



Minutes of the Annual Council Meeting

24 May 2011

-: Present :-

Chairman of the Council (Mr Phillips) (In the Chair)
Vice-Chairman of the Council (Mr Manning)

The Mayor of Torbay (Mayor Oliver)

Councillors Addis, Amil, Barnby, Brooksbank, Butt, Cowell, Darling, Davies, Doggett, Ellery, Excell, Faulkner (J), Hernandez, Hill, Hytche, James, Kingscote, Lewis, McPhail, Mills, Morey, Parrott, Pentney, Pritchard, Richards, Scouler, Stockman, Stocks, Stringer, Thomas (D), Thomas (J) and Tyerman

1. Opening of meeting

The meeting was opened with a prayer.

2. Apologies for absence

Apologies for absence were received from Councillors Baldrey, Bent and Faulkner (A). Councillor Stocks was absent for the adjourned meeting.

3. Minutes

The Minutes of the meeting of the Council held on 24 May 2011 were confirmed as a correct record and signed by the Chairman.

4. Declarations of interests

The following personal interests were declared:

| Councillor | Minute Number | Nature of interest |
|-------------------|----------------------|--|
| Amil | 18 | Non Executive Director of Torbay Care Trust. |
| James | 18 | Works for Lifeways Community Care although not within Torbay, however, the company operates within Torbay. |

| Councillor | Minute Number | Nature of interest |
|-------------------|----------------------|---|
| Pentney | 18 | Mother receives some care from Torbay Care Trust. |
| Scouler | 18 | Relative uses Torbay Care Trust's services. |
| Stocks | 18 | Non Executive Director of Torbay Care Trust. |

5. Election of Chairman/woman of the Council

It was proposed by Councillor Richards and seconded by Councillor Faulkner (J):

that Councillor Derek Mills be elected Chairman of the Council of the Borough of Torbay for the Municipal Year 2011/2012.

On being put to the vote, the motion was declared carried (unanimous).

(The Chairman, Councillor Mills, in the Chair)

The Chairman of the Council took the Declaration of Acceptance of Office and Oath of Allegiance and thanked the Council for the honour bestowed upon him.

The Chairman also announced that Mrs Judith Mills would be his Consort during his term of office and his charity would be the Children's Hospice South West.

6. Chairman's Chaplain and Civic Sunday

The Chairman announced that he had appointed the Reverend Ian Blyde to be his Chaplain and that the Annual Civic Church Service would be held at Churston Parish Church, Torquay, later this year.

7. Retiring Chairman and Chairman's Escort

It was proposed by Councillor Hytche and seconded by Councillor Faulkner (J):

that the Council express its sincere thanks and appreciation to Mr Matthew Phillips and Councillor Nicole Amil for the manner in which they had carried out their duties during their term of office.

On being put to the vote, the motion was declared carried (unanimous).

8. Appointment of Vice-Chairman of the Council

It was proposed by Councillor Doggett and seconded by Councillor Excell:

that Councillor Roger Stringer be appointed Vice-Chairman of the Council of the Borough of Torbay for the Municipal Year 2011/2012.

On being put to the vote, the motion was declared carried (unanimous).

The Vice-Chairman took the Declaration of Acceptance of Office and announced that Mrs Shelagh Stringer would be his Consort during his year of office.

9. Retiring Vice-Chairman and Escort

It was proposed by Councillor Addis and seconded by Councillor Excell:

that the Council express its sincere thanks and appreciation to Mr Terry Manning and Mrs Jenny Manning for the work carried out by them during the previous Municipal Year.

On being put to the vote, the motion was declared carried (unanimous).

10. Adjournment

At this juncture the meeting was adjourned until 1.30 p.m.

11. Communications

The Chairman requested all members adhere to correct procedures for Council meetings and advised that he wished to Chair Council meetings in a firm but fair way to ensure they were held in a business like manner.

On behalf of Torbay and the Council, the Mayor conveyed best wishes and success to Torquay United's forthcoming match at Old Trafford due to be held on Saturday 28 May 2011.

12. Order of Business

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable agenda item 9 (Members' Questions) to be considered after item 18 (Urgent Decisions taken by the Chief Executive under the Officer Scheme of Delegation).

13. Composition and Constitution of the Executive and Record of Delegations of Executive Functions

The Mayor presented his report as submitted with the agenda, on the above, which was noted.

14. Appointment of the Overview and Scrutiny Co-ordinator and Scrutiny Lead Members for 2011/12

The Council was requested to consider the appointment of the Overview and Scrutiny Co-ordinator and the appointment of scrutiny lead members for 2011/2012.

It was proposed by Councillor Thomas (D) and seconded by Councillor Darling:

- (i) that Councillor Thomas (J) be appointed as the Overview and Scrutiny Co-ordinator for 2011/2012 municipal year; and
- (ii) that the following Councillors be appointed as the Scrutiny Leads as indicated:

People – Councillor Bent

Place – Councillor Kingscote

Business – Councillor Pentney

Health – Councillor Barnby

On being put to the vote, the motion was declared carried (unanimous).

15. Appointments to Committees and Other Bodies for 2011/2012

The Council considered the submitted report on the appointment of committees and other bodies in the light of the political balance of the Council. A revised Appendix 2 was circulated at the meeting.

It was proposed by Councillor Morey and seconded by Councillor Stockman:

- (i) that the committees be appointed with the terms of reference set out in revised Appendix 2 of the submitted report in accordance with the political balance requirements (as set out in Appendix 1 of the submitted report);
- (ii) that nominations be received to fill the seats on the committees;
- (iii) that the proposed appointments to the outside bodies and other groups set out in Appendix 3 of the submitted report, be approved for a four year term, unless otherwise stated, subject to confirmation on the allocation of places on the Devon and Cornwall Police Authority; and
- (iv) that a Shadow Health and Wellbeing Board be established with membership and terms of reference as set out in Appendix 4 of the submitted report.

On being put to the vote, the motion was declared carried (unanimous).

Following the vote, the members to serve on each committee and other bodies were nominated by the Group Leaders.

16. Calendar of Meetings for 2011/12

The Council considered the submitted report setting out the proposed calendar of meetings for 2011/2012.

It was proposed by the Mayor and seconded by Councillor Thomas (D):

- (i) that the calendar of meetings for 2011/2012, set out in Appendix 1 to the submitted report, be approved; and
- (ii) that meetings of the Employment Committee and Appeals Committee (Student Awards, Licensing and Discretionary Housing Payments) be held on an ad-hoc basis, to be determined by the Democratic Services Manager in consultation with the relevant Chairman.

On being put to the vote, the motion was declared carried.

17. Scheme of Delegation for Council Functions

It was proposed by Councillor Thomas (D) and seconded by Councillor Excell:

that the Scheme of Delegation of Functions set out in part 3 of the Constitution in so far as they relate to Council functions, be confirmed.

On being put to the vote, the motion was declared carried (unanimous).

18. Annual Strategic Agreement 2011/12 with Torbay NHS Care Trust

The Council considered the recommendations of former Mayor Bye on the above (as set out in the submitted Record of Decision and appended Report 76/2011), which he had put forward following consideration of the amendment that was made at the meeting of the Council held on 24 March 2011.

It was proposed by Councillor Scouler and seconded by Councillor Amil:

- (i) that the Council be recommended to approve the Annual Strategic Agreement for 2011/12 as set out in Revised Appendix 1 to Report 76/2011 circulated prior to the Council meeting on 24 March 2011; and
- (ii) that the remaining risk related to the delivery of the required performance outlined and the ability to deliver a balanced budget, given the level of resources allocated for the delivery of Adult Social Care, be deemed acceptable.

On being put to the vote, the motion was declared carried.

(Note 1: Prior to consideration of Minute 18, Councillors Amil, James, Pentney and Scouler declared their personal interests.)

(Note 2: In accordance with Standing Order A19.5, Councillor Parrott requested his vote against the motion to be recorded.)

19. Overview and Scrutiny Board Annual Report 2010/2011

The Council received and noted the Overview and Scrutiny Annual Report for 2010/2011.

20. Statutory Officer Appointment

It was proposed by Councillor Tyerman and seconded by Councillor Hill:

that Paul Looby be confirmed as the Council's statutory Section 151 Officer.

On being put to the vote, the motion was declared carried (unanimous).

21. Urgent Decisions taken by the Chief Executive under the Officer Scheme of Delegation

The Council noted the urgent decisions taken by the Chief Executive as set out in the submitted report.

22. Members' questions

Members received a paper detailing the questions, as set out at Appendix 1 to these Minutes, notice of which had been given in accordance with Standing Order A13.

Supplementary questions were asked on each of the questions and answered by the Mayor and Councillor Thomas (D).

Chairman

Minute Item 22

Meeting of the Council

Tuesday, 24 May 2011

Questions Under Standing Order A13

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| Question (1) by Councillor Darling to the Mayor | Your ‘Intouch’ leaflet circulated during the local elections promised ‘Value for Money’. A by-election will now have to be held in the Cockington with Chelston Ward due to your decision to stand for election to both the Mayoral and Councillor Positions despite it being illegal to hold both posts. How will the Council fund this by-election in the current difficult financial climate? |
| Mayor Oliver | Electoral Services established a by-election contingency reserve of £6,000 for this situation. Among the nine candidates for Mayor this year, five were also candidates for a seat on the Council. |
| Question (2) by Councillor Darling to the Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy | Devon County Council has recently introduced charges for residents taking some forms of waste to their recycling centres. What assurances can the Cabinet member give that Torbay Council will not be introducing similar charges at Torbay’s recycling centre? |
| Councillor Thomas (D) | Torbay Council has no intention of introducing charges at Torbay’s recycling centre. Officers are currently working with TOR2 to monitor the impact of this decision made by Devon County Council in relation to potential displacement and increased use of the Torbay recycling and waste site. If the use of the Torbay site increases and therefore results in higher landfill tonnage the recovery of additional taxes and charges will need to be considered. When considering the option of introducing charges to recover potential increased costs, the potential for increased fly tipping and resultant consequences will need to be taken into account. |

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| <p>Question (3) by Councillor Darling to the Mayor</p> | <p>The Village Green Act gives Local Authorities the ability to voluntarily grant 'Village Green Status' to land in their area.</p> <p>Does the new administration plan to grant 'Village Green Status' to Paignton Green and Babbacombe Downs?</p> |
| <p>Mayor Oliver</p> | <p>The new administration would like to make such an application. However, before making such an application independent expert counsel's opinion is being sought on whether a council voluntarily registering its land is legally possible (particularly in light of the council's fiduciary duties to residents) and whether registration as town or village green would restrict current and proposed future uses of Paignton Green and Babbacombe Downs.</p> |