



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

8 August 2017

-: Present :-

**Chairwoman of the Council (Councillor Brooks) (In the Chair)
Vice-Chairman of the Council (Councillor Doggett)**

The Mayor of Torbay (Mayor Oliver)

Councillors Amil, Barnby, Bye, Carter, Darling (M), Darling (S), Ellery, Excell, Haddock, Hill, King, Kingscote, Lewis (B), Lewis (C), Manning, Morey, O'Dwyer, Parrott, Pentney, Robson, Sanders, Stockman, Stocks, Stubbley, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman

68 Opening of meeting

The meeting was opened with a prayer.

69 Apologies for absence

Apologies for absence were received from Councillors Bent, Mills, Morris, Stringer and Winfield.

70 Declarations of interests

Councillor Stockman declared a non-pecuniary interest in respect of Minute 73 as she was the Chairwoman of Brixham Peninsula Forum.

71 Review of Electoral Arrangements - Submission by Torbay Council on Warding Patterns

Following the decision of the Council on 20 July 2017 to defer this item, members gave further consideration to the submitted report on the Council's consultation response to the Local Government Boundary Commission for England's (LGBCE) formal review of the proposed warding patterns for Torbay from 2019.

Mayor Oliver proposed and Councillor King seconded a motion as set out below:

- (i) that the Proposed Changes to Warding Patterns – Submission by Torbay Council set out in Appendices 1 and 5 to the submitted report be approved for submission to the Local Government Boundary Commission for England;

- (ii) that the Assistant Director Corporate and Business Services be requested to redraw the 15 Ward maps using GIS to show the changes to the warding patterns reflected in Appendices 1 and 5 to the submitted report; and
- (iii) that the Assistant Director Corporate and Business Services be authorised to make any technical amendments to address any anomalies identified when redrawing the Ward maps.

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

- (i) that the Proposed Changes to Warding Patterns – Submission by Torbay Council set out in the Liberal Democrat Amendment – Putting Torbay Communities First - Revised Appendix 1 (circulated on 4 August 2017) ~~Appendices 1 and 5 to the submitted report~~ be approved for submission to the Local Government Boundary Commission for England;
- (ii) that the Assistant Director Corporate and Business Services be requested redraw the 15 Ward maps using GIS to show the changes to the warding patterns reflected in the Liberal Democrat Amendment – Putting Torbay Communities First - Revised Appendix 1 ~~Appendices 4 and 5~~ to the submitted report;
- (iii) that the Assistant Director Corporate and Business Services be authorised to make any technical amendments to address any anomalies identified when redrawing the Ward maps.

The amendment was put to the vote and declared lost.

During the debate Councillor Morey proposed and Councillor Ellery seconded a further amendment to the motion as follows:

- (i) that:
 - a) subject to the main changes to the Berry Head with Furzeham and St Mary's with Summercombe Wards being as set out in Appendix 6 (Independent Group Amendment – circulated on 4 August 2017) and with the names of these wards being amended to Furzeham with Summercombe and St Peter's with St Marys; and
 - b) the impact of these changes resulting in the Churston with Galampton Ward with 9% electors above the threshold being accepted by the Council,

the Proposed Changes to Warding Patterns – Submission by Torbay Council set out in Appendices 1 and 5 to the submitted report be

approved for submission to the Local Government Boundary Commission for England;

- (ii) that the Assistant Director Corporate and Business Services be requested redraw the 15 Ward maps using GIS to show the changes to the warding patterns reflected in Appendices 1 and 5 to the submitted report and Appendix 6 (Independent Group amendment); and
- (iii) that the Assistant Director Corporate and Business Services be authorised to make any technical amendments to address any anomalies identified when redrawing the Ward maps.

The amendment was put to the vote and declared lost.

Mayor Oliver's and Councillor King's original motion was then considered by the Council.

A recorded vote was taken on the original motion. The voting was taken by roll call as follows: For: Mayor Oliver, Councillors Amil, Barnby, Bye, Haddock, Hill, King, Kingscote, Lewis (B), Lewis (C), Manning, O'Dwyer, Robson, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (19); Against: Councillors Carter, Darling (M), Darling (S), Doggett, Ellery, Excell, Morey, Parrott, Pentney, Sanders, Stockman and Stocks (12); Abstain: Councillor Brooks (1); Absent: Councillors Bent, Mills, Morris, Stringer and Winfield (5). Therefore, the motion was declared carried and is set out below:

- (i) that the Proposed Changes to Warding Patterns – Submission by Torbay Council set out in Appendices 1 and 5 to the submitted report be approved for submission to the Local Government Boundary Commission for England;**
- (ii) that the Assistant Director Corporate and Business Services be requested to redraw the 15 Ward maps using GIS to show the changes to the warding patterns reflected in Appendices 1 and 5 to the submitted report; and**
- (iii) that the Assistant Director Corporate and Business Services be authorised to make any technical amendments to address any anomalies identified when redrawing the Ward maps.**

72 Mayor's Response to the Council's Objections to the Review of Torbay Council Investment Fund Strategy

Further to the Council meeting held on 20 July 2017, members considered the submitted report on the Mayor's response to the objections raised by the Council on the Mayor's recommendations on the review of the Investment Fund Strategy and the levels of the Investment Fund.

Mayor Oliver proposed and Councillor Haddock seconded a motion as set out below:

that the Council be recommended to approve the revised Investment Fund Strategy, including the additional £50 million for the Investment Fund (making a total of £100 million) to be funded from prudential borrowing (when required), as set out in Appendix 1 to the submitted report.

During the debate Councillor Robson proposed and Councillor Tyerman seconded an amendment to the motion as follows:

that the Council be recommended to approve the revised Investment Fund Strategy, ~~including the additional £50 million for the Investment Fund (making a total of £100 million) to be funded from prudential borrowing (when required)~~, as set out in Appendix 1 to the submitted report, as subject to the inclusion of an additional £150 million for the Investment Fund (making a total of £200 million) to be funded from prudential borrowing (when required), and that the level of delegation to the Investment Committee be increased to £25 million.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Barnby, Bye, Carter, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis (B), Lewis (C), Manning, Morey, O'Dwyer, Parrott, Pentney, Robson, Stocks, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (23); Against: Mayor Oliver, Councillors Amil, Excell, Haddock, King and Stockman (6); Abstain: Councillors Brooks, Sanders and Stubbley (3); and Absent: Councillors Bent, Mills, Morris, Stringer and Winfield (5). Therefore, as more than two-thirds of members present and voting had cast their vote in support of the amendment it was carried.

The amended (substantive) motion was then considered by members.

A recorded vote was taken on the amended (substantive) motion. The voting was taken by roll call as follows: For: Councillors Barnby, Bye, Carter, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis (B), Lewis (C), Manning, Morey, O'Dwyer, Parrott, Pentney, Robson, Stockman, Stocks, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (24); Against: Mayor Oliver, Councillors Haddock and King (3); Abstain: Councillors Amil, Brooks, Excell, Sanders and Stubbley (5); and Absent: Councillors Bent, Mills, Morris, Stringer and Winfield (5). Therefore, as more than two-thirds of members present and voting had cast their vote in support of the substantive motion it was carried as follows:

that the Council be recommended to approve the revised Investment Fund Strategy, as set out in Appendix 1 to the submitted report, subject to the inclusion of an additional £150 million for the Investment Fund (making a total of £200 million) to be funded from prudential borrowing (when required), and that the level of delegation to the Investment Committee be increased to £25 million.

73 Call-in of Mayor's Decision on Petition requesting a covenant protecting Churston Golf Course from development

At its meeting held on 12 July 2017, the Overview and Scrutiny Board considered the Notice of Call-in of the Mayor's decision in respect of a covenant protecting Churston Golf Course from development (following receipt of a petition) and the Monitoring Officer's Report pursuant to Section 5 of the Local Government and Housing Act 1989. The Board resolved that, having listened to the advice of the Monitoring Officer, the Mayor's decision was contrary to the Policy Framework. In accordance with Standing Order D10.3 the matter was referred to the Council for consideration.

The Council considered the submitted report on the findings of the Overview and Scrutiny Board and details of the Mayor's decision, along with the advice of the Monitoring Officer and Chief Finance Officer.

Members firstly considered whether or not the Mayor's decision was contrary to the Policy Framework.

Councillor Lewis (C) proposed and Councillor Darling (S) seconded a motion, which was agreed by the Council as set out below:

that, having heard the Monitoring Officer reconfirm her advice that the decision of the Mayor to place a covenant on the land at Churston Golf Course was contrary to the Policy Framework, the matter shall be referred to the Council in accordance with the Constitution.

In accordance with Standing Order D10.8, the Monitoring Officer advised that as the Council had determined that the Mayor's decision was contrary to the Policy Framework, the decision was deemed as a recommendation to the Council. The recommendation of the Mayor became the motion before Council as follows:

that following receipt of a valuation from the District Valuer dated 17 May 2017 which at paragraph 11 confirms that a 10 year covenant would not have an effect of the value of the Council's property interest in land comprising Churston Golf Course the Council enters into a deed of covenanting with the residents of Churston and Galmpton ward in the following terms:-

'Torbay Council covenants with all inhabitants of the ward of Churston and Galmpton that for a period of 10 years beginning on the date of this deed it will not on the land, shown edged in red on the plan attached to the submitted report to the Council meeting on 25 September 2014, known to be Churston Golf Course, allow any development of Churston Golf Course without any such proposal first obtaining the majority of votes in a referendum of the persons who at the day of the referendum would be entitled to vote as electors at an election of Councillors for the Churston and Galmpton Ward and are registered as local government electors at an address within this Ward. For the purposes of this covenant 'development' shall not

include any development permitted under the terms of the lease between The Council of the Borough of Torbay and Churston Golf Club Limited dated 3 April 2003. Nothing contained or implied in this Deed shall prejudice or affect the exercise by the Council of its regulatory functions under the Town and Country Planning Act 1990 or any other statute or statutory instrument.'

In accordance with the Local Government Act 1972, the Mayor on behalf of the Council has all necessary information to make this Covenant. The covenant will then be appropriately registered with the Land Registry with immediate effect.

During the debate Councillor King proposed and Councillor Haddock seconded an amendment to the motion as follows:

that the Council defers consideration of the Mayor's recommendation requesting a covenant protecting Churston Golf Course from development, to enable community consultation to be undertaken, further advice to be obtained and exploration of the merits of the proposal.

The amendment was put to the vote and declared lost.

During the debate Councillor Hill proposed and Councillor Thomas (J) seconded a further amendment to the motion as follows:

that the Council does not pursue, at this time, imposing a covenant in land comprising Churston Golf Course as outlined in the Mayor's decision taken on 27 June 2017.

The amendment was put to the vote and declared carried.

The amended (substantive) motion was then considered by members, which was agreed by the Council as follows:

that the Council does not pursue, at this time, imposing a covenant in land comprising Churston Golf Course as outlined in the Mayor's decision taken on 27 June 2017.

(Note: During consideration of Minute 73, Councillor Stockman declared her non-pecuniary interest.)

74 Exclusion of the Press and Public

Councillor Thomas (D) proposed and Councillor Morey seconded a motion, which was agreed by the Council, as set out below:

that the press and public be excluded from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule

12A of the Local Government Act 1972 (as amended) is likely to be disclosed.

Prior to consideration of the item in Minute 75 the press and public were formally excluded from the meeting.

75 Amendment to Children's Services Capital Programme to enable the Acquisition of site for new Primary School in Paignton

The Council considered the exempt submitted report seeking approval to acquire a site for a new primary school in Paignton in order to meet the Council's statutory requirements for the provision of school places. An exempt revised officer recommendation had been circulated prior to the meeting.

The decision of the Council meeting is restricted due to exempt information contained within the decision.

Chairwoman