

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

28 April 2021

-: Present :-

**The Worshipful The Mayor of Torbay (Councillor Douglas-Dunbar) (In the Chair)
Deputy Civic Mayor of Torbay (Councillor Manning)**

Councillors Amil, Atiya-Alla, Barrand, Barnby, Brooks, Brown, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Dudley, Ellery, Foster, Hill, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, O'Dwyer, Stockman, Sykes, David Thomas, Jacqueline Thomas and John Thomas

201 Opening of meeting

The Worshipful the Mayor of Torbay advised that, as the meeting was being held remotely via Zoom during the Corona Virus pandemic, the meeting would follow the Remote Meeting Standing Orders with all voting being taken by roll call throughout the meeting.

The meeting was then opened with a moment for personal reflection.

202 Apologies for absence

Apologies for absence were received from Councillors Howgate and Pentney.

203 Minutes

The Minutes of the meetings of the Council held on 27 February, 21 May, 16 July, 30 July, 24 September, 8 October, 3 December 2020, 4 February, 11 February, 25 February and 31 March 2021 were confirmed as a correct record and signed by the Worshipful the Mayor of Torbay subject to Minute 169 of the Council meeting on 3 December 2020 being amended to read 'The Council considered the submitted report which proposed disposing of the land to Torbay Economic Development Company Ltd **trading as the TDA...**'.

204 Declarations of interests

The following non-pecuniary interests were declared:

Councillor	Minute Number	Nature of interest
Councillor Douglas-Dunbar	214	Governor of Burton Academy
Councillor Steve Darling	214	Governor of Burton Academy

205 Communications

The Worshipful the Mayor of Torbay welcomed Soo Brizell from Shekinah to the meeting. Members then received a presentation on the work of Shekinah on restorative justice.

The Leader of the Council highlighted that the Local Enterprise Partnership had formed a Coastal Communities Group, which would help raise the profile of coastal communities, such as Torbay.

206 Election of The Worshipful the Mayor of Torbay

Councillor Amil proposed and Councillor Pentney seconded a motion, which was agreed (unanimously) by the Council as follows:

That Councillor Terry Manning be elected The Worshipful the Mayor of Torbay for the Municipal Year 2021/2022.

(The Civic Mayor, Councillor Manning, in the Chair)

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

The Civic Mayor also announced that Ms Jan Moore would be his Consort during his term of office and that his charity would be the Disabled Sailing Association.

The Civic Mayor advised that he had appointed Martyn Hodge to be his Chaplain.

207 Election of Deputy Civic Mayor

Councillor Long proposed and Councillor Mills seconded a motion, which was agreed (unanimously) by the Council as follows:

That Councillor Mandy Darling be elected The Deputy Civic Mayor of the Council of the Borough of Torbay for the Municipal Year 2021/2022.

The Deputy Civic Mayor of the Council took the Declaration of Acceptance of Office and thanked the Council for the honour bestowed upon her.

The Deputy Civic Mayor also announced that Mr William Darling would be her Escort during her term of office.

208 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 Cowell, Long and Morey and was circulated prior to the meeting.

Supplementary questions were put and answered by Councillors Cowell, Long and Morey, arising from their responses to the questions in respect of questions 1, 2, 3, 4, 5, 6, 7, 8, 9. Councillors Long and Morey advised that written responses would be provided in respect of the supplementary questions asked in relation to questions 10 and 12.

209 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 2021/2022.

Councillor Loxton proposed and Councillor Long 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 2021/2022 Municipal Year; and**
- 2. that the following Councillors be appointed as the Overview and Scrutiny Leads for the 2021/2022 Municipal Year:**
 - Councillor Bye – Scrutiny Lead for Children;**
 - Councillor Mandy Darling – Scrutiny Lead for Health and Adult Services;**
 - Councillor Foster – Scrutiny Lead for Community and Corporate Services; and**
 - Councillor Kennedy – Scrutiny Lead for Place.**

210 Appointments to Council Committees, Working Parties and Appointment of Committee Chairmen/women and Vice-Chairmen/women for 2021/22

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;
- 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;
- 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.

211 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.

212 Scheme of Delegation for Council Functions

Councillor Carter proposed and Councillor Morey 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.

213 Overview and Scrutiny Annual Report 2020/2021

The Council received and noted the Overview and Scrutiny Annual Report for 2020/2021.

214 Proposal for a peppercorn rent lease for Burton Academy for land at South Parks

The Council considered the recommendation of the Cabinet and submitted report on a proposal to lease land at South Parks Road, Torquay to the Burton Academy as part of the Catch 22 Multi-Academies Trust for 15 years at a peppercorn rent. This would provide much needed external space following the redevelopment of part of the current Burton Academy site.

Councillor Law proposed and Councillor Cowell seconded a motion, which was agreed (unanimously), as set out below:

That the TDA Director of Asset Management, Investment & Housing, in consultation with the Chief Executive of Torbay Council, be authorised to:

- a) Grant a 15 year lease at a peppercorn rent with an option to break in the 10th year.**

(Note 1: prior to consideration of this item Councillors Douglas-Dunbar and Steve Darling re-declared their non-pecuniary interest).

(Note 2: during consideration of this item, Councillor Brooks lost connection to the meeting and was unable to re-join prior to the conclusion of the debate and vote on this item.)

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

Members noted the submitted report setting out the executive decisions taken (Easter Food Poverty and Holiday Activities and Food Programme and Possible Purchase of a Care Home in Paignton) to which the call-in procedure did not apply.

The Worshipful The Mayor of Torbay