



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

26 September 2019

-: 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, Brooks, Brown, Bye, Carter, Cowell, Steve Darling, Dart, Doggett, Dudley, Ellery, Foster, Hill, Howgate, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, O'Dwyer, Pentney, Sykes and John Thomas

55 Opening of meeting

The meeting was opened with a prayer.

56 Apologies for absence

Apologies for absence were received from Councillors Mandy Darling, Heyse, Stockman, David Thomas and Jacqueline Thomas.

The Monitoring Officer advised that Councillors Barrand and Sykes had indicated they would be leaving the meeting early.

57 Minutes

The Minutes of the Extraordinary meeting of the Council held on 22 August 2019 were confirmed as a correct record and signed by the Worshipful the Mayor of Torbay.

58 Declarations of interests

Councillor Loxton declared a non-pecuniary interest in respect of Minute 65 as he was associated with a tenant at the site.

Councillor O'Dwyer declared a pecuniary interest in respect of Minute 65.

59 Communications

The Worshipful the Mayor of Torbay welcomed Pat Teague, Trustee of Healthwatch Torbay to the meeting. Members then received a presentation from Mrs Teague on the results of Healthwatch Torbay's survey work on 'What does it feel like to be a young person living in Torbay?'

The Worshipful the Mayor of Torbay further announced that her Civic Lunch held on 9 August 2019 at the Riviera International Conference Centre was a success and thanked those who attended. The event raised over £200 towards the Worshipful the Mayor of Torbay's charities, Torquay Museum and the RNLI.

The Leader of the Council:

- a) thanked Healthwatch Torbay for their work on 'What does it feel like to be a young person living in Torbay?' and advised that he was keen to involve the young people of Torbay in the development of the Council's vision for Torbay;
- b) welcomed the fact that Torbay had achieved Future High Street funds for Paignton and had been invited to develop proposals for the Government's multi-million pound Towns Fund Scheme for Torquay; and
- c) thanked all those who participated in the Council's first Community Conference, particularly members of the community, and advised the Council would be changing the way it engaged with the community.

The Overview and Scrutiny Co-ordinator:

- a) thanked Councillor Kennedy for her work on reviewing the Land Release Fund which was presented to the Overview and Scrutiny Board on 19 September 2019; and
- b) advised that the Turning the Tide on Poverty and Climate Change Task and Finish Groups were due to commence and encouraged members' participation and involvement.

60 Members' questions

Members received a paper detailing questions, notice of which had been given in accordance with Standing Order A13. The paper also contained the answers to the questions which had been prepared by Councillors Carter, Cowell, Steve Darling and Morey, and was circulated prior to the meeting.

Supplementary questions were put and answered by Councillors Carter, Cowell, Steve Darling and Morey, arising from their responses to the questions.

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

The Council considered the recommendation of the Cabinet on a proposal for the disposal of the freehold interest of the Echo Building, Torquay, under the Council's Asset of Community Value Policy (as set out in the submitted report). It was noted the offer received for the building was below market value, but the purchaser had evidenced significant added benefit for the community through the projects and initiatives intended to be implemented at the property.

Councillor Long proposed and Councillor Law seconded a motion, which was agreed (unanimously) by the Council as set out below:

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 first refusal buy back provision in favour of the Council and 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.

(Note: Councillor Barrand left the meeting after this item.)

62 Additional Funds for Special Educational Needs and Disabilities

Members considered the submitted report on proposals to extend funding to ensure the Council was meeting its statutory obligations under the Special Educational Needs and Disability Code (SEND). It was noted the SEND aimed to integrate education, social care and health support to improve outcomes for children and families. A revised officer recommendation was circulated prior to the meeting.

Councillor Law proposed and Councillor Steve Darling seconded a motion, which was agreed (unanimously) by the Council as set out below:

that the Education budget is allocated up to an additional £200,000 to support Special Educational Needs and Disabilities from the Comprehensive Spending Review Reserve in 2019/2020. The Education budget is rebased as part of the 2020/2021 budget proposals with an additional maximum investment up to £650,000.

63 Appointment of Independent Person for Audit Committee

The Council considered the proposal of the Audit Committee to appoint and co-opt an Independent Person on the Audit Committee as recommended by CIPFA's 'Audit Committees: Practical Guidance for Local Authorities and Police' 2018 edition. A revised officer recommendation was circulated prior to the meeting.

Councillor Carter proposed and Councillor Loxton seconded a motion, which was agreed (unanimously) by the Council as set out below:

- (i) that the advert and role profile as set out in Appendix 1 to the submitted report be approved;**
- (ii) that authority be delegated to the Employment Committee to appoint an Independent Person for the Audit Committee for an initial term of 5 years, in accordance with the role profile set out in Appendix 1 to the submitted report; and**
- (iii) that the Monitoring Officer updates the Constitution to reflect the appointment of an Independent Person to the Audit Committee and Employment Committee's role in the appointment process.**

64 Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency

Members noted the submitted report setting out three executive decisions taken by the Cabinet (namely Investment Opportunities referenced 1/7/19, 2/7/19, 3/7/19, 5/6/19 and 6/7/19) to which the call-in procedure did not apply.

65 Compulsory Purchase of Crossways Shopping Centre, Paignton

The Council considered a proposal to progress the acquisition/compulsory purchase of land at Crossways, Paignton, to facilitate regeneration of the site for mixed use with retail units and extra-care residential accommodation, as set out in the submitted report.

Councillor Long proposed and Councillor Chris Lewis seconded a motion, which was agreed (unanimously) by the Council as set out below:

- (i) that delegated authority be given to the Chief Executive to continue negotiations with Gaelic Investment and their tenants, to acquire by agreement the land at Crossways identified red and blue on the plans attached at exempt Appendix 2 to the submitted report, and any other land, interests or rights subsequently required in consultation with the Cabinet Member for Economic Development, Tourism and Housing and Section 151 Officer on any Heads of Terms;**
- (ii) that, having taken into account the options to acquire the Crossways Shopping Centre, Paignton, the making of the Compulsory Purchase Order for the site be approved under section 226(1)(a) of the Town and Country Planning Act 1990, as outlined below, for land (as shown edged in red and blue on the plans attached at exempt Appendix 2 to the submitted report) and any other land, interests or rights subsequently required to deliver the redevelopment. 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 and for the subsequent confirmation and implementation of the CPO 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 Compulsory Purchase Order by the Secretary of State;**
 - (b) to carry out any surveys on the Order Land and enter as may be required in order to deliver the proposed development by Compulsory Purchase Order(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 Compulsory Purchase Order(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 scheme; and**
 - (d) to pay all necessary compensation either as agreed or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and other interests or for the overriding or acquisition of rights.**
- (iii) that Council delegate to the Chief Finance Officer the approval of the expenditure of monies (including by prudential borrowing if necessary) required to cover the acquisition of the land at Crossways identified red and blue on the plan attached at exempt Appendix 2 to the submitted report, and any land, interests or rights as may be required for the scheme, either by agreement or by CPO, on the basis that there continues to be a clear business case for the provision of mixed use with retail units and extra-care residential accommodation, which demonstrates how the monies are to be used, and how any prudential borrowing (if necessary) is to be repaid;**
- (iv) that, once the land identified red and blue on the plan attached at exempt Appendix 2 to the submitted report has been acquired either by negotiation or via a CPO, Council approve the disposal of this land to the Council's Housing Company at Nil Value in return for nomination rights under the Local Government Act 1972: General Disposal Consent 2003; and**
- (v) that Council approve Prudential borrowing of up to £11million in order deliver the Project, and authorise a loan for a capital purpose to the Housing Company, with the terms of the loan to be delegated to the Chief Finance Officer in consultation with the**

Cabinet Member for Finance, on the basis that there continues to be a viable business case for the redevelopment of Crossways, Paignton.

(Note 1: Prior to consideration of Minute 65: Councillor O'Dwyer declared his pecuniary interest and left the meeting; and Councillor Loxton declared his non-pecuniary interest as detailed in Minute 58 above, took part in debate and voted on the item.)

(Note 2: During consideration of Minute 65, Councillor Sykes left the meeting.)

66 Cabinet Recommendation - Investment Opportunity

The Worshipful the Mayor of Torbay advised that there were no recommendations from the Cabinet and therefore this item was withdrawn from the agenda.

The Worshipful The Mayor of Torbay
