



Clerk: June Gurry  
Telephone: 01803 207013  
E-mail address: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)  
Date: Friday, 18 October 2019

Governance Support  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

Dear Member

**COUNCIL - THURSDAY, 24 OCTOBER 2019**

I am now able to enclose, for consideration at the Thursday, 24 October 2019 meeting of the Council, the following reports that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>	<b>Page</b>
8.	<b>Torbay Adult Social Care April 2020 - March 2023</b>	(Pages 90 - 91)
9.	<b>Development or disposal of land at Garfield Road (part Victoria Centre), Paignton</b>	(Pages 92 - 93)
10.	<b>Port Masterplan (Addendum)</b>	(Pages 94 - 95)

Yours sincerely

June Gurry  
Clerk

## Record of Decisions

### **Five Year Risk Share Agreement between Torbay Council, the Clinical Commissioning Group (CCG) and Integrated Care Organisation (ICO) for delivery of adult social care**

#### **Decision Taker**

Cabinet on 15 October 2019

#### **Decision**

That Cabinet recommend to Council:

- (i) that the continued integration of Torbay's Adult Social Care with Torbay and South Devon NHS Foundation Trust and Devon Clinical Commissioning Group be approved for the period 1 April 2020 to 31 March 2023 and that the Chief Executive be given delegated authority to finalise the arrangements for the same in consultation with the Leader of the Council and Cabinet Member for Adult Social Care on the following basis:
  - (a) the Torbay Adult Social Care Risk Share 2020 to 2023 agreement will be under the powers outlined in S.75 NHS Act 2006. Under these arrangements, the Council retains legal responsibilities for the provision of Adult Social Care in accordance with the Care Act 2014, the Mental Capacity Act 2005 and the Mental Health Act 1983, but these be delegated to Torbay and South Devon NHS Foundation Trust; and
  - (b) the agreement to be based upon the following conditions:
    - A capped financial commitment from Torbay Council per year of £45 million for core spend, plus £2 million additional funding to acknowledge the spend is currently unacceptably over this level for the period of the agreement;
    - A non-recurrent additional payment of £1 million in 2020/2021;
    - An acknowledgement that all parties need to work together to deliver savings of £2 million per year in respect of the costs of Adult Social Care; and
    - That partners prioritise working together on an Adult Social Care Improvement Plan, and that the same is overseen by senior officers from all partners, which includes a review of governance so as to ensure the Council's appropriate involvement, and includes a joint approach to maximising estates and economic development opportunities in Torbay.

#### **Reason for the Decision**

The proposed arrangements build on the well-established and successful shared services with Torbay and South Devon NHS Foundation Trust, acknowledging increasing need and demand for all partners. Practically, this means that Torbay and South Devon NHS Foundation Trust will continue to provide Adult Social Care for Torbay Council, via integrated locality community teams and, in the case of Mental Health via the Devon Partnership Trust.

## **Implementation**

The Cabinet recommendations will be considered at the Council meeting on 24 October 2019.

## **Information**

The Council seeks to deliver adult social care which is affordable to the Council, protects the integrated arrangements and maintains our focus on high quality and joined up, services for the most vulnerable Torbay residents.

The proposals are to continue the joint arrangements for a further three years, commencing 1<sup>st</sup> April 2020. This will build on the successful shared services with Torbay and South Devon NHS Foundation Trust, acknowledging increasing cost, while delivering Torbay Council's continued commitment to vulnerable adults in Torbay.

## **Alternative Options considered and rejected at the time of the decision**

Alternative options were set out in the submitted report but not discussed at the meeting.

## **Is this a Key Decision?**

Yes – Reference Number: I054898

## **Does the call-in procedure apply?**

No

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None

## **Published**

18 October 2019

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Development or disposal of land at Garfield Road (part Victoria Centre), Paignton

#### Decision Taker

Cabinet on 15 October 2019

#### Decision

That the Cabinet recommend to Council:

- (i) that the disposal of the freehold interest of land at Garfield Road, Paignton (identified in Appendix 1 to the submitted report), be approved and the Chief Executive be given delegated authority to agree and finalise any Heads of Terms in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing and the Section 151 Officer;
- (ii) that delegated authority be given to the Chief Executive to select and then enter into a development agreement with a development partner for the effective delivery of the Scheme; and
- (iii) alternatively if (i) above is not achieved within timescales required for the Land Release Fund, the Chief Executive be given delegated authority to dispose of the site at Garfield Road on the open market, as a straightforward freehold sale.

#### Reason for the Decision

The site is identified in the Paignton Town Centre Masterplan and development of the site is supported by the Torbay Local Plan. The Council identified, in its Transformation Strategy for Torbay's Town Centres, that various options were being considered for Victoria Centre, including re-use of the site of the older of the two car parks and demolition of older car park, to be replaced by a residential development. The Paignton Neighbourhood Plan provides qualified support for development.

Torbay Council was awarded £900,000 of (Land Release Fund (LRF) grant aid by the Ministry of Housing, Communities and Local Government for the purposes of securing early release of the land at Garfield Road for residential development. The LRF requires that the sites are 'released' for development.

#### Implementation

The Cabinet recommendations will be considered at the Council meeting on 24 October 2019.

#### Information

Approval is sought for release of the site to, and delivery of a scheme by, a development partner. It is proposed that the Council will dispose of its freehold interest in the land at Garfield Road by way of entering into a development agreement with a housing delivery partner.

The redevelopment of land on Garfield Road, currently occupied by one of the two multi-storey car parks at Victoria Centre, is supported by the Local Plan, Neighbourhood Plan, Paignton Town Centre Masterplan and Council's Transformation Strategy for Torbay's Town Centres.

Land Release Funding (LRF) has been secured and is being used to unlock the site for housing related development, with a target 'release' date of 31 March 2020.

### **Alternative Options considered and rejected at the time of the decision**

The development and disposal options available to the Council have been identified as:

#### Disposal Options

- Option 1: Direct Development by Torbay Council
- Option 2: Delivery by the Council's Housing Company
- Option 3: Public Private Partnership (Development Agreement)
- Option 4: Straightforward Freehold Sale

#### Development Options

- Option A: Student accommodation
- Option B: Care home, sheltered accommodation, extra care
- Option C: 15 Town houses
- Option D: 70 – 100 Apartments

An analysis of these options are set out in Appendix 2 to the submitted report.

### **Is this a Key Decision?**

Yes – Reference Number: I062941

### **Does the call-in procedure apply?**

No

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None

### **Published**

18 October 2019

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Port Masterplan (Addendum)

#### Decision Taker

Cabinet on 15 October 2019

#### Decision

That the Cabinet recommend to Council:

That the Port Masterplan (Addendum) set out at Appendix 1 to the submitted report be approved.

#### Reason for the Decision

The Port Masterplan was designed as a 'living' document which was to be the subject of periodic update to remain aligned with the evolving needs and wishes of the Harbour Users, reinforce and build on achieved successes and to identify and react to new challenges and opportunities.

#### Implementation

The Cabinet recommendations will be considered at the Council meeting on 24 October 2019.

#### Information

Tor Bay Harbour published its Port Masterplan in 2013 which for the first time set out a practical and long-term strategy for the future of Tor Bay Harbour for 20-25 years.

Given that over 5 years had passed, and following a number of public consultation events that took place throughout 2018. It was decided that the overall Port Masterplan had stood the test of time and required only an addendum to provide, in greater detail, the plans and intentions for the next 5 years between 2019-2024.

#### Alternative Options considered and rejected at the time of the decision

An alternative option would be to continue with the original Port Masterplan and accept that it would become more out dated with time.

#### Is this a Key Decision?

Yes – Reference Number: I062974

#### Does the call-in procedure apply?

No

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None

**Published**

18 October 2019

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet