fellow councillors across the chamber. Another who was late found access to their seat could only be obtained by walking across in front of the speaker.	May be it would help if someone was on hand to guide late comers to seats	Group Leaders to provide feedback to groups – late comers to presentations to take a seat in public area so they do not interrupt presentations.
Items 1-5		No comment, other than one member failed to rise when declaring an interest.	Group Leaders to provide feedback to groups.  Chairman to allow time for interests to be declared at the start of each item.

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<b>Agenda Item</b>	<b>Members Action(s)</b>	<b>Remarks</b>	<b>Action</b>
Item 6	There was one petition. The Mayor explained to the petitioner what would happen to the petition and who would contact them.		No action needed.
Item 7	Questions. These apparently were written and were taken as read. There were no questions in my council meeting pack, nor were their presence obvious in the room for people to read.		Democratic Services to ensure copies of questions/papers circulated at start of meeting are provided to the press and public.  Review mechanism for Members' Questions at next Constitution consultation meeting in March 2010.
Item 8&9		No Comments	No action needed
Item 10		The Chairman commented on cross talking during the movement of the motion.	Group Leaders to provide feedback to groups.
Items 11-14		No Comments	No action needed

**General Comments:**

The Chairman seemed very much in control. One member rose on a point of order and was correctly asked by the Chairman as to the standing order to which they were referring. The member was unable to state the relevant standing order and was compelled to resume their seat. **Action:** Monitoring Officer to clarify purpose of Point of Order for all members.

One member addressed the Chairman as "Boss". **Action:** Group Leaders to note.

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The Chairman`s briefing papers were excellent.

The reports to council were well written and very readable. One had gone to Cabinet in October. Concern was expressed that members may not still have access to that paper. **Action:** Democratic Services to review process.

Sometimes it was not clear to people in the public gallery that motions were being moved. Proceedings might be helped by proposers being a little more formal in putting their motions to council. **Action:** Group Leaders to provide feedback to groups.

-----Original Message-----

**From:** [REDACTED]

**Sent:** 15 December 2009 17:23

**To:** Stevens, Keith

**Subject:** Licensing Sub 10 December 2009

I attended the Licensing Subcommittee on 10 December . There was little upon which I needed to comment . There was a problem in hearing the proceedings from the public area but I suspect that the council is already aware of the problem . The meeting was well chaired . The chairman asked everyone to introduce themselves and asked parties to comment at appropriate stages in the proceedings . I was impressed by the thoroughness of the questioning and in the checking of the documentation to ensure that everyone was working from the same documetation .

[REDACTED]

[REDACTED]

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**Standards Committee Observations On Council Meetings**

**Meeting Attended:** Ordinary Council Meeting

**Date:** 24 September 2009

**Venue:** Oldway Mansion

**Committee Members Observing:** [REDACTED]

<b>Agenda Item</b>	<b>Chair's Action</b>	<b>Remarks</b>
1. Prayers	Appropriate	Whilst in accordance with SO A6.1, the form of prayer may be inappropriate to members of the public of other religions and may be considered to be contrary to equality & diversity considerations. The reason for prayers at the commencement does not appear clear and the rationale should be reconsidered. Provision is made in SOs for any "other address" and it may be timely to think about a change.
2. Apologies	Appropriate	
3. Minutes of Last Meeting	Appropriate	
4. Declarations of Interest	Appropriate	Members repeated reason(s) before leaving
5. Communications		
5a. Presentation from Torbay Care Trust	Appropriate -- but see remarks.	The speaker clearly expected questions as he invited questions during his delivery and requested questions at the end of his talk. He was advised by the Chair that there was no time. The speaker should have been advised of the fact there would be no time for questions when he was invited to talk. In view of this failure, the speaker may have thought his efforts were a waste of time.
5b. Petitions From Public (3)	Appropriate	The petitioners may have felt better served if they had been promised contact with the chair or a suitable member of the sub-committees concerned.
5c. Members' Questions	Seemed a bit at a loss regarding supplementary	An unedifying political tennis match.

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	question protocol.  Should have addressed the issue of the final question.	
5d. Motions (Climate Change)	Referred to Mayor	
Urgent Decisions	Seemed a bit at a loss sometimes and directed questions to Dep Ch Exec	Confusion reigned at one point – much referral to Monitoring Officer for arbitration/clarification. Status of Constitution seemed uncertain as did whether any amendments had been properly promulgated.
6. Torbay Economic Development Company	Not entirely in control. Called members to speak, but then became a bystander – made no attempt to “police” the debate.	All got a bit tangled and seemed to go in circles – having got a unanimous vote (subject to amendment) debate was re-opened. Main issue seemed to be a requirement for clarification of legal jargon in papers and/or a plain language Executive Summary.
7. Turning the Tide for Tourism in Torbay – Tourism Strategy 2010 - 2015	Not entirely in control. Did ensure members stuck to speech time limits. Five minute rule does not work effectively – see below.	Debate seemed to go into a closed loop in respect of the danger of B&Bs turning into “houses of multiple occupation”
9. Torquay Town Centre Business Improvement District (Tormohun Ward)	Not observed	N/A
10. Review of Political Balance	Not observed	N/A
Urgent Decisions Taken by the Chief Executive under the Officer Scheme of Delegation	Not observed	N/A

### **General Comments:**

1. The layout of the room could be improved. The concept of the “House of Commons” style puts the Chair at a detached distance from the body of councillors. The Chair might feel better part of the proceedings if he were to be closer and preferably at the same table.
2. In respect of the 5 Minute Rule – some members were succinct, made their point and sat down. Others used much or all of their allotted time repeating themselves. If the point has been made, the Chair should prevent unnecessary repetition.
3. A disappointing lack of public interest – are the meetings well advertised?



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4. Of the 36 elected councillors, only about 12 seem to make a positive contribution.
5. Not much sign of "personal judgement" all members seemed to follow party line.
6. The meeting was expected to last up to four hours as it did. It was quite clear that at least one break would be required for all concerned. A break did occur but only after members started to leave the room. The chair should be mindful of such a need and give an indication as to when an appropriate break would be made at the commencement of business.

Attendance at Development Control Committee on 16 March 2009

1. At the beginning of the meeting under Declarations of Interest, a councillor asked advice as to his position because he had voted against an application at a previous meeting. This advice should have been sought prior to the meeting.

2. Under item P/2009/0001/PA, a councillor stated that he was there to represent the public view. His comment seemed to be endorsed by other members. I believe that some reinforcement of training on the role of a member of a regulatory committee might be helpful.

3. Also, in connection with the item under 2, we had a situation in which a motion to approve was lost, 3 votes to 4, followed by a motion to defer which was lost 3 votes to 5, and a motion to refuse was lost 3 votes to 5. The Chairman described the position as a farce which was picked up by the members of the public present. With respect to the Chairman to describe the situation in those terms was unhelpful but his feelings could be understood. However, where a development committee fail to come to a decision, the application fails as non-determined leaving the applicant with the right of appeal which in this case probably they would have won, assuming the inspector agreed with the officers' recommendation for conditional approval. Given that situation the Chairman was correct to move the approval a second time which was carried 5 votes to 3 (with officer written and member added conditions)

4. Also in connection with the item in 2, a councillor referred to a boundary bank which I believe he considered to be unstable. He had seen this on the site inspection earlier that day. It was not clear to me whether this was in fact a planning issue. No other member referred to it causing me to question whether site visits were conducted on the basis that all members viewed everything or selected what they saw for themselves.

5. In connection with item P/2009/0073/MPA, the officers recommended in their written 6 page report that the matter be deferred for a site visit and a further report. However in the verbal report members were asked to comment on at least one aspect of the application. This might be a dangerous thing to ask because members might be considered comprised in a future determination. Member discussion included requests for ward member views to be taken into account which was interesting as 2 of the 3 ward members are members of the committee. The planning officer rightly advised that the ward councillors might find themselves compromised and barred from the committee meeting when it formally considered the application. There were to be discussions, I believe with the applicant, and it appeared that the Chairman was going to be involved. Again, would his position as Chairman be compromised.

6. In item P/2009/0174/MOA, much of the debate was emotive and irrelevant, to quote the planning officer and with whom I entirely agree. Members were keen to resort to great passion about the item, for and against without real consideration of the actual application. This may be considered inappropriate for a regulatory committee



Copied to Alan Ford