



Minutes of the Cabinet

17 September 2019

-: Present :-

Steve Darling (Chairman)

Councillors Morey, Carter, Law and Cowell

(Also in attendance: Councillors Amil, Brooks, Bye, Doggett, Douglas-Dunbar, Ellery, Loxton and Mills)

23. Apologies

Apologies for absence were received from Councillors Long and Stockman.

24. Minutes

The Minutes of the meetings of the Cabinet held on 30 July and 3 September 2019 were confirmed as a correct record and signed by the Chairman.

25. Communications

The Cabinet Member for Corporate and Community Services, Councillor Carter provided a verbal update on the Community Conference held on 11 September 2019. The conference had been well attended and participants provided useful feedback and shared ideas and good practice across the groups. There was a clear willingness for the community and Council to work together for the benefit of Torbay.

26. Urgent Items

The Cabinet considered the item in Minute 27.1, 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.

27. Matters for Consideration

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

27.1 Update on Operation Yellowhammer

The Assistant Director of Community and Customer Services, Tara Harris, provided a verbal update in respect of Brexit. The Government published a document 'Operation Yellowhammer' on 11 September 2019 which provided reasonable worst case scenario options for the purpose of developing contingency plans if the United Kingdom leaves the European Union (EU) without a deal. It is normal practice to produce such a document, which is not an impact assessment or prediction of what would happen, but will be used to assess the risks of the potential impact on the area. Members noted that the Council had been working with key partners across Devon and Somerset with clear communications with Central Government to consider what action may be taken to mitigate a no deal Brexit.

Members noted the action currently being taken by Torbay Council to provide additional resources to mitigate the impact of Brexit, which included supporting the local fishing industry and working with the TDA to help provide advice and support to local businesses.

27.2 DOVES Group Presentation

The Cabinet received a short film from the Doves Group which had been made by local young people in conjunction with the Children's Society to highlight the issues of loneliness and social isolation faced by young people in Torbay, especially those with a disability and extra needs. The Doves Group was made up of young people who have a disability or need for extra support, who come together once a fortnight to socialise. This was the national launch of the film and project.

Representatives from the Doves Group requested that consideration be given to helping them with funding and access to suitable disabled toilet facilities and meeting spaces so that the young people can feel safe and access appropriate facilities. It was noted that work was being undertaken at Parkfield which would bring the building back to use for the community, particularly during out of school hours and the Deputy Leader of the Council agreed to ensure that further details of this was communicated to the Doves Group.

27.3 Echo Building Consideration of Community Proposal

27.4 Ash Dieback Financial Allocation

27.5 Demolition of the Old Car Park, Garfield Road, Victoria Centre, Paignton

27.6 Appointment of Member Champions

27.7 New Investment Opportunities

There were no new investment opportunities.

Record of Decision

Echo Building, St James Road, Torquay - Consideration of Community Proposal

Decision Taker

Cabinet on 17 September 2019

Decision

- (i) that the Interim Director of Place be requested to explore with King's Arms Church Charity if it would be more appropriate to enter into a long lease at nil cost to the charity to enable them to invest the proposed £30,000 purchase cost, in delivering community projects sooner, especially in respect of work around foster carers, and if this is a more appropriate option to revise the report to Council to reflect this proposal which was supported by the Cabinet; and
- (ii) that, subject to the outcome of (i) above, the Cabinet recommend to the Council that the Interim Director of Place, in consultation with the Chief Executive, be authorised to dispose of the freehold interest of land and building known as the Echo Building, St James Road, Torquay, as shown on Plan EM3127 set out at Appendix 1 to the submitted report, at below market value to the King's Arms Church Charity. The disposal will include a suitable provision that will enable the Council to recover any uplift in value should the community group dispose of the building at a future point for any alternative use.

Reason for the Decision

The proposed purchaser had submitted a financial offer of £30,000 for the freehold ownership of the land and building known as the Echo Building, St James Road, Torquay. This offer was considered to be below the market value of the property, which was estimated to be circa £85,000. The proposed purchaser had provided evidence demonstrating how projects and initiatives intended to be implemented at the property would offset the difference between the market value and the offer made.

Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 26 September 2019.

Information

At the Cabinet meeting held on 23 July 2019 the Cabinet agreed to extend the time for the community to come up with a suitable proposal and bid for the Echo Building, St James Road, Torquay to ensure continued community use, under the Council's Asset of Community Value Policy, by three months (Minute 9.1/7/19 refers). This period has now elapsed and the Council has received a proposal from King's Arms Church Charity as set out in the submitted report. Peter Clayton, Pastor from the King's Arms Charity attended the meeting and outlined his aspirations for the use of the Echo Building which focussed around working with the community to improve outcomes for vulnerable people.

The proposal included the following:

- Working with Home for Good (Foster Group) to help provide more foster carers within Torbay.
- Weekly Coffee morning – aimed specifically at those suffering from social isolation and loneliness.
- Become a partner with 'Homes for Good', to promote adoption and fostering in Torbay amongst local churches.
- Use of the building for local community buildings.
- Set up a baby bank for the provision of second hand clothes and donations to be distributed to those in need.
- Set up weekly children and / or youth club.
- Set up weekly parent / carer and toddler groups.
- The building would become the office base for the church.

As the proposal is below market value the Council's Asset Management Plan requires this to be a Council decision as it would be contrary to this Policy Framework document.

It was suggested that a long lease could be offered for the Echo Building at nil cost instead of the disposing of the asset via a freehold which may enable the Kings Arms Church Charity to use their proposed investment to accelerate delivery of community support and particularly in respect of foster carers as this could save the Council significant amounts of money if this resulted in increased foster care places within Torbay.

Councillor Law proposed and Councillor Cowell 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?

No

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

None

Published

20 September 2019

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

Date: 18 September 2019

Record of Decision

Ash Dieback Financial Allocation

Decision Taker

Cabinet on 17 September 2019

Decision

- (i) that the risk and cost of Ash Dieback is managed via a phased and triaged approach and the Director of Corporate Services be requested to allocate £200,000 from the Insurance Reserve, so as to mitigate the risk to the public and third party property and ensure that Torbay Council is not subject to legal claims and likely prosecution; and
- (ii) that the Interim Director of Place be requested to ensure that when reviewing the Council's Tree Risk Management Strategy, a specific section is included on Ash Dieback and other emerging biological threats due to climate change, and that it includes a plan of how the Council can work towards further mitigating the loss of trees and what processes are available to replenish lost tree stocks going forward, also that when reviewing the Council's Climate Change Strategy links with the revised Tree Risk Management Strategy and carbon capture be included within the document.

Reason for the Decision

To ensure that funding is allocated to undertake the removal of Ash Trees within Torbay Council Land that are diseased and pose a serious risk to people, property or traffic.

Implementation

The decision will come into force and may be implemented on Monday, 30 September 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The submitted report provided details on a proposal to allocate funding of up to £200,000 from the Council's Insurance Reserve to enable the Council to undertake the removal of Ash Trees within Torbay Council Land that are obviously diseased with Ash Dieback and pose a serious risk to people, property or traffic.

Trees on private land within Torbay are not the responsibility of Torbay Council, but are the responsibility of the landowner who like Torbay could face significant fines and prosecution if their trees are not kept in a safe condition and cause harm to persons, traffic and infrastructure. Guidance will be made available for private landowners explaining that if the tree is on their land it's their responsibility.

The report also highlighted that a communications strategy would be developed to ensure that the reasons for the removal of the trees is clearly understood, as it is not always obvious that the trees are diseased as Ash Dieback mainly affects the tree canopy which can only be seen from above, and also measures that would be undertaken to replace the trees, including further details of a bid to inspire communities to rebuild flourishing treescapes for the future for which

Torbay was one of the priority areas. The Council's Tree Risk Management Strategy would also be updated to reflect the emerging issues impacting on trees and action to be taken to replenish lost trees in the future. It was also suggested that links be made with the Tree Risk Management Strategy and revised Climate Change Strategy, which would also include reference to carbon capture.

Councillor Morey proposed and Councillor Steve Darling 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

20 September 2019

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

Date: 18 September 2019

Record of Decision

Demolition of the Old Car Park, Garfield Road, Victoria Centre, Paignton

Decision Taker

Cabinet on 17 September 2019

Decision

- (i) that the Cabinet reaffirm the decision of the Investment and Regeneration Committee to approve the demolition of the old car park, Garfield Road, Victoria Centre, Paignton and that the Interim Director of Place be instructed to gain vacant possession and be authorised to proceed with the demolition and a contract for such being in place by the end of December 2019 to be funded from the Land Release Fund; and
- (ii) that Exempt Minute 205/2/19(ii) “a draft design brief be brought back to the Investment and Regeneration Committee for consideration prior to the planning application for demolition being submitted” be rescinded as this decision is no longer required in order to progress with the proposed demolition of the old car park, Garfield Road, Victoria Centre, Paignton.

Reason for the Decision

To enable the Council to proceed with the decision and governance arrangements to demolish the Old Car Park at Garfield Road.

Implementation

The decision will come into force and may be implemented on Monday, 30 September 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

At the meeting of the Investment and Regeneration Committee held on 12 February 2019, Members considered an exempt proposal in respect of the demolition of the unused old car park, Garfield Road, Victoria Centre, Paignton to unlock the site for development. The resolved (Exempt Minute 205/2/19 refers). The Investment and Regeneration Committee was disbanded in May 2019 and the governance and decision making transferred to the Cabinet.

The submitted report proposed that the Cabinet rescinds the decision in Minute 205/2/19(ii) as this is no longer required in order to progress with the demolition of the old car park site. Any future development of the site will go through the normal planning consent process in any event but community groups are already engaged with Council officers and the TDA on a range of evolving design proposals.

Councillor Morey proposed and Councillor Carter 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

20 September 2019

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

Date: 18 September 2019

Record of Decision

Appointment of Member Champions

Decision Taker

Cabinet on 17 September 2019

Decision

That the following Member Champions be appointed until May 2023 with their job description as set out in Annex 1 to Appendix 1 to the submitted report:

- a) Armed Forces – Councillor Amil;
- b) Foster Carers – Councillor Mills;
- c) Climate Change – Councillor Atiya-Alla;
- d) Volunteering – Councillor Bye;
- e) Domestic abuse and sexual violence – Councillor Foster; and
- f) Mental health and wellbeing – the Cabinet Member for Adults and Public Health (Councillor Stockman) and Councillor Douglas-Dunbar.

Reason for the Decision

To enable Member Champions to be appointed for the current four year term of office.

Implementation

The decision will come into force and may be implemented on Monday, 30 September 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

Member champions are elected members who act as an advocate or spokesperson for a specific area of the Council's business. The main responsibility of each member champion is to encourage communication and positive action over the issue they represent.

In accordance with the Local Protocol on Member Champions it was proposed to appoint six Member Champions for the next four years to champion key aspects of the Council's work and work with the relevant Cabinet Member and senior Council officer as set out overleaf.

Champion Role	Councillor Appointed	Cabinet Member	Senior Officer
Armed Forces	Councillor Amil	Councillor Morey	Tara Harris
Foster Carers	Councillor Mills	Councillor Law	Anne Osborne
Climate Change	Councillor Atiya-Alla	Councillor Morey	Kevin Mowat
Volunteering	Councillor Bye	Councillor Carter	Tara Harris
Domestic abuse and sexual violence	Councillor Foster	Councillor Stockman	Caroline Dimond
Mental health and wellbeing	Councillors Stockman and Douglas-Dunbar	Councillor Stockman	Caroline Dimond

Councillor Carter proposed and Councillor Steve Darling 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

20 September 2019

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

Date: 18 September 2019