

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

3 December 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, 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

161 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.

Following the prayer, Members observed a minute's silence as a mark of respect in memory of the late Freeman Ernest Freed former Chairman of the Council, Councillor Ian Doggett, and former Mayor, Councillor Mary Thairlwall who recently passed away and the two fishermen, Adam Harper who tragically lost his life and Robert Morley who was missing at sea following the sinking of the Brixham fishing boat the Joanna C.

162 Apologies for absence

An apology for absence was received from Councillor Dart.

163 Communications

The Worshipful the Mayor of Torbay welcomed Katherine Oliverio from YES Brixham to the meeting. Members then received a presentation from Ms Oliverio and Andrew Wade on the work of YES Brixham, including the good work to assist the community during the Covid-19 lockdown.

The Worshipful the Mayor thanked YES Brixham for supporting the community and advised the Council that she had presented them with the Civic Mayor's Certificate of Recognition to thank them for their community contribution.

The Worshipful the Mayor announced that options were being explored to hold a virtual memorial service in memory of the late former Councillor Ian Doggett to enable the community to be able to pay their respects.

The Worshipful the Mayor then provided an update on the work being undertaken by the Riles, who had Freedom of the Borough of Torbay, which included details of Operation Tosca, a United Nations peace and security mission between the Greek and Turkish forces based in Cyprus.

The Leader of the Council:

- a) provided an update on Covid-19 and the implications of Torbay's move into Tier 2. Members were advised that he and the Deputy Leader of the Council had written to the Prime Minister to raise concerns over the significant impact the pandemic has had on Torbay's hospitality and tourist industry and concerns in respect of South Devon's hospital capacity and encouraged the Government to fully fund Torbay Hospital's HIP2 programme and to accelerate its development;
- b) acknowledged the success in obtaining funding from the Government for Torquay Town Deal and Edginswell Railway halt. He also advised Members of the importance of the Council's decision to purchase the Debenhams building in Torquay, especially in light of the recent announcement of the closure of all Debenhams stores, which would enable the Council to have control and influence over the future of this key harbour-side site; and
- c) praised and acknowledged the hard work of the Council's staff who had gone above and beyond their roles, in one of the most challenging years in recent times, to help the most vulnerable in our communities and businesses with support grants.

At the request of the Leader of the Council, the Cabinet Member for Economic Regeneration, Tourism and Housing, updated the Council on his attendance, as the Council's representative, at the Heart of the South West Joint Committee held on 9 October 2020 including:

- Heart of the South West Budget update and achievements influencing Government and supporting housing, transport and coastal communities schemes; and
- South West Industrial Strategy, which had been developed with the Government, but due to Covid-19 had not been able to be signed off by the Government, but in recognition of the importance of the Strategy, the Heart of the South West Joint Committee had agreed to proceed with the Strategy.

The Overview and Scrutiny Co-ordinator provided an update on his attendance at the Devon and Cornwall Police and Crime Panel, who had undertaken a deep dive into waiting times and failures in the 101 phone service, as well as investigation into county lines, policies on serious and organised crime and child exploitation.

164 Order of Business

The Worshipful the Mayor of Torbay varied the order of business to enable agenda Item 7 (Proposed Council Tax Support Scheme 2021/22) to be considered before Item 6 (Council Tax Base 2021/22).

165 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, Douglas-Dunbar and Morey and was circulated prior to the meeting.

Supplementary questions were put and answered by Councillors Cowell, Steve Darling, Morey, the Worshipful the Mayor of Torbay and Councillor Carter, arising from their responses to the questions in respect of questions 1 to 10. The Worshipful the Mayor and Councillor Carter agreed to provide a further written response in respect of supplementary questions 4 and 5.

166 Proposed Council Tax Support Scheme 2021/22

The Council considered the submitted report on a review of the current local Council Tax Support Scheme for 2021/22 and the recommendations of the Cabinet. Members noted that the Local Government Finance Act 2012 required local authorities to review their local schemes annually. The Council had a statutory duty to provide a local Council Tax Support Scheme for working-aged households. In addition, pension age households were subject to statutory provisions determined nationally, which had been incorporated within the Council's scheme.

Councillor Carter proposed and Councillor Cowell seconded a motion, which was agreed by the Council as set out below:

- (i) that the Council Tax Support Scheme for 2021/2022 be approved;**
- (ii) that Council notes the scheme includes the standard annual uprating of the personal allowances and premiums. That these values take into account the statutory inflationary increase in personal allowances used to calculate entitlement to Council Tax Support. That Council further notes that the Council Tax Support Scheme for 2021/2022 has been aligned with the Governments amended prescribed requirements for pensioners that came into force on 11 February 2020;**
- (iii) that Personal Allowances and Premiums, used to calculate Council Tax Support, are uprated from 1 April 2021 in line with the prescribed Pensioner scheme and national working-age benefits, which are both set by the Government; and**

- (iv) **that the Chief Finance Officer be given delegated authority, in consultation with the Cabinet Member for Corporate and Community Services, to make any further adjustments required to the Exceptional Hardship Policy and fund.**

167 Council Tax Base 2021/2022

Members considered the submitted report which set out the Council tax base for council tax purposes for 2021/22.

Councillor Cowell proposed and Councillor Long seconded the motion, as set out below:

- (i) to increase the Council Tax (Long Term) Empty Homes Premium for those properties that have been empty for more than 10 years from 200% to 300% from 1 April 2021;
- (ii) that the calculation of the Torbay Council Tax Base for the year 2021/22 be approved as shown in Appendix 1 to the submitted report;
- (iii) that the calculation of the Brixham Town Council Tax Base for the year 2021/22 be approved as shown in Appendix 2 to the submitted report;
- (iv) that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as its Council Tax base for the year 2021/22 should be 45,464.53;
- (v) that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as the Council Tax base for Brixham Town Council for the year 2021/22 should be 6,115.06; and
- (vi) that, in consultation with the Cabinet Member for Finance and the Interim Chief Executive, the Chief Finance Officer be authorised to change the taxbase if there are any significant changes in collection fund forecasts linked to collection rates or local government finance settlement or central government legislation before the end of January 2021.

During the debate, members suggested the inclusion of Group Leaders as additional consultees under (vi). Councillors Cowell and Long accepted this inclusion, which was then incorporated in the original motion and was agreed by the Council (unanimously) as set out below:

- (i) **to increase the Council Tax (Long Term) Empty Homes Premium for those properties that have been empty for more than 10 years from 200% to 300% from 1 April 2021;**
- (ii) **that the calculation of the Torbay Council Tax Base for the year**

2021/22 be approved as shown in Appendix 1 to the submitted report;

- (iii) that the calculation of the Brixham Town Council Tax Base for the year 2021/22 be approved as shown in Appendix 2 to the submitted report;**
- (iv) that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as its Council Tax base for the year 2021/22 should be 45,464.53;**
- (v) that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as the Council Tax base for Brixham Town Council for the year 2021/22 should be 6,115.06; and**
- (vi) that, in consultation with the Group Leaders, Cabinet Member for Finance and the Interim Chief Executive, the Chief Finance Officer by authorised to change the taxbase if there are any significant changes in collection fund forecasts linked to collection rates or local government finance settlement or central government legislation before the end of January 2021.**

168 Licensing Act 2003 - Licensing Statement of Principles 2021 to 2026

The Council considered the submitted report and the recommendations of the Cabinet on a review of the Licensing Statement of Principles 2021 to 2026 and the Council's Cumulative Impact Policy (CIP), which had both been reviewed and consulted upon in accordance with the requirements of Licensing Act 2003. The CIP had previously formed part of the Statement, but following a change in legislation was now required to be a standalone document.

Councillor Carter proposed and Councillor Ellery seconded the motion, as set out below:

- (i) that the Licensing Statement of Principles 2021 to 2026, set out at Appendix 2 to the submitted report, be approved for publication with effect from 7 January 2021; and**
- (ii) that the Cumulative Impact Policy 2021 to 2024, set out at Appendix 3 to the submitted report, be approved for publication with effect from 7 January 2021.**

During the debate, members suggested the inclusion of the Neighbourhood Forums and delegations for officer to make minor amendments to the policy. Councillors Carter and Ellery accepted this inclusion, which was then incorporated in the original motion and was agreed by the Council (unanimously) as set out below:

- (i) that the Licensing Statement of Principles 2021 to 2026, set out at Appendix 2 to the submitted report, be approved for publication with effect from 7 January 2021;
- (ii) that the Cumulative Impact Policy 2021 to 2024, set out at Appendix 3 to the submitted report, be approved for publication with effect from 7 January 2021;
- (iii) that in future consultations the Neighbourhood Forums be added as consultees to the Licensing Statement of Principles; and
- (iv) that the Assistant Director of Community and Customer Services be given delegated authority, in consultation with the Cabinet Member for Corporate and Community Services and the Chairman of the Licensing Committee, to make any minor technical amendments to the Licensing Statement of Principles.

169 Proposed use of land at Garfield Road, Paignton

Further to the decision of the Council on 24 October 2019 (Minute 75/10/19 refers), in relation to the disposal of the freehold interest in the land at Garfield Road, Members noted that options to develop a nursing home on the site was no longer viable and an alternative delivery route was required for the site to meet the Land Release Fund (LRF) obligations. The Council considered the submitted report which proposed disposing of the land to Torbay Economic Development Company Ltd or a company wholly owned by the Council to allow the Council's LRF obligations to be satisfied and develop the Council's preferred wider redevelopment option subject to the outcome of the Future High Streets Fund application.

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

- (i) that the decision of the Council on 24 October 2019 as set out in Minute 75/10/19 be rescinded; and
- (ii) that the disposal of the freehold interest of land at Garfield Road, Paignton (identified in Appendix 1) to Torbay Economic Development Company Ltd or a company wholly owned by the Council, be approved at nil cost, with the Chief Executive being given delegated authority to agree and finalise the terms of the disposal. The terms of disposal to include the principle that the Council will continue to meet the costs of holding the site until operational and will confirm to TEDC Ltd or a company wholly owned by the Council, at the earliest opportunity following the announcement of the Future High Streets Funding the outcomes it seeks for the wider Victoria Centre and it could include disposal on the open market, procurement of a Joint Venture partner, direct delivery by the Council company or any mixture thereof, ensuring that the ultimate proposals achieve best value for the Council.

170 Appointment of Overview and Scrutiny Lead Member

Following the passing of Councillor Doggett, the former Scrutiny Lead for Place, Members were required to confirm the appointment of a new Scrutiny Lead for Place for the remainder of the current Municipal Year.

Councillor Law proposed and Councillor Cowell seconded a motion, which was agreed by the Council as set out below:

that Councillor Kennedy be appointed Scrutiny Lead for Place for the remainder of the 2020/2021 Municipal Year.

(Note: prior to consideration of this item Councillor Ellery left the meeting.)

171 Appointment of Vice-Chair of Overview and Scrutiny Board

In accordance with Standing Order A1.2 (ix)(e) and following the resignation of the former Vice-Chairman of the Overview and Scrutiny Board, the Council considered the appointment of a new Vice-Chairman of the Overview and Scrutiny Board for the remainder of the current Municipal Year.

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

that Councillor Bye be appointed Vice-Chairman of the Overview and Scrutiny Board for the remainder of the 2020/2021 Municipal Year.

172 Statutory Officer Appointment - Director of Public Health

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

that Lincoln Sargeant be appointed as the statutory Director of Public Health with effect from 1 February 2021.

173 Treasury Management Mid-Year Review 2020/21

The Council noted the review of Treasury Management activities during the first part of 2020/21, as set out in the submitted report.

174 Summary of decision taken by the Cabinet in accordance with Standing Order E15 - Access to Information (Special Urgency)

Members noted the submitted report which provided details of a number of executive decisions which had not been included in the Forward Plan.