



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

28 May 2019

-: Present :-

The Worshipful The Mayor of Torbay (Councillor Douglas-Dunbar) (In the Chair)
Deputy Civic Mayor of Torbay (Councillor Manning)

Councillors Amil, Atiya-Alla, Barrant, Brooks, Brown, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Doggett, Dudley, Ellery, Foster, Heyse, Hill, Howgate, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Morey, O'Dwyer, Pentney, Stockman, Sykes, David Thomas, Jacqueline Thomas and John Thomas

9 Apologies for absence

An apology for absence was received from Councillor Mills.

10 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 2019/2020.

Councillor Mandy Darling proposed and Councillor Loxton seconded a motion as set out below:

- (i) that Councillor Howgate be appointed as the Overview and Scrutiny Co-ordinator for the 2019/2020 Municipal Year; and
- (ii) that the following Councillors be appointed as the Overview and Scrutiny Leads for the 2019/2020 Municipal Year:
 - Councillor Bye;
 - Councillor Mandy Darling;
 - Councillor Foster;
 - Councillor Heyse.
- (iii) that the Overview and Scrutiny Co-ordinator and Overview and Scrutiny Leads determine the division of responsibilities as the Overview and Scrutiny Board develops its Work Programme.

During the debate Councillor Chris Lewis proposed and Councillor David Thomas seconded an amendment to the motion as follows:

That Councillor Bye be appointed as the Overview and Scrutiny Co-ordinator for the 2019/2020 Municipal Year.

A recorded vote was then taken on the amendment. The voting was taken by roll call as follows: For: Barrand, Brooks, Bye, Foster, Hill, Kavanagh, Kennedy, Barbara Lewis, Chris Lewis, O'Dwyer, Sykes, David Thomas, Jacqueline Thomas and John Thomas (14); Against: Councillors Amil, Atiya-Alla, Brown, Carter, Cowell, Darling, Darling, Dart, Douglas-Dunbar, Doggett, Dudley, Ellery, Heyse, Howgate, Law, Long, Loxton, Manning, Morey, Pentney, Stockman (21); and Absent: Councillor Mills (1). Therefore, the amendment was declared lost.

The original motion was then considered by members, which was unanimously agreed by the Council as follows:

- (i) that Councillor Howgate be appointed as the Overview and Scrutiny Co-ordinator for the 2019/2020 Municipal Year; and**
- (ii) that the following Councillors be appointed as the Overview and Scrutiny Leads for the 2019/2020 Municipal Year:**
 - **Councillor Bye;**
 - **Councillor Mandy Darling;**
 - **Councillor Foster;**
 - **Councillor Heyse.**
- (iii) that the Overview and Scrutiny Co-ordinator and Overview and Scrutiny Leads determine the division of responsibilities as the Overview and Scrutiny Board develops its Work Programme.**

11 Appointments to Committees and Other Bodies for 2019

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

Councillor Long proposed and Councillor Stockman seconded a motion, as set out below:

- (i) That, the overall political balance of the committees as set out at Appendix 1 to the submitted report, be approved;
- (ii) That, subject to 3.1 above being approved, the committees be appointed with the terms of reference set out in Appendix 3 to the submitted report;
- (iii) That, subject to 3.2 and 3.3 above being approved, nominations be received to fill the seats on the committees;
- (iv) That, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 be

approved and the working parties be appointed with the Terms of Reference set out in Appendix 3;

- (v) That, the outcome of the review and proposed appointments to the outside bodies and other groups for 2019 to 2023 set out in Appendix 4 to the submitted report be approved;
- (vi) That, a sub-committee of the Licensing Committee be established to comprise three members of the Licensing Committee;
- (vii) That the terms of reference of the Licensing Sub-Committee be to consider and determine all matters in connection with the licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles); and
- (viii) 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.
- (ix) That the Director of Corporate Services be authorised to make the necessary amendments to the following Policy Framework documents in order to reflect the decisions made in 3.2-3.5 above:
 - Investment and Regeneration Fund Strategy
 - Housing Rental Company
 - Corporate Asset Management Plan.

During the debate Councillor David Thomas proposed and Councillor Chris Lewis seconded an amendment to the motion as follows:

- (i) That, the overall political balance of the committees as set out at Appendix 1 to the submitted report, be approved, **subject to the Investment and Regeneration Committee being included within Appendix 1, with the Director of Corporate Services being given delegated authority to make any consequential adjustments to political balance;**
- (ii) That, subject to 3.1 above being approved, the committees be appointed with the terms of reference set out in Appendix 3 to the submitted report **and with Investment and Regeneration Committees terms of reference to be included in identical terms to that approved by Council on 14 May 2018;**
- (iii) That, subject to 3.2 and 3.3 above being approved, nominations be received to fill the seats on the committees;
- (iv) That, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 be approved and the working parties be appointed with the Terms of Reference set out in Appendix 3;

- (v) That, the outcome of the review and proposed appointments to the outside bodies and other groups for 2019 to 2023 set out in Appendix 4 to the submitted report be approved;
- (vi) That, a sub-committee of the Licensing Committee be established to comprise three members of the Licensing Committee;
- (vii) That the terms of reference of the Licensing Sub-Committee be to consider and determine all matters in connection with the licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles); and
- (viii) 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.
- (ix) That the Director of Corporate Services be authorised to make the necessary amendments to the following Policy Framework documents in order to reflect the decisions made in 3.2-3.5 above:
 - ~~Investment and Regeneration Fund Strategy~~
 - Housing Rental Company
 - Corporate Asset Management Plan.

The amendment was put to the vote and declared lost.

Councillors Long and Stockman's original motion was then considered by the Council which was agreed (unanimously), as set out below:

- (i) That, the overall political balance of the committees as set out at Appendix 1 to the submitted report, be approved;**
- (ii) That, subject to 3.1 above being approved, the committees be appointed with the terms of reference set out in Appendix 3 to the submitted report;**
- (iii) That, subject to 3.2 and 3.3 above being approved, nominations be received to fill the seats on the committees;**
- (iv) That, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 be approved and the working parties be appointed with the Terms of Reference set out in Appendix 3;**
- (v) That, the outcome of the review and proposed appointments to the outside bodies and other groups for 2019 to 2023 set out in Appendix 4 to the submitted report be approved;**
- (vi) That, a sub-committee of the Licensing Committee be established to comprise three members of the Licensing Committee;**

- (vii) That the terms of reference of the Licensing Sub-Committee be to consider and determine all matters in connection with the licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles); and
- (viii) 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.
- (ix) That the Director of Corporate Services be authorised to make the necessary amendments to the following Policy Framework documents in order to reflect the decisions made in 3.2-3.5 above:
 - Investment and Regeneration Fund Strategy
 - Housing Rental Company
 - Corporate Asset Management Plan.

12 Calendar of Meetings for 2019/2020 to 2022/2023

The Council considered the submitted report setting out the proposed calendar of meetings for 2019/2020. Prior to the meeting revised Officer Recommendation was circulated.

Councillor Long proposed and Councillor Ellery seconded a motion which was unanimously agreed, as set out below:

- (i) That, subject to the inclusion of extraordinary meetings of the Council on 19 June and 24 October 2019, the calendar of meetings for 2019 to 2020, 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 Head of Governance in consultation with the relevant Chairman/woman.

13 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.

14 Scheme of Delegation for Council Functions

Councillor Ellery proposed and Councillor Law 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, and the Schedule of Responsibility for Local Choice Functions as set out in the agenda be approved.

15 Overview and Scrutiny Annual Report 2018/2019

The Council received and noted the Overview and Scrutiny Annual Report for 2018/2019.

16 Statutory Officer Appointments

Councillor Morey proposed and Councillor Long seconded a motion which was unanimously agreed, as set out below:

That Anne-Marie Bond be appointed Returning Officer and Proper Officer for local government elections, Acting Returning Officer for parliamentary elections, Electoral Registration Officer and Proper Officer for the Local Authorities (Referendum) (Petitions and Directions) (England) Regulations 2001.

Councillor Stockman proposed and Councillor Steve Darling seconded a motion which was unanimously agreed, as set out below:

That Joanna Williams be appointed as the Statutory Officer for the Director of Adult Social Services from 1 June 2019; and

That the Council convey its thanks to the retiring Director of Adult Social Services, Caroline Taylor for the work and support she has given the Council since her appointment in 2006.

(Note: Prior to consideration of this item Anne-Marie Bond, Director of Corporate Services declared a personal interest.)

The Worshipful The Mayor of Torbay