

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

16 July 2020

-: 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, Doggett, Dudley, Ellery, Foster, Hill, Howgate, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, O'Dwyer, Pentney, Stockman, Sykes, David Thomas, Jacqueline Thomas and John Thomas

136 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 prayer by Imam Abdulkader followed by a minute's silence to mark the 25th anniversary of the Srebrenica genocide.

137 Communications

The Worshipful the Mayor of Torbay welcomed Nick Craker from the Royal British Legion to give a presentation on the Armed Forces Covenant.

The Worshipful the Mayor of Torbay further announced the introduction of the Mayor's Special Recognition Award. The award would celebrate young people who are making a difference in their community or environment. One Special Recognition Award would be made each month, with all Award winners being invited to the Annual Meeting of Council each year as special guests.

The Leader of the Council:

- a) Thanked Councillor Bye for arranging for Members to visit Paignton Zoo. The visit provided an opportunity to witness first-hand the challenges faced by our leisure and tourism providers operating during the Covid-19 pandemic; and

- b) informed Members that the Local Management Outbreak Board had met for the first time, the Board would be developing a communications plan with input from both public and private sector partners.

At the request of the Leader of the Council, the Cabinet Member for Economic Regeneration, Housing and Tourism updated the Council on his attendance, as the Leader of the Council's representative, at the Heart of the South West Joint Committee held on 26 June 2020 including:

- The appointment of a new Chairman; and
- Heart of the South West pipeline submission to the Secretary of State for the Ministry of Housing, Communities and Local Government.

The Overview and Scrutiny Co-ordinator advised the Council that he had attended the Police and Crime Panel on 3 July 2020.

138 Members' questions

Members received a paper detailing questions, notice of which had been given in accordance with Standing Order A13.

Supplementary questions were put and answered by Councillors Carter, Morey, Steve Darling and Pentney arising from their responses to the questions in respect of questions 1 to 12. In accordance with Council Standing Order A12.6 and A12.7, the time limit of 30 minutes for Council Questions was met therefore questions 13 to 23 were deemed withdrawn.

139 Schools' Capital Programme 2020/21

The Council considered the recommendation of the Cabinet and submitted report on the Schools' Capital Programme using the capital allocations received from the Department of Education. The projects proposed in the programme would ensure sufficient school places to meet demand and provide improvements across the school estate.

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

- (i) that the Council agrees the list of projects and funding allocations as set out in Appendix 1 of the submitted report;**
- (ii) that delegated authority be given to the Chief Executive to continue negotiations with the landowner(s) and any other person with an interest to acquire by agreement the Land and any other land, interests or rights subsequently identified as being required in consultation with the Cabinet Member for Children's Services and Section 151 Officer on any Heads of Terms;**

- (iii) that, having taken into account previous negotiations to acquire the Land, the making of any CPO(s) pursuant to the Education Act 1996, or any other appropriate power, for the Land and any other land, interests or rights subsequently required to deliver the primary school. The Chief Executive be given delegated authority to give effect to this decision, including:
- a) the taking of all necessary steps required to secure the making of the CPO(s) and for the subsequent confirmation and implementation of the CPO(s) including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry, if necessary, to secure confirmation of the CPO(s) by the Secretary of State;
 - b) to carry out any surveys on the Land or any other land required and enter as may be required in order to deliver the proposed development by CPO(s) which the Council is authorised to carry out either by consent of the relevant landowner or under section 172 to 179 of the Housing and Planning Act 2016;
 - c) to enter into agreement(s) with any person or body to secure the withdrawal of objections to the CPO(s) and/or to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for the new primary school; and
 - d) to pay all necessary compensation either as agreed or as determined by the Upper Tribunal (Lands Chamber) in relation to the acquisition of land and other interests or for the overriding or acquisition of rights.
- (iv) that Council delegate to the Chief Finance Officer the approval of the expenditure of monies from the Children's Services Capital Programme Basic Need Funding required to cover the acquisition of the Land and any land, interests or rights as may be required for the scheme, either by agreement or by CPO; and
- (v) that once the Land, and any other land required, has been acquired either by negotiation or via a CPO(s) Council approve the disposal of the land required for the new primary school to the Department of Education at Nil Value as the required contribution to the development of a two form of entry primary school. The DfE will in turn provide the capital to build the school through the Free School Programme. The land would be leased from the DfE to the Academy Trust running the new free school.

140 Treasury Management Outturn 2019/20

Members noted the submitted report in respect of the Treasury Management Outturn for 2019/2020.

141 Urgent Council Decisions Taken by the Chief Executive

Members noted the submitted report setting out details of the following urgent decisions taken by the Chief Executive:

- (i) Extension to existing Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and South Devon NHS Foundation Trust;
- (ii) Riviera International Conference Centre Company Acquisition;
- (iii) Acquisition of 10-10a and 12-14 Strand, Torquay;
- (iv) Edginswell Station Funding Bid; and
- (v) Appointment of Representatives to the Torbay Local Outbreak Engagement Board.

142 TDA Business Plan 2020-2025

The Council considered the recommendations of the Cabinet on the TDA Business Plan for 2020-2025 (as set out the in submitted report).

Councillor Long proposed and Councillor Cowell seconded a motion which as set out below:

- (i) that the TDA business plan 2020-2025 be approved; and
- (ii) that the TDA business plan is removed from the Council policy framework.

During the debate Councillor David Thomas proposed and Councillor O'Dwyer seconded an amendment to the motion as follows:

~~The Cabinet recommends to Council:~~

- ~~(i) That the TDA business plan 2020-2025 be approved; and~~
- ~~(ii) That the TDA business plan is removed from the Council policy framework.~~

In the light of the ongoing LGA Peer Review of the TDA, that consideration of the TDA Business Plan 2020-2025 be deferred for a maximum of 6 months

until the findings of the Review are published and able to inform the future direction of the TDA and its Business Plan 2020-2025.

The amendment was put to the vote and declared lost.

Councillor Long's and Councillor Cowell's original motion was then considered by the Council which was agreed (unanimously), as set out below:

- (i) **that the TDA business plan 2020-2025 be approved; and**
- (ii) **that the TDA business plan is removed from the Council policy framework.**

143 Exclusion of the Press and Public

Councillor Steve Darling proposed and Councillor Cowell seconded the 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 ?? of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.

Prior to consideration of the items in Minute 144 the press and public were formally excluded from the meeting.

144 Employment Committee Recommendation

The Council considered the submitted exempt report setting out the recommendations of the Employment Committee.

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

The Worshipful The Mayor of Torbay