

## **Minutes of the Cabinet**

**5 December 2023**

**-: Present :-**

Councillor David Thomas (Chairman)

Councillors Bye, Chris Lewis, Tyerman and Billings

(Also in attendance: Councillors Amil, Brook, Carter (virtual), Cowell, Mandy Darling, Steve Darling, Douglas-Dunbar (virtual), Fellows (virtual), Johns (virtual), Joyce, Law, Barbara Lewis (virtual), Long, Maddison, Penny (virtual), Spacagna, Stevens (virtual), Tolchard (virtual), Twelves (virtual) and Virdee (virtual))

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### **58. Opening of Meeting and Apologies**

Upon opening the meeting, the Leader of the Council, Councillor David Thomas Informed Members that as a result of various surveys and face to face consultation residents had conveyed to the council that anti-social behaviour, litter and street drinking were the biggest issues they faced. In response Councillor Thomas advised that a team of enforcement officers and street wardens will be working together with the police to start to the issues of anti-social behaviour in the Bay's town centres.

In addition, there will also be a multi-discipline team including the police, social workers, and housing officers dealing with rough sleeping and mental health issues.

An apology for absence was received from Councillor Tranter.

### **59. Minutes**

The Minutes of the meeting of the Cabinet held on 21 November 2023 were confirmed as a correct record and signed by the Chairman.

### **60. 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.

### **61. Future Structure and Operation of TorVista Homes**

### **62. Developing a Resilient Future for Oldway**

### **63. Youth Provision - Report of the Children and Young People's Overview and Scrutiny Sub-Board**

- 64. Framework agreement Temporary Accommodation and Housing Standards - General Repairs & Maintenance Award of Contracts**
- 65. Notice of Motions**
  - 65.1 Inclusive Street Design**
  - 65.2 Powers to Address Anti-Social Behaviour**

Chairman/woman

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## Record of Decisions

### Future Structure and Operation of TorVista Homes

#### Decision Taker

Cabinet on 05 December 2023.

#### Decision

That Cabinet recommends to Council:

1. That TorVista Homes be dissolved with effect from 1 April 2024, (or immediately following transfer of all social housing units, if this is beyond this date), with mandatory de-registration to the Regulator of Social Housing by TorVista Homes in advance and:

The Director of Pride in Place be instructed to:

- a. Commence tenant consultation (in line with current requirements by the Regulator of Social Housing) in relation to the proposal to transfer the social housing units, income and liabilities into Torbay Council;
- b. Instruct TorVista Homes to maintain a continuous level of service to their tenants (in accordance with all requirements for Registered Providers of social housing, to at least the same standard as they currently receive), including continuing to achieve mandatory compliance standards until transfer of the homes has been completed; and
- c. Develop detailed delivery plans, in consultation with the Cabinet Member for Housing, Finance and Corporate Services and all Group Leaders (or their nominees), setting out how the Council will accelerate;
  - i. the provision of new Affordable Housing, targeted to meet Torbay's local housing need, specifically including;
    1. Social Rented Housing; and
    2. Affordable Rented Housing
  - ii. The provision of accommodation for strategic priority areas, including;
    1. Extra care
    2. Supported housing (for various client groups)
    3. Temporary accommodation, and
    4. Care experienced young people.

The Director of Finance, in consultation with the Monitoring Officer and Cabinet Member for Housing, Finance and Corporate Services, be given delegated authority to:

- a. Subject to satisfactory completion of all necessary due diligence, (and tenancy engagement), enter into the Capital funding grant agreements with Homes England and to transfer all social housing units, assets, liabilities

and income from TorVista Homes into the ownership and management of Torbay Council; and

- b. Upon completion of all satisfactory due diligence, transfer any land or development assets owned by TDA or TorVista Homes into the ownership of Torbay Council, as required; and

The Head of Strategic Housing and Delivery, in consultation with Cabinet Member for Housing, Finance and Corporate Services, be given delegated authority to:

- a. Subject to completion of a satisfactory procurement, agree a suitable scope and extend the Council's existing Temporary Accommodation and property maintenance contract for a further 12 months, with additional provision to include the maintenance and compliance of any homes currently owned by TorVista Homes that transfer to the Council, should this be required; and
  - b. Apply for Investment Partner status on behalf of the Council, and secure Homes England funding for any eligible future directly provided affordable housing scheme.
2. That Council approve an annual revenue budget of £150k for 2024/25 for the Council to fund and provide in house, the management and operation of activities previously undertaken by TVH.

### **Reason for the Decision**

"Future Options on the structure and operations of Torbay Economic Development Company" which was approved by Council in September 2023, required further work to be undertaken by the Director of Finance with regards to the future management and operation of the 32 units currently owned by TorVista.

The assets and liabilities of TorVista Homes are underwritten by the Council. Having recently written-off £1.5m of operational costs, the Council needs to determine whether there was a more cost effective and financially sustainable model of delivering its strategic housing objectives.

### **Implementation**

The recommendation of the Cabinet will be considered at the Council meeting on 7 December 2023.

### **Information**

In September 2023, the Council considered a report on the future options for the structure and operation of TorVista Homes, Council agreed that the Director of Finance undertake further work with regards to the future management and operation of the 32 units currently owned by TorVista, (plus any subsequent units that might arise through either St Kilda and/or Torre Marine), to drive down operational costs. The Director Finance was requested to report the outcome of this work to the Cabinet to enable it to make recommendations to the Council meeting on 7 December 2023.

The Council has explored whether it is able to manage and maintain the existing units held by TorVista Homes, in line with the requirements of the Regulator for Social Housing, and the conditions as set out in Homes England grant agreements, without having to maintain a separate wholly-owned company model. Additionally, it has sought to establish whether it is able to deliver wider strategic housing projects such as the proposals for St Kilda and Torre Marine, alongside any further initiatives the Council may develop in the future.

Having considered the various operating models the Council was being recommended to dissolve TorVista Homes and approve an annual revenue budget of £150k for 2024/25, in order for, the Council to fund and provide in house, the management and operation of activities previously undertaken by TorVista Homes.

At the meeting Councillor Tyerman proposed and Councillor David Thomas seconded a motion that was agreed unanimously by the Cabinet, as set out above.

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

Consideration was given to continuing to operate TorVista Homes as a subsidiary of Torbay Council and to transfer its housing stock within TorVista Homes, but it is not believed that this would provide any advantage as compared to the proposed option and would result in a higher financial cost to the Council.

### **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**

6 December 2023

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

## Record of Decisions

### Developing a Resilient Future for Oldway

#### Decision Taker

Cabinet on 05 December 2023.

#### Decision

1. That the Cabinet receives the “Developing a resilient future for Oldway” masterplan and its supporting reports and expresses its thanks for the work of the Oldway Mansion and Grounds Working Party and the project team led by Katherine Findlay in the production of the masterplan.
2. That the Director of Pride in Place identifies and prepare bids for external grants, to address the conservation deficit at Oldway Mansion and its grounds.
3. That the Director of Pride in Place seek expressions of interest from investors and occupiers, to work with the Council to ascertain the extent to which the vision of the “Developing a resilient future for Oldway” masterplan can be achieved.
4. That, as a matter of urgency, the Director of Pride in Place in consultation with the Director of Finance, the Cabinet Member for Place Development and Economic Growth and Cabinet Member for Housing, Finance and Corporate Services identifies funding of circa £1M for an initial programme of repair and maintenance to ensure that the Mansion is wind and watertight.

#### Reason for the Decision

To ensure that Oldway Mansion and the grounds support renewed pride in place in Paignton and across Torbay and the site contributes to Torbay’s economic growth. Oldway has a rich heritage and an equally rich potential to support heritage, culture and leisure opportunities for Torbay’s residents and visitors.

#### Implementation

This decision will come into force and may be implemented on 18 December 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

Oldway Mansion continues to be a valued heritage site for Paignton and the wider area. The National Lottery Heritage Fund supported the ‘Developing resilient future for Oldway’ project. The project provided a masterplan and supporting reports which identified and celebrated the local, regional, and international significance of aspects of the Mansion. The masterplan had been consulted on with extensive work by the project team to provide opportunities for the community to shape the recommendations. The submitted masterplan provided the Council with a robust platform to address the conservation challenges at the site and renew Oldway as an important asset.

At the meeting Councillor Chris Lewis proposed and Councillor David Thomas seconded a

motion that was agreed unanimously by the Cabinet, as set out above.

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

An alternative option would be to do nothing this would result in the status quo. Doing nothing would see pressure on the repair and maintenance budget continue to grow as the site degrades. It was also likely that doing nothing would have an impact on the National Lottery Heritage Fund's willingness to support the Council at other sites. The recent designation of Oldway by Historic England as an at-risk site emphasises the challenges of the site and the importance of the site beyond Torbay. Therefore, this option was discounted.

**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**

08 December 2023

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

## Record of Decisions

### Youth Provision - Report of the Children and Young People's Overview and Scrutiny Sub-Board

#### Decision Taker

Cabinet on 05 December 2023.

#### Decision

That the Cabinet's response to the Youth Provision – Report of the Children and Young People's Overview and Scrutiny Sub-Board be approved as published.

#### Reason for the Decision

The Cabinet was required to respond to the findings of the review undertaken by the Children Young People's Overview and Scrutiny Sub-Board.

#### Implementation

This decision will come into force and may be implemented on 18 December 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Cabinet received the Youth Provision – Report of the Children and Young People's Overview and Scrutiny Sub-Board. In accordance with section D7 of Standing Orders in relation to Overview and Scrutiny as set out in the Constitution, the Cabinet was required to respond to the recommendations of the Children and Young People's Overview and Scrutiny Sub-Board within two months. Subsequently the Cabinet prepared a response to the recommendations of the Children and Young People's Overview and Scrutiny Sub-Board which was proposed by Councillor Bye and seconded by Councillor Billings and 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**

08 December 2023

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

## Record of Decisions

### Framework agreement Temporary Accommodation and Housing Standards - General Repairs & Maintenance Award of Contracts

#### Decision Taker

Cabinet on 05 December 2023.

#### Decision

That the Director of Adult and Community Services, in consultation with the Cabinet Member for Housing, Finance and Corporate Services, be given delegated authority until February 2028, to award contracts for general repairs and maintenance for temporary accommodation and housing standards, using the successful bidders identified through the Procurement process for Lot 2 of the Framework of Contractors for Disabled Facility Grant (DFG) Works and Maintenance and Repairs.

#### Reason for the Decision

Rapid and easy access to approved contractors via a Framework, following further competitive tender for works, enables an expedient response to address housing quality and safety issues in properties, to protect life and prevent homelessness.

#### Implementation

This decision will come into force and may be implemented on 18 December 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

A tender process to establish a Framework Agreement to provide a list of contractors to undertake DFG work was underway. In addition, it was proposed that a separate Lot be added, so that this Framework of Contractors can be used across Community and Customer Services and wider Directorates to undertake maintenance and repairs as required on residential properties owned or leased by the Council.

It was the intention that the Framework be accessed to undertake works in default (under legal notice) by Community and Customer services and in the maintenance and repairs of temporary accommodation if required.

At the meeting Councillor Tyerman proposed and Councillor Bye seconded a motion that was agreed unanimously by the Cabinet, as set out above.

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

No other options were considered. If the contract is not awarded, existing procedures will remain by obtaining quotes from contractors. The Framework aims to ensure that the Council is legally compliant through the total value of any contract awarded to any one provider. It also aids expediency in accessing contractors and ensuring that all appropriate British Safety Standards, Codes of Practice are DBS requirements are in place.

**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**

08 December 2023

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

## Record of Decisions

### Notice of Motion - Inclusive Street Design

#### Decision Taker

Cabinet on 05 December 2023.

#### Decision

That:

1. The Director of Pride in Place is requested to determine where Torbay Councils planning and transport policy conflicts with the principles of Inclusive Street Design and associated Government Guidance and where instructions to Town Planners may be improved as a result.
2. The Cabinet Member for Pride in Place, Culture & Events and Parking write to the Head of Highways highlighting the content of Notice of Motion and request the issues in relation to highways be considered.

#### Reason for the Decision

To respond to the Motion in respect of inclusive street design.

#### Implementation

This decision will come into force and may be implemented on 18 December 2023 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

#### Information

The Cabinet considered the following motion in relation to inclusive street design notice of which was given in accordance with Standing Order A14:

Blind and partially sighted people are struggling to walk safely on the streets of the UK. Recent figures from the RNIB show:

- 99 per cent of blind and partially sighted people said that pedestrian crossings are important to them for making walking journeys
- 95 per cent of blind and partially sighted people have collided with an obstacle in their local neighbourhood over a three month period
- 78 per cent said they would avoid a shared route with bikes
- 78 per cent said walking journeys were their only, or main, form of outdoor physical exercise.

We believe that action must be taken to reverse this trend; and that it is Torbay Council's responsibility to take this action as part of their responsibility for highways and public spaces.

We further note that consultation processes generally make it difficult or impossible for blind and partially sighted people and organisations representing them to respond sufficiently each time, particularly in respect of place-based changes.

Rather than attempting to address the inaccessibility of place-based design through repetitive consultations which likely fail to capture all the knowledge and experience desired, the Key Principles of Inclusive Street Design should be adopted to ensure smooth delivery of street designs that work for all residents.

The Cabinet are requested to instruct the Director of Pride in Place to:

Determine where Torbay Councils planning and transport policy conflicts with the principles of Inclusive Street Design and associated Government Guidance and where instructions to Town Planners may be improved as a result.

At the meeting Councillor Billings proposed and Councillor David Thomas seconded a motion that was agreed unanimously, 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**

08 December 2023

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

## Record of Decisions

### Powers to address Anti-Social Behaviour

#### Decision Taker

Cabinet on 05 December 2023.

#### Decision

That the Notice of Motion in respect of 'Powers to address Anti-Social Behaviour' be rejected.

#### Reason for the Decision

To respond to the Motion in respect of enforcement powers to address anti-social behaviour.

#### Implementation

This decision will come into force and may be implemented on 18 December 2023 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

#### Information

The Cabinet considered a motion in relation to enforcement powers to address anti-social behaviour, notice of which was given in accordance with Standing Order A14.

The Cabinet provided the following response:

The Council, prior to Christmas, will be commencing a consultation on a Bay wide Public Space Protection Order to prevent dog fouling. Early in the New Year there will be a consultation on a Public Space Protection Order covering the town centre areas focusing on anti-social behaviour as well as street drinking. Having taken advice from Officers and the Police regarding each form of anti-social behaviour listed in the motion, it was clear that some behaviours are not best dealt with by way of a Public Space Protection Order, for example parking on grass verges are better dealt with by having appropriate double yellow lines. The types of anti-social behaviour listed in the motion were important to address but a nuanced approach was already being undertaken. There were already proposals in progress that have been developed, therefore, asking officers to investigate and gather evidence for areas where work was underway would be a diversion of resources from tackling the key problem.

In light of the above, Councillor Billings proposed and Councillor Tyerman seconded a motion that was agreed unanimously, 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**

08 December 2023

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