

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

**20 July 2023**

**-: Present :-**

**The Worshipful the Mayor of Torbay (Councillor Spacagna) (In the Chair)**  
**Deputy Civic Mayor of Torbay (Councillor Stevens)**

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

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### **19 Opening of meeting**

The meeting was opened with a prayer.

Following the opening, Members observed a minute's silence as a mark of respect in memory of former Councillor and Mayor, Heather Buckpitt who sadly passed away on 26 February 2023 and former Councillor Richard Haddock who sadly passed away on 25 June 2023.

### **20 Apologies for absence**

Apologies for absence were received from Councillors Law, Nicolaou, Pentney and Tolchard.

### **21 Minutes**

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

**that the Minutes of the Annual meeting of the Council held on 16 May 2023 and the Adjourned Annual meeting of the Council held on 25 May 2023 be confirmed as a correct record and signed by the Worshipful the Mayor of Torbay.**

### **22 Declarations of interests**

Councillor Harvey declared a pecuniary interest in respect of Minute 26.

## **23 Communications**

The Worshipful the Mayor of Torbay welcomed to the meeting former Councillors, who were not re-elected or did not stand in the May 2023 Local Elections and presented them with a framed picture to thank them for their time and dedication to serve the community of Torbay during their term of office.

The Worshipful the Mayor of Torbay invited Mr Gavin Ellis and Mr Mike Porter of Devon and Somerset Fire and Rescue to present the Public Service Award to Councillor David Thomas for his service on the Devon and Somerset Fire and Rescue Authority.

In the absence of the Chief Executive, the Director of Corporate Services presented the Local Government Chronicle Most Improved Council award which the Council won in June 2023. At the invitation of the Worshipful the Mayor of Torbay, the Group Leaders each gave a speech on achieving the award.

## **24 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 agenda Item 7 (Members' questions) to be considered at end of the meeting.

## **25 Petitions**

In accordance with Standing Order A23, the Council received the following petitions:

- (i) petition requesting grass tennis courts at Oldway be retained as an enclosed dog exercise area (approximately 213 signatures); and
- (ii) petition seeking to make Brixham Road safer at the junction with Roselands Drive (approximately 31 signatures).

It was noted that the both petitioners had requested their petitions to be submitted direct to the decision-maker and they would be referred to the Director of Pride in Place for consideration in consultation with the Cabinet Member for Place Services and Economic Growth.

## **26 Budget Monitoring - Outturn 2022/23**

The Council received the submitted report setting out a high-level budget summary of the Council's revenue and capital position for the financial year 2022/23 and final outturn position for the year ending 31 March 2023. The Council considered the recommendations of the Cabinet.

Councillor Tyerman proposed and Councillor Chris Lewis seconded a motion as set out below:

that the Council notes the revenue outturn position and approves:

- 1) the transfer of the £0.4m carry forward into earmarked capital reserves; and
- 2) the addition of the Torre Valley North project to the current Capital Programme.

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

that the Council notes the revenue outturn position and approves:

- 1) ~~the transfer of the £0.4m carry forward into the~~ to be allocated as follows:

£150,000 to Discretionary Housing Payments Fund (noting that this year's budget, comprising of £300,000 from the Government and the Council's allocation of £200,000, has already committed 40% at the end of Quarter 1 to help those people in need within Torbay);

£50,000 to the Food Alliance for them to allocate to organisations who are supporting those in need in Torbay; and

the remaining £200,000 be allocated to earmarked capital reserves; and

- 2) the addition of the Torre Valley North project to the current Capital Programme.

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, Johns, Long, Penny and Virdee (13); Against: Councillors Billings, Brook, Bryant, Bye, Fellows, Hutchings, Joyce, Barbara Lewis, Chris Lewis, Maddison, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tranter, Twelves and Tyerman (18); Absent: Councillor Harvey, Law, Nicolaou, Pentney and Tolchard (5). The amendment was declared lost.

Councillor Tyerman's and Councillor Chris Lewis' original motion was then considered by the Council which was agreed, as set out below:

**that the Council notes the revenue outturn position and approves:**

- 1) the transfer of the £0.4m carry forward into earmarked capital reserves; and**

**2) the addition of the Torre Valley North project to the current Capital Programme.**

(Note: Prior to consideration of Minute 26, Councillor Harvey declared her pecuniary interest and withdrew from the meeting.)

**27 Constitution Amendments - Various**

The Council considered the submitted report which out set out proposed amendments to the Council's Constitution.

Councillor Tyerman proposed and Councillor David Thomas seconded a motion as set out below:

that Council approves the following revised Constitution documents, as set out in Appendices 1 to 4 to the submitted report:

- Appendix 1 - Article 11 – Decision Making
- Appendix 2 - Article 13 – Review and Revision of the Constitution
- Appendix 3 - Standing Orders in relation to Council Meetings
- Appendix 4 - Local Protocol on Leader of the Council and Political Group Relations

During the debate Councillor Long proposed and Councillor Penny seconded an amendment to the motion as follows:

1. that Council approves the following revised Constitution documents, ~~as set out in Appendices 1 to 4 to this report:~~
  - Appendix 1 - Article 11 – Decision Making
  - ~~• Appendix 2 - Article 13 – Review and Revision of the Constitution~~
  - Appendix 3 - Standing Orders in relation to Council Meetings, subject to the deleted wording 'which affect the Borough of Torbay' being reinstated;
  - Appendix 4 - Local Protocol on Leader of the Council and Political Group Relations; and
2. that the amendments presented in Appendix 2 (Article 13 – Review and Revision of the Constitution) be rejected.

The amendment was put the vote and declared lost.

Councillor Tyerman's and Councillor David Thomas' original motion was then considered by the Council which was agreed, as set out below:

**that Council approves the following revised Constitution documents, as set out in Appendices 1 to 4 to the submitted report:**

- **Appendix 1 - Article 11 – Decision Making**
- **Appendix 2 - Article 13 – Review and Revision of the Constitution**

- **Appendix 3 - Standing Orders in relation to Council Meetings**
- **Appendix 4 - Local Protocol on Leader of the Council and Political Group Relations**

## **28 Members' questions**

Members received a paper detailing questions, notice of which had been given in accordance with Standing Order A12. The paper also contained the answers to the questions which had been prepared by Councillors Bye, Chris Lewis, David Thomas, Tranter and Tyerman and was circulated prior to the meeting.

The Worshipful the Mayor of Torbay advised that he had accepted an urgent question from Councillor Steve Darling and in accordance with Standing Order A12.2(ii).

Within the 30-minute timeframe allowed, supplementary questions were put and answered by Councillors Chris Lewis, David Thomas and Tranter, arising from their responses in respect of the urgent question and questions 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 14 and 15. Question 9 was presented by Councillor Steve Darling in the absence of Councillor Law.

After 30 minutes, the Director of Corporate Services advised that, in accordance with Standing Order A12.7, the remaining questions (questions 16 to 27) were deemed as withdrawn.

(Note: Councillor Brook left the meeting after his supplementary question in respect of question 4.)

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The Worshipful the Mayor of Torbay