

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

20 September 2023

-: Present :-

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

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

29 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 Civic Mayor, Terry Manning, Freeman and former Coroner, Hamish Turner and Trevor Staveley of Torbay Street Pastors all of whom had recently passed away.

30 Apologies for absence

An apology for absence was received from Councillor Nicolaou.

The Chief Executive advised that Councillor Cowell had indicated he would be leaving the meeting early.

31 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 meeting of the Council held on 20 July 2023 were confirmed as a correct record and signed by the Worshipful the Mayor of Torbay.

32 Declarations of interests

The following non-pecuniary interests were declared:

Councillor	Minute Number	Nature of interest
Councillor Brook	36	Council appointed Director on the TEDC Board
Councillor Fox	36	Council appointed Director on the TEDC Board
Councillor Maddison	36	Council appointed Director on the TEDC Board

33 Communications

The Leader of the Council updated the Council on:

- a) the Cabinet's decision on 19 September 2023 to launch consultation on the draft Community and Corporate Plan, which set out a strategy for health, happiness and prosperity for the community of Torbay. The Plan covered 20 years and a separate Business Plan would be prepared covering political aspirations for the current four-year term of office. The Leader of the Council encouraged people to respond to the consultation;
- b) the results of Residents' Survey which was published as part of the 19 September 2023 Cabinet agenda and appended to the draft Community and Corporate Plan. The Survey included the national results provided by the Local Government Association, alongside Torbay's results. The Survey was also due to be published on the Council's website; and
- c) ongoing Resident Engagement Events in the community, which would be held every two months and attended by councillors and officers. The first Resident Engagement Event was due to be held at Paignton Library on 29 September 2023, which was also World Heart Day, and therefore the focus of the event would be the launch of Director of Public Health's Annual Report highlighting cardiovascular health. The Leader of the Council encouraged all councillors to attend.

34 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.

35 Petitions

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

- (i) petition requesting the Council to review byelaws to allow the Adela BM79 and other small-scale fishermen to sell their catch directly from their boats (approximately 763 signatures); and
- (ii) petition requesting the Council to remove and replace the new LED Lighting on the harbour wall below King Street, Brixham (approximately 146 signatures).

At the invitation of the Chairman, Mr Northway addressed the Council in relation to the petition referred to in (i) above.

It was noted that the petitions would be referred to the Director of Pride in Place in consultation with the Cabinet Member for Place Development and Economic Growth.

36 Future options for the structure and operation of Torbay Economic Development Company Limited

The Council considered the recommendations of the Cabinet on the future of the Torbay Economic Development Company Limited (trading as TDA) and as set out in the submitted report. It was noted the TDA was established as a wholly owned company of the Council in 2011 so that work could be commissioned to it in line with procurement regulations. However, the need to deliver more for Torbay at a time of significant change in the regional and national economic development environment meant that a review of the fundamental purpose of TDA was needed.

Councillor Chris Lewis proposed and Councillor David Thomas seconded a motion, which was agreed by the Council as set out below:

- 1. that Torbay Economic Development Company be dissolved, with the Chief Executive overseeing the practical arrangements for the same;**
- 2. that further of 1. above, the Chief Executive be given delegated authority to determine, in consultation with the Leader of the Council:**
 - a. the transfer of subsidiary companies or component parts of the business that undertake substantial external trading activity into the Torbay Council Strategic Holding Company,**
 - b. the most effective arrangements for the holding of assets currently held by Torbay Economic Development Company,**
 - c. agreement of appropriate indemnities that may be required for non executive directors and Board appointments should this be necessary during the transitional period.**

(Note: Prior to consideration of Minute 36, Councillors Brook, Fox and Maddison declared their non-pecuniary interests as Council appointed Directors on the TEDC Board, remained in the meeting and voted on the item.)

37 Future options for the structure and operation of TorVista Homes

The Council considered the recommendations of the Cabinet (as set out in the submitted report) on the funding elements of TorVista Homes in light of the accrued loan debt and on-going operational costs underwritten by the Council.

Councillor Tyerman proposed and Councillor David Thomas seconded a motion, which was agreed by the Council as set out below:

- 1. that the Director of Finance be instructed to write off the 'working capital' loan of £1.5m, accrued by TorVista as at September 2023, to be funded through a strategic review of Council Reserves;**
- 2. that Council Minute 67(v) of 20 July 2017 be rescinded, thereby removing any approval of prudential borrowing to facilitate further schemes by TorVista; and**
- 3. that the Council approve revenue funding of £115,000 for maintaining TorVista operations for the six-month period from October 2023 to March 2024.**

38 Corporate Parenting Strategy 2022-25

The Council considered the recommendation of the Cabinet and submitted report on the adoption of the Corporate Parenting Strategy 2022-2025 which formed part of the Council's Policy Framework. Members noted the Strategy set out Torbay's aspirations to be the best corporate parents we can be, including how the Council will work alongside our partners to achieve this.

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

that the Corporate Parenting Strategy 2022-25, as set out in the submitted report, be approved.

During the debate Councillor Law proposed and Councillor Steve Darling seconded an amendment objecting to the Strategy as follows:

that the Council formally objects to the adoption of the Corporate Parenting Strategy 2022- 2025 on the basis that the introduction should include all Councillors and Officers at Torbay Council as corporate parents, rather than the Corporate Parenting Board.

In accordance with the Constitution at F4.9, the Council therefore requires the Cabinet to consider this objection at its meeting on 17 October 2023 and either:

- a) submit a revision of the Corporate Parenting Strategy 2022- 2025 with the reasons for any amendments to the Council for its consideration; or
- b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

The amendment was put to the vote and declared lost.

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

that the Corporate Parenting Strategy 2022-25, as set out in the submitted report, be approved.

39 Adult Social Care Strategy

The Council received the Cabinet's recommendations to add the Adult Social Care Strategy to the Council's Policy Framework and to approve the Strategy (as set out in the submitted report). Members were advised the Adult Social Care Strategy set out a vision for thriving communities, where people can prosper and outlined how, by working together, improved adult social care services for residents in Torbay could be delivered.

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

- 1. that the list of Policy Framework documents set out in Torbay Council's Constitution be updated to include the Adult Social Care Strategy; and**
- 2. subject to 1. above, the Adult Social Care Strategy as set out in Appendix 1 to the submitted report be approved.**

40 Budget Monitoring 2023/24 - April to June 2023 Revenue and Capital Outturn Forecast

The Council received the submitted report on the high-level budget summary of the Council's revenue and capital income and expenditure for quarter 2 of 2023/24 financial year and the Cabinet's recommendations. It was noted the revenue budget was predicting an overspend of £1.5 million primarily due to external pressures arising from the current economic situation, including the cost of inflation and levels of income.

The submitted report included recommendations for underwriting Coombe Pafford School and new projects to be added to the Council’s Capital Programme.

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

that Council approves:

- 1. the underwriting arrangements for Combe Pafford School as detailed in paragraphs 4.17-19 of the submitted report; and**
- 2. the addition of the following projects (as set out in paragraphs 8.4 of the submitted report) to the current capital programme:**
 - refurbishment of the changing rooms at Armada Park sports facilities at Torquay;
 - scaling up the delivery of local charge points for electric vehicles;
 - Shiphay Lane Active Travel works; and
 - renovation of tennis courts at St Marys, Oldway and Abbey Park.

41 Treasury Management Outturn 2022/23 Report

The Council considered the recommendations of the Audit Committee and the submitted report on the Council’s treasury management activities during 2022/23 against the Treasury Management Strategy of the same year.

Councillor Brook proposed and Councillor Tyerman seconded a motion, which was agreed by the Council as set out below:

- 1. that the Treasury Management decisions made during 2022/23, as detailed in the submitted report be noted; and**
- 2. that the increases to limits within the Treasury Management Strategy 2023/24 as set out below be approved:**

	Strategy 2023/24	Recommended Change 2023/24
Limit on principal invested beyond year end (Treasury Management Strategy section 7)	£20M	£40M

	Strategy 2023/24		Recommended Change 2023/24	
	Counterparty Limit	Sector Limit	Counterparty Limit	Sector Limit
Strategic Pooled Funds (Treasury Management Strategy Appendix 3, Table 9)	£10M	£20M	£10M	£30M

3. **that in principle, the Council doesn't borrow any further money unless there is a clear revenue or saving stream to support the required borrowing.**

(Note: Councillor Cowell left the meeting prior to consideration of this item.)

42 Constitution Amendment Local Protocol - Civic and Ceremonial

The Council considered proposed updates and revisions to the Local Protocol on Civic and Ceremonial to reflect current practice and to ensure it was fit for purpose.

Councillor Tyerman proposed and Councillor Bye seconded a motion, which was agreed by the Council as set out below:

that the Council approves the revised Local Protocol – Civic and Ceremonial as set out at Appendix 1 to the submitted report.

43 Constitution Amendment Local Protocol - Indemnity and Insurance for Members and Officers

The Council considered a new Local Protocol on Indemnity and Insurance for Members and Officers to be included in the Council's Constitution. It was noted the Protocol had been prepared following a briefing issued by the Local Government Association on legal liabilities in relation to children's placements and wider consideration of insurance and indemnity for Councillors and Officers in the exercise of their duties.

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

1. **that the Council approves the Local Protocol - Indemnity and Insurance for Members and Officers, as set out at Appendix 1 to the submitted report, and determines that it be incorporated into the Council's Constitution; and**

2. that the Director of Finance and Head of Legal Services and Monitoring Officer (or their deputises) be authorised to determine requests for indemnities, in consultation with the Cabinet Member for Housing, Finance and Corporate Services. Or in consultation with the Leader of the Council, where the matter relates to the Cabinet Member for Housing, Finance and Corporate Services.

44 **Appointment of Overview and Scrutiny Co-ordinator and Appointment of Scrutiny Lead Member for Finance, Corporate and Place Based Services**

Arising from the Leader of the Council's appointment of Councillor Billings to the Cabinet, the Council considered new appointments arising to Overview and Scrutiny.

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

1. that Councillor Twelves be appointed as the Overview and Scrutiny Co-ordinator for the remainder of the 2023/2024 Municipal Year; and
2. that Councillor Hutchings be appointed as the Overview and Scrutiny Leads for Finance, Corporate and Place Based Services for the remainder of the 2023/2024 Municipal Year.

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

1. that Councillor ~~Twelves~~ Cowell be appointed as the Overview and Scrutiny Co-ordinator for the remainder of the 2023/2024 Municipal Year.

The amendment was put to the vote and declared lost.

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

1. **that Councillor Twelves be appointed as the Overview and Scrutiny Co-ordinator for the remainder of the 2023/2024 Municipal Year; and**
2. **that Councillor Hutchings be appointed as the Overview and Scrutiny Leads for Finance, Corporate and Place Based Services for the remainder of the 2023/2024 Municipal Year.**

45 **Composition and Constitution of the Cabinet and Record of Delegations of Executive Functions**

The Council noted changes made by the Leader of the Council to his Cabinet, namely the addition of the Cabinet Member for Pride in Place, Culture & Events and

Parking (Councillor Billings) and a number of changes to Cabinet Members' portfolios.

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

Members noted the submitted report setting out two Cabinet decisions taken (Cyber Security - Renewal of 24-Hour Cyber Security Operations Centre Monitoring Contract and Torbay Youth Justice Plan 2023-24) to which the call-in procedure did not apply.

47 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 Billings, Brook, Bye, Fellows, Fox, Chris Lewis, Maddison, David Thomas, Jackie Thomas, Tolchard, Tranter, Tyerman and Twelves and was circulated prior to the meeting.

Supplementary questions were put and answered by Councillors Billings, Bye, Chris Lewis, Tranter, Tyerman, arising from their responses to the questions in respect of questions 3, 5, 6, 7, 8 and 11.

During the supplementary questions and prior to question 13, the Chief Executive advised the meeting had exceeded four hours. In accordance with Standing Order A11.1, the Worshipful the Mayor of Torbay invited members to vote for the meeting to continue. On being put to the vote, it was resolved to not continue the meeting.

(Note 1: Councillor Law left the meeting prior to consideration of this item and Councillor Steve Darling presented a supplementary question in respect of question 3 in her absence.)

(Note 2: Following the meeting, The Worshipful the Mayor of Torbay determined not to fix a date for an adjourned meeting and therefore the remaining business (i.e. supplementary questions for questions 13 to 35) would be considered at the next ordinary Council meeting.)