

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

17 May 2022

-: Present :-

**The Worshipful The Mayor of Torbay (Councillor Mandy Darling) (In the Chair)
Deputy Civic Mayor of Torbay (Councillor Brown)**

Councillors Amil, Atiya-Alla, Barrand, Barnby, Brooks, Bye, Carter, Cowell, Steve Darling, Douglas-Dunbar, Dudley, Ellery, Foster, Hill, Howgate, Johns, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, O'Dwyer, David Thomas and John Thomas

9 Apologies for absence

Apologies for absence were received from Councillors Dart, Manning, Pentney, Stockman, Sykes and Jacqueline Thomas.

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 2022/2023.

Councillor Loxton proposed and Councillor Steve Darling seconded a motion which was agreed (unanimously) as set out below:

- 1. that Councillor Douglas-Dunbar be appointed as the Overview and Scrutiny Co-ordinator for the 2022/2023 Municipal Year; and**
- 2. that the following Councillors be appointed as the Overview and Scrutiny Leads for the 2022/2023 Municipal Year:**
 - Councillor Bye – Scrutiny Lead for Children;**
 - Councillor Johns – Scrutiny Lead for Health and Adult Services;**
 - Councillor Barrand – Scrutiny Lead for Community and Corporate Services; and**
 - Councillor Kennedy – Scrutiny Lead for Place.**

11 Appointments to Council Committees and Working Parties and Appointment of Committee Chairmen/women and Vice-Chairmen/women for 2022/2023

The Council considered the submitted report on the appointment of committees and working parties and Chairman/women and Vice-Chairman/women in light of the political balance of the Council.

Councillor Steve Darling proposed and Councillor Cowell seconded a motion, which was agreed (unanimously), 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 (as circulated on 17 May 2022);**
- 5. that, subject to 3 above, the Chairmen/women and Vice-Chairmen/women of those Committee's be approved as set out in Appendix 4 to the submitted report (as circulated on 17 May 2022);**
- 6. that, a sub-committee of the Licensing Sub-Committee be established to comprise three Members of the Licensing Committee;**
- 7. 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);**
- 8. 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; and**
- 9. that the Head of Governance Support be authorised to empanel Members from the Licensing Committee to serve on the Licensing Sub-Committee as and when required.**

12 **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.

13 **Scheme of Delegation for Council Functions**

Councillor Carter proposed and Councillor Loxton seconded a motion, which was agreed by the Council (unanimously) 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 the web link contained on agenda be approved.

14 **Members' questions**

Members received a paper detailing questions, 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 Councillors Carter, Long and Morey, and was circulated prior to the meeting.

Supplementary questions were put and answered by Councillors Long and Morey, arising from their responses to the questions in respect of questions 2, 3, 4 and 6.

15 **Temporary Accommodation Sufficiency Strategy**

The Council considered the recommendations of the Cabinet for funding temporary accommodation, following the Cabinet's decision on 10 May 2022 to purchase and renovate properties to address the shortage of temporary accommodation for homeless families.

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

that prudential borrowing of up to £10 million or use of appropriate Capital Receipts to fund the purchase and renovation costs of properties for the provision of temporary accommodation, be approved and that approval for the purchase of individual properties be delegated to the Director of Finance in consultation with the Cabinet Member for Finance.

During the debate Councillor O'Dwyer proposed and Councillor Chris Lewis seconded an amendment to the motion as follows:

1. that prudential borrowing of up to £3 million or use of appropriate Capital Receipts to fund the purchase and renovation costs of properties for the provision of temporary accommodation, be approved and that approval for the purchase of individual properties be delegated

to the Director of Finance in consultation with the Cabinet Member for Finance; and

2. that following the initial purchases, a business case be presented for further borrowing for the purchase and renovation of properties.

The amendment was put to the vote and declared lost.

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

that prudential borrowing of up to £10 million or use of appropriate Capital Receipts to fund the purchase and renovation costs of properties for the provision of temporary accommodation, be approved and that approval for the purchase of individual properties be delegated to the Director of Finance in consultation with the Cabinet Member for Finance.

16 Joint Statement of Conduct by Elected Members

Members considered adopting the Joint Statement of Conduct by Elected Members (as set out in the submitted report) to sit alongside and support the Members' Code of Conduct and Local Protocols. The Joint Statement sought to ensure that, as Community Leaders, Members through their own actions demonstrated civil and respectful behaviour through robust but civil debate.

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

1. **that the Joint Statement of Conduct for Elected Members be adopted; and**
2. **that the Monitoring Officer be requested to include the Joint Statement of Conduct for all Elected Members in the Council's Constitution.**

After the vote and at the request of the Worshipful the Mayor of Torbay, Group Leaders signed the Joint Statement on behalf of all Members.

17 Appointment of Independent Person

The Council considered the submitted report setting out the proposed appointment a new independent person to assist in the consideration of complaints against Members under the Council's Code of Conduct for Members. It was noted the independent person would also assist the Council in promoting and maintaining the high standards of conduct by Members.

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

1. **that the Council appoints Dr Kathleen Lund as its Independent Person for a period commencing on 17 May 2022 and expiring on 17 May 2026; and**
2. **that the Chief Executive, on behalf of the Council, write to Mr Peter Styler, thanking him for his time and guidance during his tenure as Independent Person.**

18 Overview and Scrutiny Board Annual Report 2021/2022

The Council received and noted the Overview and Scrutiny Annual Report for 2021/2022, as presented by the Overview and Scrutiny Co-ordinator.

19 Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency

Members noted the submitted report setting out the executive decisions taken (County Deal Advisory Board; Written Statement of Action following the SEND Inspection; and Contract for Live Streaming and Hybrid Meetings) to which the call-in procedure did not apply.

The Worshipful The Mayor of Torbay
