



Minutes of the Cabinet

23 July 2019

-: Present :-

Councillor Cowell (Chairman)

Councillors Long, Morey, Carter, Stockman, Law and Cowell

(Also in attendance: Councillors Brooks, Bye, Douglas-Dunbar, Ellery, Foster, Loxton, Mills and David Thomas)

6. Apologies

An apology for absence was received from the Leader of the Council (Councillor Steve Darling), whereupon the Deputy Leader of the Council (Councillor Cowell) took the Chair for this meeting.

7. Minutes

The Minutes of the meeting of the Cabinet held on 9 July 2019 were confirmed as a correct record and signed by the Chairman.

8. Urgent Items

The Cabinet considered the item in Minute 9.1, and not included on the agenda, the Chairman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arising since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

9. Matters for Consideration

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions) are set out in the Record of Decisions appended to these Minutes.

9.1 Echo Building, St James Road, Torquay, TQ1 4AZ

9.2 Notice of Motion - Oldway Mansion - Charity Trust

Members received the following motion, notice of which was given in accordance with Standing Order A14:

The saga of Oldway Mansion is still ongoing and although a potential solution exists with the creation of a community Charity Trust, this has not been allowed to be created because the potential Trust still await the letter

of authorisation from the landowner, i.e. Torbay Council. Once setup the Trust would be able to bid into funding opportunities, in particular the Heritage Lottery Fund to which the Council currently can't bid into.

This Council has a legal duty to look after its listed heritage buildings and the time has come for us to step up to the mark and deal with some of our responsibility. We can no longer ignore the mansion as if it simply did not exist.

Therefore, this Council commits to continue to work with the local community and to help them set up the Charity trust to help move the Oldway project forward. Furthermore the Council will release the letter within the next 7 working days required by the Charity Commission to enable the Trust to be setup.

In accordance with Standing Order A15.9 Councillor Chris Lewis requested that his motion be withdrawn, Councillor Sykes as seconder had also provided her agreement for the motion to be withdrawn. The motion was therefore withdrawn.

9.3 Notice of Motion - Campaign to restrict no-fault evictions

9.4 Notice of Motion - School Funding

9.5 Notice of Motion - Free TV Licence Scheme

9.6 Looked After Children and Corporate Parenting Strategy 2018/2020

9.7 Adult Social Care Local Account 2018-2019

9.8 Lease of Land and Buildings at Youngs Park, Goodrington, Paignton

9.9 Community Conference Launch

The Cabinet Member for Corporate and Community Services, Councillor Carter, provided a verbal update in respect of a Community Conference which would be held on Wednesday, 11 September 2019 from 4pm to 7 pm at Parkfield, Paignton. The conference was part of the Council's changing approach to community engagement and empowerment and would mark the start of a new relationship the Council wants to build with our communities. The Council was looking for ideas on how individuals, organisations and communities can work together, with the Council, to help make Torbay thrive. It was noted that full details would be available in the next few weeks.

9.10 South Hams Special Area of Conservation (SAC) Greater Horseshoe Bats: Habitats Regulations Assessment Guidance

9.11 Budget 2018/2019 - Quarter 4 (Outturn) Monitoring Report

The Cabinet noted the contents of the submitted report which provided a high level budget summary of the Council's revenue and capital income and expenditure for 2018/2019. Full discussion on the report had taken place at the Overview and Scrutiny Board on 10 July 2019.

10. Exclusion of Press and Public

Councillor Cowell proposed and Councillor Stockman seconded the motion, which was agreed by the Cabinet unanimously, as set out below:

that the press and public be excluded from the meeting prior to consideration of the item 13 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 11, the press and public were formally excluded from the meeting.

11. New Investment Opportunities

11.1 Record of Decision - New Investment Opportunities 1/7/19 and 2/7/19

12. New Regeneration Opportunities

There were no new regeneration opportunities.

Record of Decision

Echo Building, St James Road, Torquay, TQ1 4AZ

Decision Taker

Cabinet on 23 July 2019

Decision

That the period for the community to come up with a suitable proposal and bid for the Echo Building to ensure continued community use, under the Council's Asset of Community Value Policy, be extended by three months.

Reason for the Decision

To enable the Council to continue negotiations with the community with a view to bringing back detailed proposals to the Cabinet and Council within three months of this decision. This proposal is intended to ensure that all possible effort is made to work with the community to ensure that the building is retained for community use before any decision to dispose of the asset on the open market is implemented.

Implementation

This decision will come into force and may be implemented on Monday, 5 August 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

On 19 December 2018, the Elected Mayor agreed to register the Echo Building as an 'Asset of Community Value'. He subsequently took a decision on 2 January 2019, to dispose of the freehold interest in the Echo Building, St James Road, Torquay, TQ1 4AZ, subject to the application of the Asset of Community Value Policy. This second decision was called in and the Overview and Scrutiny Board resolved:

“that the decision be referred back to the Elected Mayor with a recommendation that a 12 month period be allowed for the community to develop a proposal for the future use of the Echo Building, with a draft business plan to be presented to the Council within six months.”

The Elected Mayor reconfirmed his original decision for the following reasons:

“The Council's Asset of Community Value Policy gives the community six months to come up with a suitable proposal and bid for the Echo Building and should this not occur it will be a matter for the Administration to consider following the local government elections in May 2019 and to determine what action they wish to take.”

The period for the community to come up with a suitable proposal and bid is nearly up. The Council has received a bid from the community for the Echo Building but further negotiations and due diligence is required before officers are in a position to be able to recommend

acceptance or rejection of the bid. It is therefore proposed to extend the period for the community to bid for the building by three months in order for further negotiations and due diligence to take place. The outcome of this work will be submitted to the Cabinet within three months of this Cabinet meeting.

Councillor Long proposed and Councillor Stockman seconded a motion which was agreed unanimously by the Cabinet as set out above.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

26 July 2019

Signed: _____
Deputy Leader of Torbay Council on behalf of the Cabinet

Date: 25 July 2019

Record of Decision

Notice of Motion - Campaign to restrict no-fault evictions

Decision Taker

Cabinet on 23 July 2019

Decision

That the Cabinet resolves:

- (i) to support Generation Rent's campaign to abolish section 21 of the Housing Act 1988; and
- (ii) that the Leader of the Council writes to the Secretary of State for Housing, Communities and Local Government requesting this change in the law.

Reason for the Decision

To support the Motion to help protect tenants from being evicted by private landlords without reason.

Implementation

This decision will come into force and may be implemented on Monday, 5 August 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

Members considered a motion in relation to a campaign to restrict no-fault evictions, notice of which was given in accordance with Standing Order A14.

Councillor Long proposed and Councillor Law seconded a motion, as set out below which was agreed unanimously by the Cabinet:

This Council notes that there are a significant number of households renting from private landlords in Torbay, including families with children.

This Council welcomes the campaign to end section 21 – the clause of the Housing Act 1988 that allows private landlords to evict tenants without reason.

The Council recognises that the threat of a no-fault eviction causes insecurity and stress for Torbay residents who rent privately and can discourage tenants from complaining about substandard housing.

The Council acknowledges the action taken by the Scottish government to restrict no-fault evictions.

The Cabinet resolves:

- i) to support Generation Rent's campaign to abolish section 21 of the Housing Act 1988;
- ii) that the Leader writes to the Secretary of State for Housing, Communities and Local Government requesting this change in the law.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

26 July 2019

Signed: _____
Deputy Leader of Torbay Council on behalf of the Cabinet

Date: 25 July 2019

Record of Decision

Notice of Motion - School Funding

Decision Taker

Cabinet on 23 July 2019

Decision

That the Director of Children and Cabinet Member for Children's Services make representations to the Secretary of State for Education and the Chancellor of the Exchequer, calling for them to:

- Reverse, in full, the real-terms cuts to per-pupil school budgets since 2015 – meaning schools in Torbay would receive much needed additional funding in 2020.
- Provide additional funding to Torbay and others across the country to give urgently needed and adequate funding support to children with special educational needs and disabilities.
- Guarantee all teachers a pay rise which is at least in line with inflation next year, in order to reduce the number of talented teachers leaving the profession.

Reason for the Decision

To respond to the motion on fair funding for schools in order to secure better education for Children in Torbay.

Implementation

This decision will come into force and may be implemented on Monday, 5 August 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

Members considered a motion in relation to fair funding for schools, notice of which was given in accordance with Standing Order A14.

Councillor Law proposed and Councillor Long seconded a motion, as set out below which was agreed unanimously by the Cabinet:

This Council:

Is deeply concerned by the financial outlook for schools in Torbay due to a combination of inadequate government funding and increasing cost pressures.

Believes that the Conservative Government's failure to properly fund schools is jeopardising the education and future opportunities of young people in Torbay and is particularly letting down more vulnerable children, such as those with special educational needs and disabilities and those who need mental health support.

Notes with concern reports that many schools across the country are having to ask for donations from parents, cutting back teaching hours, reducing staff numbers, reducing mental health support and reducing mentoring for vulnerable pupils.

Further notes that years of real-terms pay cuts for teachers, coupled with the pressure caused by funding cuts in schools and excessive workload, have led to a crisis in retention and recruitment in the teaching profession. This is driving thousands of dedicated professionals out of the jobs they love, and further undermining the quality of education in our schools.

Will make representations to the Secretary of State for Education and the Chancellor of the Exchequer, calling for them to:

Reverse, in full, the real-terms cuts to per-pupil school budgets since 2015 – meaning schools in Torbay would receive much needed additional funding in 2020.

Provide additional funding to Torbay and others across the country to give urgently needed and adequate funding support to children with special educational needs and disabilities.

Guarantee all teachers a pay rise which is at least in line with inflation next year, in order to reduce the number of talented teachers leaving the profession.

The Cabinet also supported the need to include in the letter specific reference to the schools' formula for coastal communities being different to rural issues.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

26 July 2019

Signed: _____
Deputy Leader of Torbay Council on behalf of the Cabinet

Date: 25 July 2019

Record of Decision

Notice of Motion - Free TV Licence Scheme

Decision Taker

Cabinet on 23 July 2019

Decision

That the Leader of the Council writes to Torbay's Members of Parliament urging them to lobby the Government to honour their manifesto commitment to maintain the Free TV Licence for those aged over 75.

Reason for the Decision

To respond to the motion and lobby the Government to maintain the Free TV Licence for those aged over 75 years of age.

Implementation

This decision will come into force and may be implemented on Monday, 5 August 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

Members considered a motion in relation to a campaign to restrict no-fault evictions, notice of which was given in accordance with Standing Order A14.

Councillor Long proposed and Councillor Morey seconded a motion, as set out below which was agreed unanimously by the Cabinet:

According to the charity Age UK, for over a million older people in the UK, the Television is their most constant companion.

Torbay Council notes that the BBC have announced that they will be means testing the free TV licence for those aged over 75 to those on the benefit Pension Credit.

The Council further notes that the free TV Licence scheme was originally funded by the Government but the responsibility for this concession has since been passed to the BBC.

This Council feels that the proposed change to the TV Licence scheme for over 75's will be a cruel body blow, particularly as Age UK estimate that two out of five people entitled to claim Pension Credit do not actually do so. Given the age demographic in Torbay, many local residents will be affected.

Torbay Council resolves:

That the Leader of the Council writes to Torbay's Members of Parliament urging them to lobby the Government to honour their manifesto commitment to maintain the Free TV Licence for those aged over 75.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

26 July 2019

Signed:

Deputy Leader of Torbay Council on behalf of the Cabinet

Date: 25 July 2019

Record of Decision

Looked After Children and Corporate Parenting Strategy 2018/2020

Decision Taker

Cabinet on 23 July 2019

Decision

- (i) that the Children Looked After and Corporate Parenting Strategy 2018-2020 set out at Appendix 1 to the submitted report be approved; and
- (ii) that the Corporate Parenting Board ensure that the Strategy is implemented and seek assurance that outcomes for our Children Looked After are improved.

Reason for the Decision

Agreement of the Strategy will mean that the Council has clarity around the work that it commits to do to ensure good outcomes for the children that the Council looks after.

Implementation

This decision will come into force and may be implemented on Monday, 5 August 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The Children Looked After and Corporate Parenting Strategy for 2018-2020 was approved by the Elected Mayor in October 2018 with the Director of Children's Services authorised to make any final changes. One of the final changes which was needed was the completion of the Action Plan attached to the Strategy.

Following the change in governance arrangements since May 2019, it is appropriate that the new Cabinet confirm the Strategy and the Action Plan which has now been completed, full details of which were set out in the submitted report and appendix.

Councillor Law proposed and Councillor Stockman seconded a motion which was agreed unanimously by the Cabinet as set out above.

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?

No

Does the call-in procedure apply?

Yes

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

None

Published

26 July 2019

Signed: _____ Date: 25 July 2019
Deputy Leader of Torbay Council on behalf of the Cabinet

Record of Decision

Adult Social Care Local Account 2018-2019

Decision Taker

Cabinet on 23 July 2019

Decision

That the Local Account set out in Appendix 1 to the submitted report be approved.

Reason for the Decision

To enable the Local Account to be published in accordance with Government requirements and for council to consider the adult safeguarding outcomes for the Bay.

Implementation

This decision will come into force and may be implemented on Monday, 5 August 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The Local Account for Adult Social Care sets out what we have achieved for local people in relation to adult social care and outlines our level of performance for last financial year and our commitment to future service delivery. The Government has asked that Local Accounts are put in place to offer councils the opportunity to share a common approach to the performance of adult social care.

Members noted that, whilst the Local Account looks back at performance over the past year, the Council has since updated its website to provide more information on health and wellbeing, there is also a large focus on working with information in the communities and working with the community and voluntary sector to enable them to provide advice and information.

The Cabinet raised concern in respect of the levels of young men committing suicide in Torbay and South Devon being a lot higher than elsewhere. There are issues with identifying people at risk and support is needed for the young people they leave behind. The Cabinet Member for Adults and Public Health, Councillor Stockman, advised that a meeting was being arranged for early September with the Devon Partnership Trust to see what can be done to support young people's mental health and she welcomed the involvement of all members in this meeting.

Councillor Stockman proposed and Councillor Long seconded a motion which was agreed unanimously by the Cabinet as set out above.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

26 July 2019

Signed: _____ Date: 25 July 2019
Deputy Leader of Torbay Council on behalf of the Cabinet

Record of Decision

Lease of Land and Buildings at Youngs Park Goodrington Paignton

Decision Taker

Cabinet on 23 July 2019

Decision

That the Interim Director of Place, in consultation with the Chief Executive, be authorised to:

- a) surrender and re-grant a lease for a term of 21 years of the land and building known as Cantina, Goodrington, Paignton to Kantina Limited as shown in plan EM3249 set out at Appendix 1 to the submitted report; and
- b) grant a lease for a term of 15 years of the land and building known as the Spanish Shelter, Youngs Park, Goodrington, Paignton to Kantina Limited as shown in plan EM3343 set out at Appendix 2 to the submitted report.

Reason for the Decision

It is considered a surrender and re-grant of the lease coupled with the granting of a new lease for the shelter adjacent to Kantina Limited to be in the best interests of the Council and will secure the long term future of the facilities at this location.

The proposal will generate additional revenue income through an increase of rent under the proposed surrender and re-grant of the lease for the Cantina premises.

The proposal affecting the shelter will extinguish a maintenance liability for the Council, whilst generating additional revenue through the granting of the lease.

Implementation

This decision will come into force and may be implemented on Monday, 5 August 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The current leaseholder of the building known as Cantina, Youngs Park, Goodrington, Paignton proposes to redevelop the premises to create additional indoor seating facilities for customers, to enable the business to continue growing. The proposal will see previously unused land adjoining Cantina being built upon to provide the additional indoor seating, subject to obtaining the necessary statutory approvals.

The leaseholder of Cantina also proposes to (separately) lease the adjoining shelter for development into a functions facility, and has been granted planning consent for this use. The proposal will see investment into a shelter which is considered a maintenance liability for the Council, and which attracts anti-social behaviour. The granting of a lease will also provide a new revenue stream from the asset.

The submitted report provided details of the proposed lease transactions.

Councillor Long proposed and Councillor Morey seconded a motion which was agreed unanimously by the Cabinet as set out above.

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?

No

Does the call-in procedure apply?

Yes

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

None

Published

26 July 2019

Signed: _____
Deputy Leader of Torbay Council on behalf of the Cabinet

Date: 25 July 2019

Record of Decision

South Hams Special Area of Conservation (SAC) Greater Horseshoe Bats: Habitats Regulations Assessment Guidance

Decision Taker

Cabinet on 23 July 2019

Decision

- (i) that the South Hams Special Area of Conservation Habitats Regulations Assessment Guidance, set out at Appendix 1 to the submitted report be approved subject to the following modifications and the Assistant Director Planning and Transport, in consultation with the Cabinet Member for Infrastructure, Environment and Culture, be given delegated authority to approve any necessary minor amendments to the document:
 - (a) add the following text at the end of first sentence in paragraph (5.1) on page 17: (by the Steering Group); and
 - (b) add the following note to Existing Features as foot note on page 11 and update the text in paragraph 5.2 on page 17: (The DCC Environment Viewer will be updated at regular intervals to show new Pinch Points or Mitigation Features but is not exhaustive. Only strategic features are likely to be shown. Therefore, applicants and LPAs will have to have due regard to any likely conditions or s106 obligations that require the retention or provision of existing mitigation features on or near, which may affect their individual sites); and
- (ii) that once approved by Torbay Council, the Guidance will hold interim guidance status until agreed by all partner authorities in the South Hams SAC consultation area. It is hoped this will be completed by September 2019.

Reason for the Decision

To enable the South Hams Special Area of Conservation (SAC) Greater Horseshoe Bats: Habitats Regulations Assessment Guidance be implemented.

Implementation

This decision will come into force and may be implemented on Monday, 5 August 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The South Hams Special Area of Conservation (SAC), and associated Consultation Zone, cover an area which lies within five local planning authority areas: Dartmoor National Park Authority, Devon County Council, South Hams District Council, Teignbridge District Council and Torbay Council. Greater horseshoe bats are one of the 'features of interest' associated with the South Hams SAC. Management of the SAC Guidance is co-ordinated by an officer group of representatives from each of the above authorities and Natural England, forming the South Hams SAC Greater Horseshoe Bats Steering Group.

Local Planning Authorities (LPAs) have a legal duty (under the Habitats Directive and Habitats Regulations) to ensure that there will be no adverse effect on the integrity of the South Hams SAC population of greater horseshoe bats as a result of any plan or project. Any which will lead to an adverse effect on the integrity of the South Hams SAC will be refused, other than in exceptional circumstances.

This Guidance will update and replace the 'South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance' published by Natural England in 2010. It provides advice on which applications may have a likely significant effect on the SAC greater horseshoe bat population and which may therefore require the relevant LPA to carry out a Habitats Regulations Assessment (HRA). It also provides advice on the information that applicants may need to submit with a planning application in order for the LPA to undertake the HRA.

Councillor Morey proposed and Councillor Law seconded a motion which was agreed unanimously by the Cabinet as set out above.

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?

No

Does the call-in procedure apply?

Yes

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

None

Published

26 July 2019

Signed: _____ Date: 25 July 2019
Deputy Leader of Torbay Council on behalf of the Cabinet

Record of Decision

Investment Opportunities 1/7/19 and 2/7/19

Decision Taker

Cabinet on 23 July 2019

Decision

That Investment Opportunities 1/7/19 and 2/7/19, as set out in the Exempt Cabinet Minute 11/7/19, be approved.

(Note: the decision in respect of Investment Opportunities 1/7/19 and 2/7/19 is restricted due to exempt information contained within the decision.)

Reason for the Decision

To purchase two new investments from the Council's Investment and Regeneration Fund in order to generate additional revenue for the Council.

Implementation

This decision may come into force immediately. Any delay likely to be caused by the call-in process would prejudice the Council's interest. The Overview and Scrutiny Co-ordinator was consulted on 24 July 2019 and agreed that the decision was urgent.

Information

The Cabinet considered the submitted Exempt Report on the proposed purchase of two investments on behalf of the Council in line with the Investment and Regeneration Strategy. The decision has been made, taking account of the current investment criteria and Minister of Housing Communities and Local Government Statutory guidance on Local Government Investments, and in recognition that the investments sit within Torbay's Functional Economic Market Area (FEMA). It was noted that the Council had agreed on 18 July 2019 to revise the current Investment and Regeneration Strategy to include the FEMA area.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

No

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

None

Published

26 July 2019

Signed: _____ Date: 25 July 2019
Deputy Leader of Torbay Council on behalf of the Cabinet