

Minutes of the Cabinet

13 July 2021

-: Present :-

Councillor Steve Darling (Chairman)

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

(Also in attendance: Councillors Barnby, Barrant, Bye, Douglas-Dunbar, Foster, Chris Lewis, Loxton and David Thomas)

219. Minutes

The Minutes of the meeting of the Cabinet held on 15 June 2021 were confirmed as a correct record and signed by the Chairman.

220. Communications

The Cabinet Member for Infrastructure, Environment and Culture, Councillor Morey, provided an update on the submission of bids for electric buses and installation of electric vehicle charging points.

The Leader of the Council, Councillor Steve Darling, updated Members on the transmission rate of Covid-19 within Torbay, whilst recognising the need to open the economy he urged residents to continue practising 'hands, face, space'.

221. 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.

222. Notice of motions

223. Exploring a Torbay Climate Partnership

224. Prioritised Council Business Plan 2021/2022

225. SWISCO Business Plan 2021-23

226. Budget Monitoring 2020/21 - Quarter Four - Outturn

227. Torquay Town Deal - Business Cases

228. Lease Arrangements for Medical Tuition Service

229. Children's Services - Sufficiency Strategy

230. Gambling Act 2003 - Draft Licensing Statement of Principles 2022 to 2025

Chairman/woman

Record of Decisions

Notice of Motion - Climate and Ecological Emergency Bill

Decision Taker

Cabinet on 13 July 2021.

Decision

That the Cabinet resolves to;

- i) Support the Climate and Ecological Emergency (CEE) Bill;
- ii) Inform the local media of this decision including sharing information on social media;
- iii) Write to local Members of Parliament asking them to support the CEE Bill; and
- iv) Write to the [CEE Bill Alliance](#), the organisers of the campaign for the Bill expressing our support (campaign@ceebill.uk).

Reason for the Decision

To endorse the motion and demonstrate support for the CEE Bill.

Implementation

This decision will come into force and may be implemented on 26 July 2021 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 the Climate and Ecological Emergency Bill, notice of which was given in accordance with Standing Order A14.

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

Parliament declared a Climate Emergency back in 2019 but actions haven't matched their words. An emergency requires strong, decisive action to reverse the climate and ecological crisis. The Climate and Ecological Emergency (CEE) Bill was drafted last summer by scientists, legal experts, ecological economists and environmentalists to reverse the climate and ecological breakdown we face.

The Bill asks the UK to take responsibility for its fair share of greenhouse gas emissions, to actively restore biodiverse habitats in the UK and to stop damage to the environment through the production, transportation and disposal of the goods we consume.

Objectives of the Bill:

- *For the UK to do its fair share to limit global heating to 1.5°C*
- To do so, the UK must reduce its emissions drastically; take account of its entire carbon footprint, domestically and internationally; and circumscribe reliance on speculative future carbon capture technologies.

- *Conserve the natural world*
- This requires the UK to focus on restoring biodiversity, soils, natural carbon sinks; to take steps to mitigate the damage to nature caused by UK supply chains, domestically and internationally; and account for the UK's entire ecological footprint.
- *Giving people a real say, supported by experts*
- An emergency Citizens' Assembly working with experts will empower MPs to make tough decisions, and give ordinary people a real say, based on the science, on the pathway forward for a fair and just transition to a thriving zero-carbon society.

Therefore this Cabinet resolves to:

1. Support the Climate and Ecological Emergency (CEE) Bill;
2. Inform the local media of this decision including sharing information on social media;
3. Write to local Members of Parliament asking them to support the CEE Bill; and
4. Write to the [CEE Bill Alliance](#), the organisers of the campaign for the Bill expressing our support (campaign@ceebill.uk).

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

16 July 2021

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

Record of Decisions

Notice of Motion - Planning Reforms

Decision Taker

Cabinet on 13 July 2021.

Decision

That the Cabinet resolved to ask the Leader of the Council to write to the Secretary of State for Housing, Communities and Local Government calling for the Government to scrap its Planning White Paper and instead

- Undertake a wholesale review of Permitted Development Rights;
- Make the Bristol-based Planning Inspectorate more accountable to local people; and
- Implement stronger controls to ensure Ministers making decisions on planning applications are not connected either financially or personally with the developers or related parties to the application.

Reason for the Decision

To support the motion in respect of the Government's proposed Planning Reforms set out in the Planning White Paper.

Implementation

This decision will come into force and may be implemented on 26 July 2021 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 the Government's proposed Planning Reforms, notice of which was given in accordance with Standing Order A14.

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

Cabinet notes:

The significant public concerns over the Government's Planning Reforms, in particular concerns about their reduced ability to object to building works under Permitted Development Rights which have been extended under this Government.

Widespread concerns and condemnation of the Planning White Paper proposals have also been expressed across Local Government, The Planning and Architecture Sector, and organisations concerned with protecting green spaces and heritage.

Cabinet is concerned that:

- Government proposals to deregulate planning will remove the rights of residents to influence or object to inappropriate development where they live.
- The Government's proposals will decimate the character of Torbay and give carte blanche to developers to build what they please without needing planning

permission.

Cabinet believes that residents have the right to a say over development that will change the area they live in. Local councils, in consultation with their businesses and residents are best placed to understand the issues in their area and respond with a spatial strategy tailored to that area.

Cabinet therefore requests the Leader of the Council to write to the Secretary of State for Housing, Communities and Local Government calling for the Government to scrap its Planning White Paper and instead

- Undertake a wholesale review of Permitted Development Rights
- Make the Bristol-based Planning Inspectorate more accountable to local people
- Implement stronger controls to ensure Ministers making decisions on planning applications are not connected either financially or personally with the developers or related parties to the application.

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

16 July 2021

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

Date: _____

Record of Decisions

Exploring a Torbay Climate Partnership

Decision Taker

Cabinet on 13 July 2021.

Decision

- (i) That the progress being made to develop a climate partnership be noted;
- (ii) That the Council continue to explore with partners the creation of a Torbay Climate Partnership, building on the discussions at the meeting held on 4 June 2021; and
- (iii) That the Cabinet acknowledges the work already undertaken by the Overview and Scrutiny Climate Change Emergency Review Panel. In light of their being no firm proposal arising from the informal meeting of partners on 4 June, the Cabinet requests that the Overview and Scrutiny Board consider acting as the facilitator for this activity until such a time that the climate partnership is in a position to lead.

Reason for the Decision

Torbay Council cannot deliver carbon neutrality across Torbay on its own. It would need significant system level changes and requires our partners, businesses, communities, and residents to all act. A partnership, with representatives from Torbay's key organisations, businesses and communities is essential in order to meet Torbay's carbon neutral 2030 target.

Implementation

This decision will come into force and may be implemented on 26 July 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Torbay Council declared a Climate Emergency in June 2019. A range of actions have already been taken, including the actions as outlined in the recently approved Initial Carbon Neutral Torbay Action Plan (2021/22). However, tackling the Climate Emergency required everyone to play a part and to work together. As such a climate partnership or similar was needed to co-design, accelerate and coordinate actions across Torbay's businesses, communities and with our residents. The Cabinet considered an update on the work to date to explore a Torbay-wide climate partnership, including an informal meeting held with partners on 4 June 2021.

At the meeting, Councillor Morey proposed and Councillor Long 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

The alternative options are:

Option (i) - do not continue to explore a partnership. This is likely to result in Torbay-wide actions developing on an ad-hoc basis. Due to the uncoordinated nature of this option, there

will be no overall plan across Torbay with prioritised actions capable of making significant progress towards 2030. This option is therefore not recommended.

Option (ii) - is to continue to explore options with partners. It will provide Torbay with the best chance of working effectively with partners, communities and residents towards its carbon neutral targets.

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

16 July 2021

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

Record of Decisions

Prioritised Council Business Plan 2021/2022

Decision Taker

Cabinet on 13 July 2021.

Decision

That the Prioritised Council Business Plan for 2021/2022 be approved.

Reason for the Decision

To ensure that the whole organisation knows the key actions which need to be taken to deliver the Council's ambitions.

Implementation

This decision will come into force and may be implemented on 26 July 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Council's Business Plan 2021/2022 delivery plan has taken a different format to previous iterations, to reflect the agreed Performance and Risk Framework, the Council Business Plan was approved by Cabinet on 18 May 2021. As part of the consideration on 18 May 2021, Cabinet recognised the need to identify the key priorities contained within the Business Plan, subsequently a prioritised Business Plan for 2021/2022 had been produced.

It was recognised that the amendment approved at the Cabinet meeting on 18 May 2021 needed to be incorporated into the business plan.

At the meeting, Councillor Steve Darling proposed and Councillor Cowell 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 have been to develop a separate document containing only those actions which were highlighted as priorities. This option was dismissed as the Business Plan enabled the Council to reflect on the achievements of the past year and set the entirety of the planned actions in context.

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

16 July 2021

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

Record of Decisions

SWISCo Business Plan 2021-23

Decision Taker

Cabinet on 13 July 2021.

Decision

That the SWISCo Business Plan 2021-23, as set out in Appendix 1 to the submitted report, be approved.

Reason for the Decision

An initial Business Plan was developed for the launch of the Company in July 2020, however significant change in the business environment as a result of the COVID19 pandemic plus the expansion of the company's functions and services and appointment of a new senior leadership team have provided strong justification for the development of a new Business Plan.

Implementation

This decision will come into force and may be implemented on 26 July 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

SWISCo is the Council's wholly-owned arms-length company and was initially responsible for the delivery of all functions and services associated with waste and recycling. Between December 2020 and February 2021, further 'client side' services were transferred into the new company and SWISCo now provides the full range of functions and services discharging the Council's statutory duties and obligations across three service areas: Waste and Recycling; Highways, Fleet and Transport; and Parks and Green Infrastructure. The business plan has been developed and sets out the proposed business strategy including priority actions for service change and improvement during the forthcoming period.

At the meeting, Councillor Morey proposed and Councillor Carter 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 develop a business plan that covered one financial year, however the decision was taken to develop a business plan that covered two financial years due to its strategic nature and the lead-in time for many of the actions contained within the business plan.

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

16 July 2021

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

Record of Decisions

Budget Monitoring 2020/21 - Quarter Four - Outturn

Decision Taker

Cabinet on 13 July 2021.

Decision

That Cabinet notes the report and recommends to the Overview and Scrutiny Board and Council:

- i) the Overview and Scrutiny Board notes the final revenue outturn position makes any comments and/or recommendations to Council;
- ii) the Overview and Scrutiny Board notes the final position for the Council's Capital outturn position and makes any comments and/or recommendations to Council;
- iii) Council notes that the following revenue outturn actions were agreed as a part of the February 2021 budget decisions:
 - a) Establishing a £1.6m Covid-19 Reserve to deal with the continuing impacts of the Covid-19 pandemic;
 - b) Allocating £3.5m to fund the Collection Fund Deficit;
 - c) Increasing the General Fund Reserve by £0.5m which moves the Council closer to having a General Fund of 5% of its net revenue budget;
 - d) Additional £0.5m funding to support SWISCo;
 - e) An allocation of £1.0m toward Community and Corporate plan priorities;
- iv) That the Council approves the additional carry forward of £2.8m being used as follows:
 - a) A further £1.0m towards Community and Corporate plan priorities as set out in Appendix 2 to the submitted report;
 - b) £1.7m towards earmarked service specific reserves to support transformation and improvement work for digital improvements for the Council's services including the contact centre and further support for SWISCo;
 - c) £0.1m towards the General Fund Reserve;
 - d) Allocate an underspend of £0.960m on Concessionary Fares on travel/road related matters as set out in Appendix 3 to the submitted report.
- v) That the Council approves the use of £0.9m of the profiled capital receipt for the disposal of land at Collaton St Mary as set out in Appendix 4 to the submitted report.

Reason for the Decision

To ensure the Council operates in a prudent manner and works to maintain a balanced budget.

Implementation

The recommendations of the Cabinet will be considered at the Overview and Scrutiny Board and Council meeting on 14 July and 29 July 2021 respectively.

Information

The Budget Monitoring 2020/21 Quarter Four – Outturn report provided a high-level budget summary of the Council's final revenue and capital position for the financial year 2020/21.

At the meeting Councillor Cowell proposed and Councillor Steve Darling 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

There were no alternative options considered.

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

16 July 2021

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

Date: _____

Record of Decisions

Torquay Town Deal - Business Case Assurance

Decision Taker

Cabinet on 13 July 2021.

Decision

- i) That Cabinet notes the endorsement of the Torquay Town Board in respect of the business cases for the Edginswell Rail Station, Harbour Public Realm and Stronger Future projects; and
- ii) That the business cases as set out in Appendix 1 to the published report be submitted to the Ministry for Housing Communities and Local Government for their consideration in order to allow for delivery to begin from autumn.

Reason for the Decision

To enable delivery of Town Investment Plan projects from autumn 2021 which would demonstrate to the local community, investors and government the progress of the Town Deal. Submission of the business cases and the subsequent funding through the Town Deal provides investment which would create employment, attract additional investment and support residents in accessing support to help them gain work and deepen their skills in key sectors thereby in time contributing to a more resilient local economy.

Implementation

This decision will come into force and may be implemented on 26 July 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

In July 2020 the Council submitted a Town Investment Plan in respect of Torquay seeking funding from the Government's Town Deal programme administered by the Ministry of Housing, Communities and Local Government (MHCLG). The Council was advised in the autumn of last year that the Investment Plan would be supported by £21.9M of Town Deal grant subject to business cases. The first three business cases are now ready for submission in respect of Edginswell Rail Station, Harbour Public Realm and Stronger Futures projects.

Submitting these business cases to MHCLG and their anticipated approval will confirm the overall funding package in the case of Edginswell Rail Station and for the Harbour Public Realm and Stronger Futures projects will allow for these projects to begin delivery from the autumn of 2021.

At the meeting, Councillor Long proposed and Councillor Cowell seconded a motion that was unanimously agreed by the Cabinet.

Alternative Options considered and rejected at the time of the decision

The following options were set out in the submitted report:

- Do nothing – If the Cabinet did not agree to submit the business cases then the Towns Fund grant would not be released and the anticipated benefits from the schemes would not accrue. There would be significant disadvantages with this option which could include the loss of grant, lack of achievement of economic benefits and reputational harm with Government and local partners.
- To agree the recommendation – delivery of the projects. There were no anticipated disadvantages from this option.

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

16 July 2021

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

Record of Decisions

Lease arrangements for Medical Tuition Service (MTS)

Decision Taker

Cabinet on 13 July 2021.

Decision

That Cabinet recommends to Council;

That the TDA Director of Asset Management, Investment and Housing, in consultation with the Chief Executive, be authorised to:

- a) Grant a 25 year, full repairing and insuring lease to the Medical Tuition Service at a peppercorn rent ensuring that the lease confirms the availability of the building for community use.

Reason for the Decision

The Medical Tuition Service works with some of the most vulnerable young people in the area providing them with the qualifications and life skills to thrive. Their work supports the Council in fulfilling its statutory responsibilities as corporate parent and tackles the inequalities arising from deprivation and vulnerability.

Implementation

The recommendations of the Cabinet will be considered at the Council meeting on 29 July 2021.

Information

The Council's approval was sought for a 25 year peppercorn lease to be granted to the Medical Tuition Service for a lease of MyPlace, Parkfield, Colin Road, Paignton (MyPlace). The Medical Tuition Service was commissioned by Children's Services to deliver services to some of the most vulnerable young people in the bay; in 2018 it was agreed by Council that the service would relocate to MyPlace.

This proposal had been implemented with the Medical Tuition Service established at MyPlace. It was now necessary to agree the details of the lease arrangements to safeguard the interests of the Council and the long term security of the service.

At the meeting, Councillor Law proposed and Councillor Cowell 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

The Medical Tuition Service has relocated and established itself at MyPlace in line with Full Council's decision in 2018, there were no alternative sites for consideration. In implementing the proposal, the Council had spent £600,000 on capital works to ensure MyPlace was suitable for the Medical Tuition Service and the delivery of its services. This expenditure was allocated on the understanding that the lease would be granted and the service would remain in situ for

the long term. An alternative option would be a lease at a commercial rate which would be a financial burden to a service that is non-profit making and whose resources are completely focused on service delivery.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

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

None.

Published

16 July 2021

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

Record of Decisions

Children's Services - Sufficiency Strategy

Decision Taker

Cabinet on 13 July 2021.

Decision

That the Sufficiency Strategy 2021-2024 be approved.

Reason for the Decision

To provide an update on the progress of the Children's Services Sufficiency Strategy (2019) and present the updated 3 year sufficiency Strategy 2021/24.

Implementation

This decision will come into force and may be implemented on 26 July 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Sufficiency Strategy was launched in November 2019. It was detailed in nature, based entirely upon local evidence and national research and set out challenging targets that if achieved would strongly support Torbay's ambition to become a good or better local children's service authority.

The new 3 year Sufficiency Strategy sets out, against the key strands, the progress that had been made and the 'next steps' that were required to ensure the delivery of a good quality service and living arrangements for our children.

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

16 July 2021

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

Record of Decisions

Gambling Statement of Principles 2022-25

Decision Taker

Cabinet on 13 July 2021.

Decision

That the draft Gambling Statement of Principles 2022 to 2025, be approved for public consultation.

Reason for the Decision

The Licensing Authority is required to publish a statement and to review and re-publish the same, every three years, in order to meet its statutory requirement, as prescribed under Section 349 of the Gambling Act 2005.

Implementation

This decision will come into force immediately so as to commence formal public consultation.

Information

The Gambling Act 2005 requires Torbay Council, under its role as Licensing Authority, to review and publish a 'Statement of Principles' (the Gambling Policy), every three years. The Statement of Principles outlines the procedures that the Licensing Authority intends to follow in discharging its statutory responsibilities under the Act. The current Statement was published on 30 January 2019 and therefore, it must be reviewed, consulted upon and re-published, on or before 30 January 2022.

Councillor Carter proposed and Councillor Cowell seconded a motion that was agreed by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

No other options were considered.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

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

None.

Published

16 July 2021

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