

Minutes of the Cabinet

21 September 2021

-: Present :-

Councillor Steve Darling (Chairman)

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

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

250. Minutes

The Minutes of the meeting of the Cabinet held on 24 August and 1 September 2021 were confirmed as a correct record and signed by the Chairman.

251. Communications

The Leader of the Council, Councillor Steve Darling, informed Members that he had written to the Home Secretary Priti Patel outlining the issues being experienced by the Council in respect of HGV Drivers and asking for a waiver for EU HGV Drivers.

The Cabinet Member for Customer and Corporate Services, Councillor Carter, highlighted the impact and challenges faced by Torbay's residents as a result of the ceasing of the £20 Universal Credit top up introduced at the beginning of the Covid-19 Pandemic. Councillor Carter implored all Councillors to make representations to the Members of Parliament for making the uplift permanent.

Councillor Carter also provided an update in respect of hybrid meetings.

The Cabinet Member for Children's Services, Councillor Law, highlighted the publication of a practice review by the Torbay Safeguarding Children Partnership and emphasised that the publication was not a serious case review. Councillor Law confirmed that all 23 recommendations set out in the practice review had been accepted.

Councillor Law updated Members on the Holiday Activities Food Programme and advised that 1346 children had accessed fun activities and food throughout the summer holidays. Councillor Law also thanked Sanctuary Housing for providing additional support in order that children who did not qualify for free school meals could also get involved in the holiday activities.

Councillor Law announced that Children's Services had been shortlisted for the Local Government Chronicle (LGC) – LGC Awards 2021 for 'Innovation and

Delivery at Times of Adversity-The rebirth of an achieving Torbay Children's Service'.

252. 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.

253. Torquay Town Dock Infrastructure Improvements

254. Torbay Council Strategic Asset Management Plan 2021 ~ 2026

255. Street Lighting Infrastructure Action Plan

256. LGA Remote Corporate Health Check Report and Action Plan

257. Budget Monitoring 2021/22 - Period 4 (July) Revenue Outturn Forecast & Quarter 1 (June) Capital Outturn Forecast

258. Member Champion Annual Report - Armed Forces

259. Member Champion Annual Report - Domestic Abuse and Sexual Violence

260. Purchase of Employment Land

Chairman

Record of Decisions

Torquay Town Dock Infrastructure Improvements

Decision Taker

Cabinet on 21 September 2021.

Decision

That Cabinet recommends to Council;

- i) that borrowing is approved for up to £1.2m for the Torquay Town Dock infrastructure improvements, as set out in the submitted report, and that the Harbour budget will meet the additional borrowing costs, expected to be £115,500 per annum, from increased revenue, commencing in 2024/25; and
- ii) that the Torquay Town Dock Infrastructure Improvements Project be added to the Council's Capital Programme.

Reason for the Decision

If the deterioration in the Town Dock is allowed to continue it will impact on the income from the sale of Town Dock berths. Although the current infrastructure is still useable it could take three years to completely replace all the pontoons and more serious deterioration is likely to occur over this timescale, therefore the project needs to start as soon as possible to prevent having to close sections of the Town Dock and lose income.

Implementation

The recommendations of the Cabinet will be considered at the Council meeting on 30 September 2021.

Information

The current pontoons used for annual customer berthing on the Town Dock were installed in 2007. Some fourteen years later they are now exhibiting signs that they are coming to the end of their useful life. The piles are still in good condition but the steel work that make up the floating pontoon sections is corroded to an extent that they are starting to lose their structural integrity.

The Council was asked to support capital spend in order to carry out urgent and essential pontoon replacement and repair works to the Torquay Town Dock in order for project works to commence during the winter of 2021/22.

At the meeting Councillor Cowell proposed and Councillor Carter seconded a motion that was unanimously 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?

No

Does the call-in procedure apply?

No

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

None.

Published

24 September 2021

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

Record of Decisions

Torbay Council Strategic Asset Management Plan 2021 ~ 2026

Decision Taker

Cabinet on 21 September 2021.

Decision

That the draft Strategic Asset Management Plan 2021 ~ 2026, set out at Appendix 1 to the submitted report, be published for consultation as part of the consultation on the proposed budget for 2022 / 2023.

Reason for the Decision

It was intended that Torbay Council's Strategic Asset Management Plan will define the principles, criteria and processes through which decisions will be made regarding the use of Council assets.

Implementation

This decision will come into force immediately so as to commence the consultation process.

Information

The draft Strategic Asset Management Plan 2021 ~ 2026 sets out the Council's approach to the strategic management of its assets, how it will support service delivery, provide the Council with income and how it will fulfil its mission to support, enable and empower its residents, our communities, and our partnerships, promote growth and place shaping within Torbay; and deliver the Torbay Community and Corporate Plan 2019 ~ 2023 One Torbay: Working for all.

At the meeting Councillor Long proposed and Councillor Morey 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 other options 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.

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24 September 2021

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Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Street Lighting Infrastructure Action Plan

Decision Taker

Cabinet on 21 September 2021.

Decision

That the Street Lighting Action Plan as set out in Appendix 1 to the submitted report be noted and the Director of Place to work with the Cabinet Member for Infrastructure, Environment and Culture to continue to pursue future funding opportunities to improve the street lighting infrastructure across Torbay.

Reason for the Decision

The reasons for this decision are to ensure that the decision set out in ii) (Minute 217/06/21 refers) below is fulfilled:

- i) The contents of the report be noted and future updates requested to monitor progress;
- ii) The Director of Place work with Cabinet Member for Infrastructure, Environment and Culture to continue to pursue future funding opportunities to improve the street lighting infrastructure and the Director of Place to come back in September with a clear action plan to tackle any significant backlogs of works that need factoring into our future capital plans.

Implementation

This decision will come into force and may be implemented on Monday, 4 October 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

At a meeting of the Cabinet on 23 March 2021 it was agreed that 'In light of the issues arising from the murder of Sarah Everard, the Cabinet wanted to take the opportunity to review community safety within Torbay'. The Cabinet noted the report that was circulated prior to the meeting and requested that a further report be presented to Cabinet post the Community Safety Partnership meeting on 29 April 2021, with a clear action plan as to how the Council and the Community Safety Partnership will be progressing matters.

At the meeting of the Cabinet on 15th June 2021 the following actions were agreed:

- i) The contents of the report be noted and future updates requested to monitor progress;
- ii) The Director of Place work with Cabinet Member for Infrastructure, Environment and Culture to continue to pursue future funding opportunities to improve the street lighting infrastructure and the Director of Place to come back in September with a clear action plan to tackle any significant backlogs of works that need factoring into our future capital plans

The circulated report had therefore been produced to advise the Cabinet of the current position with respect to street lighting in Torbay.

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

Alternative Options considered and rejected at the time of the decision

The levels of Structural Maintenance Capital funding invested in lighting column replacements had been increased over recent years. However, this had not been sufficient to provide a significant improvement to the overall asset condition, and also further limited any available capital funding to invest in carriageway reconstruction and resurfacing works. It was therefore recommended that additional funding sources were considered for investment into column replacement.

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.

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

Record of Decisions

LGA Remote Corporate Health Check Report and Action Plan

Decision Taker

Cabinet on 21 September 2021.

Decision

1. That the Local Government Association be thanked for undertaking the Remote Corporate Health Check and the resulting Remote Corporate Health Check Feedback Report (as set out at Appendix 1) be accepted;
2. That the LGA Remote Corporate Health Check Action Plan (as set out at Appendix 2) be approved; and
3. That the Audit Committee be requested to monitor the implementation of the action plan.

Reason for the Decision

The reasons for the decision are to make available the LGA's Remote Health Check Feedback Report and to ensure an action plan is in place to embrace the recommendations of the LGA.

Implementation

This decision will come into force and may be implemented on Monday, 4 October 2021 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The LGA provide councils with a variety of support through peer reviews. During the pandemic remote peer support was offered to councils to provide support and challenge to address COVID-19 related issues and broader challenges. This included the Remote Corporate Health-Check, which provided councils with a clear framework to consider key components that typically feature as part of a full corporate peer challenge covering, priority setting, place leadership, governance and capacity to deliver.

During May 2021, the LGA undertook a Remote Corporate Health-Check at the request of the Chief Executive. At the end of their review, the team provided feedback and made a number of recommendations, and a draft action plan had been prepared to respond to the LGA's recommendations to ensure the Council embraced the learning and feedback from the LGA's Corporate Health Check.

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

Not to accept the LGA Remote Corporate Health Check Feedback Report and resulting action plan – this was not recommended as implementation of the action plan would enable the

Council to continue to improve.

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.

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24 September 2021

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

Record of Decisions

Report of the Overview and Scrutiny Board - Budget Monitoring Quarter 1 - Christmas Parking Incentive

Decision Taker

Cabinet on 21 September 2021.

Decision

That the Cabinet's response to the Overview and Scrutiny Board –Budget Monitoring Quarter 1 – Christmas Parking Incentive report be approved, as published.

Reason for the Decision

The Cabinet was required to respond to the findings of the review undertaken by the Overview and Scrutiny Board.

Implementation

This decision will come into force and may be implemented on 4 October 2021 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 report of the Overview and Scrutiny Board on the Budget Outturn Monitoring 2020/21 – Quarter Four. In accordance with section D7 of Standing Orders – Overview and Scrutiny as set out in the Constitution, the Cabinet was required to respond to the recommendations of the Overview and Scrutiny Board within two months.

Subsequently the Cabinet prepared a response to the recommendations of the Overview and Scrutiny Board which was proposed by Councillor Cowell and seconded by Councillor Long and agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

No alternative options were considered.

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.

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Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Member Champion Annual Report - Armed Forces

Decision Taker

Cabinet on 21 September 2021.

Decision

That the targets for the Armed Forces Member Champion set out in the submitted report be approved.

Reason for the Decision

The review the previous activity of the Armed Forces Member Champion and to approve targets for the next 12 months.

Implementation

This decision will come into force and may be implemented on 4 October 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

In 2019 the Cabinet appointed a number of Member Champions. 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. The Armed Forces Member Champion was requested to provide an update on the activities they have undertaken over the last 12 months and set out targets for the next 12 months.

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 propose different 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

24 September 2021

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

Record of Decisions

Member Champion Annual Report - Domestic Abuse and Sexual Violence

Decision Taker

Cabinet on 21 September 2021.

Decision

That the targets for the Domestic Abuse and Sexual Violence Member Champion as set out in the submitted report be approved.

Reason for the Decision

The review the previous activity of the Armed Forces Member Champion and to approve targets for the next 12 months.

Implementation

This decision will come into force and may be implemented on 4 October 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

In 2019 the Cabinet appointed a number of Member Champions. 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. The Domestic Abuse and Sexual Violence Member Champion was requested to provide an update on the activities they have undertaken over the last 12 months and set out targets for the next 12 months.

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 propose different 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

24 September 2021

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

Record of Decisions

Purchase of Employment Land

Decision Taker

Cabinet on 21 September 2021.

Decision

1. That delegated authority be given to the S151 officer, in consultation with the Cabinet Members for Finance, Regeneration, Housing and Tourism, that once a business case has been presented to him that meets the Growth Fund criteria, to authorise allocation from the Growth Fund an amount equal to the negotiated price as set out in exempt appendix 1, in order to acquire Wilkin's Drive employment site.
2. TDA to be instructed to market the site and develop a scheme that is aimed at businesses above business rate threshold.

Reason for the Decision

The reasons for the decision are to:

- Ensure Torbay's employment land is protected and used for its intended purpose as set out in the Local Plan and support job growth.
- Ensure Torbay has adequate supply of employment land to accommodate local growth and inward investment.

Implementation

This decision will come into force and may be implemented on 4 October 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

In 2017 the Council agreed to acquire land at Wilkin's Drive, Paignton, to enable the building of a school, subject to Education and Skills Funding Agency approval of the site, and subsequent funding. However, the way government assessed pupil need had changed meaning Paignton was no longer a priority area and therefore not likely to receive funding for a school. As a result, the original Council decision was null and void, however the proposal to support the acquisition should be pursued, through the Growth Fund, for land at Wilkin's Drive, Paignton, for employment use. Business support activity undertaken by Torbay Economic Development Company Limited (trading as TDA) had shown that demand for employment land/accommodation from Torbay's growing businesses as well as inward investment enquiries outstripped supply. As a result, acquiring Wilkin's Drive is essential to accommodate this growth.

At the meeting Councillor Long 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

Two options were considered:

- To acquire the site as set out in the submitted report and realise the economic benefits, whilst recognising there are some financial risks.
- To not acquire the site. This option did not present a financial risk to the Council but could present economic risks as the landowners had indicated that they might seek a change of use.

Is this a Key Decision?

No – Reference Number: I085142

Does the call-in procedure apply?

Yes

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

None.

Published

September 2021

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Leader of Torbay Council on behalf of the Cabinet