

Tuesday, 20 April 2021

Annual Meeting of the Council

Dear Member

I am pleased to invite you to attend the annual meeting of Torbay Council which will be held remotely via Zoom (the links to the meeting are set out below) on **Wednesday, 28 April 2021** commencing at **5.30 pm**

<https://us02web.zoom.us/j/89279351842?pwd=WXdZMlV5WDBVSWJjc012VU43OVJWZz09>

Meeting ID: 892 7935 1842

Passcode: 038020

One tap mobile

+442080806592, 89279351842#, *038020# United Kingdom

+443300885830, 89279351842#, *038020# United Kingdom

Dial by your location

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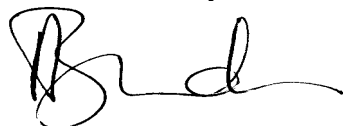
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Meeting ID: 892 7935 1842

Passcode: 038020

The items to be discussed at this meeting are attached.

Yours sincerely,



Anne-Marie Bond
Chief Executive

(All members are summoned to attend the meeting of the Council in accordance with the requirements of the Local Government Act 1972 and Standing Orders A5.)

Together Torbay will thrive

Download this agenda via the free modern.gov app on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#). For information relating to this meeting or to request a copy in another format or language please contact:

June Gurry, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

Annual Meeting of the Council Agenda

1. Opening of meeting

2. Apologies for absence

3. Minutes

(Pages 6 - 63)

To confirm as a correct record the minutes of the meetings of the Council held on 27 February, 21 May, 16 July, 30 July, 24 September, 8 October, 3 December 2020, 4 February, 11 February, 25 February and 31 March 2021.

(Note: the Minutes had not previously been signed due to Covid19 and holding the meetings remotely. A copy of all the Minutes have been posted to The Worshipful Mayor of Torbay to sign at this meeting.)

4. Declarations of interests

- (a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

- (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

5. Communications

To receive any communications or announcements from:

- i) the Civic Mayor – this will include a presentation from Soo Brizell of Shekinah on Restorative Justice;
- ii) the Leader of the Council;

- iii) the Overview and Scrutiny Co-ordinator;
- iv) the Council's representative on the Heart of the South West Joint Committee;
- v) the Chief Executive.

6. Election of The Worshipful the Mayor of Torbay

To elect The Worshipful the Mayor of Torbay for the 2021/2022 Municipal Year.

7. Election of Deputy Civic Mayor

To elect the Deputy Civic Mayor of the Council for the 2021/2022 Municipal Year.

8. Members' questions

To respond to the submitted questions asked under Standing Order A12.

(Pages 64 - 66)

9. Appointment of Overview and Scrutiny Co-ordinator and Scrutiny Lead Members

To appoint the Overview and Scrutiny Co-ordinator and the:

- Overview and Scrutiny Lead for Children's Services
- Overview and Scrutiny Lead for Adults and Public Health
- Overview and Scrutiny Lead for Place
- Overview and Scrutiny Lead for Corporate and Community Services.

(Note: Cabinet members shall not be appointed as the Overview and Scrutiny Co-ordinator or Overview and Scrutiny Leads.)

10. Appointments to Council Committees, Working Parties and Appointment of Committee Chairmen/women and Vice-Chairmen/women for 2021/22

To consider a report that seeks to appoint the Council's committees, working parties, Chairmen/women and Vice-Chairmen/women for the 2021/2022 municipal year.

(Pages 67 - 91)

11. Composition and Constitution of the Cabinet and Record of Delegations of Executive Functions

To receive details from the Leader of the Council of the composition and constitution of the Cabinet for 2019/2020, together with the record of delegations of Executive functions (in accordance with Standing Order C2).

(Pages 92 - 96)

12. Scheme of Delegation for Council Functions

To agree the scheme of delegation for Council functions as set out in Part 3 of the Constitution in so far as they relate to Council functions.

<https://www.torbay.gov.uk/DemocraticServices/ieListMeetings.aspx?CId=458&info=1>

13. **Overview and Scrutiny Annual Report 2020/2021** (Pages 97 - 111)
To receive the Overview and Scrutiny Annual Report for 2020/2021.
14. **Proposal for a peppercorn rent lease for Burton Academy for land at South Parks** (Pages 112 - 120)
To consider the recommendations of the Cabinet on the proposal for a peppercorn rent lease for Burton Academy for land at South Parks.
15. **Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency** (Pages 121 - 122)
To note the schedule of Executive decisions to which the call-in procedure does not apply as set out in the submitted report.

Instructions for the press and public for joining the meeting

If you are using an iPad you will need to install Zoom which can be found in the App Store. You do not need to register for an account just install the software. You only need to install the software once. For other devices you should just be taken direct to the meeting.

Joining a Meeting

Click on the link provided on the agenda above and follow the instructions on screen. If you are using a telephone, dial the Zoom number provided above and follow the instructions. (**Note:** if you are using a landline the call will cost up to 13p per minute and from a mobile between 3p and 55p if the number is not covered by your inclusive minutes.)

You will be placed in a waiting room, when the meeting starts the meeting Host will admit you. Please note if there are technical issues this might not be at the start time given on the agenda.

Upon entry you will be muted and your video switched off so that only the meeting participants can be seen. When you join the meeting the Host will unmute your microphone, ask you to confirm your name and update your name as either public or press. Select gallery view if you want see all the participants.

If you have joined the meeting via telephone, your telephone number will appear on screen and will be displayed for all to see until the Host has confirmed your name and then they will rename your telephone number to either public or press.

Speaking at a Meeting

If you are registered to speak at the meeting and when it is your turn to address the Meeting, the Chairman will invite you to speak giving the Host the instruction to unmute your microphone and switch your video on (where appropriate) therefore please pause for a couple of seconds to ensure your microphone is on.

Upon the conclusion of your speech/time limit, the Host will mute your microphone and turn off your video.

Meeting Etiquette for Registered Speakers - things to consider when speaking at public meetings on video

- Background – the meeting is public and people will be able to see what is behind you therefore consider what you will have on display behind you.
- Camera angle – sit front on, upright with the device in front of you.
- Who else is in the room – make sure you are in a position where nobody will enter the camera shot who doesn't want to appear in the public meeting.
- Background noise – try where possible to minimise background noise.
- Aim to join the meeting 15 minutes before it is due to start.



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

27 February 2020

-: Present :-

The Worshipful The Mayor of Torbay (Councillor Douglas-Dunbar) (In the Chair)
Deputy Civic Mayor of Torbay (Councillor Manning)

Councillors Amil, Barrand, Barnby, Brooks, Brown, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Doggett, 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

115 Opening of meeting

The meeting was opened with a prayer.

116 Apologies for absence

Apologies for absence were received from Councillor Atiya-Alla.

117 Minutes

The Minutes of the meeting of the Council held on 6 February 2020 and the Minutes of the adjourned meeting of the Council held on 13 February 2020 were confirmed as a correct record and signed by the Worshipful the Mayor of Torbay.

118 Communications

Graham Parry and Chris Smith from the Groundwork Trust provided a presentation on the work the Trust undertakes supporting parks and gardens working locally and nationally to transform lives in the UK's most disadvantaged communities.

(Note: Councillor Barrand joined the meeting during the presentation).

The Leader of the Council advised members that he would be attending Great South West All Party Parliamentary Group meeting at the House of Commons on 3 March 2020. Councillor Steve Darling also informed members that he and Councillor Law had recently visited Leeds to gain a better understanding of promoting a child friendly approach.

The Overview and Scrutiny Co-ordinator updated members on the 5G conference hosted at Devon County Council and explained that a second meeting will be held

where experts will be present to give advice on the roll out of 5G and associated risks.

119 Members' questions

Members received a paper detailing a question, notice of which had been given in accordance with Standing Order A13. The paper also contained the answer to the question which had been prepared by Councillor Steve Darling and was circulated prior to the meeting.

120 Notice of motion - Torbay Coast and Countryside Trust

The Worshipful the Mayor of Torbay announced that, in accordance with Standing Order A13.2(c), Councillors David Thomas and Chris Lewis had given notification that they wished to withdraw this motion.

121 Council Tax 2020/2021

The Council received the submitted report in relation to the setting of Council Tax for 2020/21.

In accordance with legislation, the Worshipful the Mayor of Torbay advised recorded votes would be taken on the motion.

Councillor Cowell proposed and Councillor Steve Darling seconded a motion, which was agreed (by recorded vote) as set out below:

that the Council is recommended to note:

- (i) on the 9th January 2020 Council approved the following Council Tax Bases for 2020/21:-**
 - a) for the whole Council area as 46,274.88, [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and**
 - b) for dwellings in the Brixham Town Council area as 6,261.12 to which a Parish precept relates; and**
- (ii) that the Police and Crime Commissioner for Devon and Cornwall, and the Devon and Somerset Fire and Rescue Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table in paragraph (v) below; and**

That the Council is recommended to approve:

- (iii) the Council Tax requirement for the Council's own purposes for 2020/21 (excluding Brixham Town Council) of £72,328,000;**

- (iv) that the following amounts be calculated for the year 2020/21 in accordance with Chapter Three of the Act:
- a) £317,420,006 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account the precept issued to it by Brixham Town Council;
 - b) (£244,737,000) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act;
 - c) £72,683,006 being the amount by which the aggregate at (iv)(a) above exceeds the aggregate at (iv)(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax Requirement for the year (item R in the formula in Section 31B of the Act);
 - d) £1,570.68 being the amount at (iv)(c) above (Item R), all divided by Item T ((i)(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);
 - e) £355,006 being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act; and
 - f) £1,563.01 being the amount at (iv)(d) above less the result given by dividing the amount at (iv)(e) above by Item T ((i)(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
- (v) that the Council, in accordance with Chapter Three of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2020/21 for each part of its area and for each of the categories of dwellings.

	Valuation Band							
	A	B	C	D	E	F	G	H
Ratio of each band to Band D	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9
	£	£	£	£	£	£	£	£
Torbay Council	1,042.00	1,215.67	1,389.34	1,563.01	1,910.35	2,257.68	2,605.01	3,126.02
Police and	147.76	172.39	197.01	221.64	270.89	320.15		443.28

Crime Commissioner							369.40	
Devon and Somerset Fire and Rescue Authority	58.83	68.63	78.44	88.24	107.85	127.46	147.07	176.48
Aggregate of Council Tax Requirements ex. Town Council	1,248.59	1,456.69	1,664.79	1,872.89	2,289.09	2,705.29	3,121.48	3,745.78
Brixham Town Council	37.80	44.10	50.40	56.70	69.30	81.90	94.50	113.40
Aggregate of Council Tax Requirements including Brixham Town Council	1,286.39	1,500.79	1,715.19	1,929.59	2,358.39	2,787.19	3,215.98	3,859.18

Note: Torbay Council's precept includes the Adult Social Care "precept" set in 2016/17 to 2018/19 and 2020/21.

- (vi) that the Council's basic amount of Council Tax for 2020/21 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992 (as set out in paragraph 5.9 of the submitted report).

The voting was taken by roll call as follows: For: Councillors Amil, Brown, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Douglas-Dunbar, Doggett, Dudley, Ellery, Howgate, Law, Long, Loxton, Manning, Morey, Pentney, Stockman (19), Against: Councillors Barnby, Barrand, Brooks, Bye, Foster, Hill, Kavanagh, Kennedy, Barbara Lewis, Chris Lewis, Mills, O'Dwyer, Sykes, David Thomas, Jacqueline Thomas and John Thomas (16); and Absent: Councillor Atiya-Alla (1).

122 Extension to existing Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust

Members considered the submitted report on a request to extend the existing Annual Strategy Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group (the CCG) and the Torbay and South Devon NHS Foundation Trust (the Trust), to enable the production of an Adults Social Care Development and Delivery Plan. The Annual Strategic Agreement set out how the Council and the CCG commission services from the Trust.

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

- that the existing Annual Strategic Agreement between Torbay Council, Devon Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust be extended until May 2020.

123 One Torbay: Working for all Torbay - Community and Corporate Plan

The Council considered the Cabinet's recommendations on a Community and Corporate Plan (as set out the in submitted report). The Plan set out the ambitions and visions of the Council over the remainder of the current term of office and the principles within which the Council will operate.

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

- (i) that "One Torbay: Working for all Torbay" be approved as a Policy Framework document of the Council; and**
- (ii) that the list of Policy Framework documents in the Constitution be updated to change the name to 'Community and Corporate Plan.'**

124 Housing Strategy

The Council received the proposed new Housing Strategy for Torbay as recommended by the Cabinet and set out in the submitted report. It was noted the Housing Strategy set out the Cabinet's plans toward meeting its priority of improving the delivery, affordability and quality of housing in Torbay.

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

- (i) that, Council approve the Housing Strategy 2020 ~ 2025, attached as Appendix 1 to the submitted report, and recommend that the Director of Place be instructed to work with housing partners to develop a Housing Strategy Delivery Plan for approval by Cabinet no later than 30th April 2020; and**
- (ii) that authority is delegated to the Director of Place in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing, to make any final minor/technical amendments to the Housing Strategy document, as necessary, including the final layout.**

125 Torre Abbey Restoration Project - Phase 3 National Heritage Lottery Fund Bid

Members considered proposals of the Cabinet for the re-submission of a Phase 2 Round 1 bid to the National Heritage Lottery Fund (NHLF) in respect of the Torre Abbey Restoration Programme (as set out in the submitted report).

Councillor Morey proposed and Councillor Long seconded a motion, which was agreed (by recorded vote) as set out below:

- (i) that the Director of Place be authorised to submit a National Heritage Lottery Fund (Round 1) application for £4.875 million for Phase 3 of the Torre Abbey Restoration Programme as described in the submitted report; and
- (ii) that Council agrees to borrow up to £1.7 million to provide the financial commitment outlined in this report and underwrite any possible shortfall in the third party matched funding element of the package.

The voting was taken by roll call as follows: For: Councillors Amil, Barnby, Brooks, Brown, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Douglas-Dunbar, Doggett, Dudley, Ellery, Foster, Howgate, Kennedy, Law, Long, Loxton, Manning, Mills, Morey, Pentney, Stockman, Sykes and John Thomas (27); Against: Councillors Hill, Kavanagh, Barbara Lewis, Chris Lewis, David Thomas, Jacqueline Thomas (6); and Absent: Councillors Atiya-Alla, Barrand and O'Dwyer (3).

(Note: Prior to the vote on this matter Councillors Barrand and O'Dwyer left the meeting.)

126 Torbay Council Annual Pay Policy Statement including Gender Pay Gap Report and Review of Pensions Discretions

The Council considered the submitted report setting out the Council's Annual Pay Policy Statement, as required under Section 38(1) of the Localism Act 2011. It was noted that the Pay Policy Statement drew together the Council's overarching policies on pay and conditions which would be published on the Council's website. The report also set out the annual review of pensions discretions as required by the Local Government Pension Scheme Regulations. In addition, the report set out details of the Council's gender pay gap data as required by the Equality Act 2010 (Specific Duties and Public Authorities) Regulations.

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

- (i) that the Torbay Council Annual Pay Policy Statement 2020/21 as set out in Appendix 1 to the submitted report be approved for publication;
- (ii) that the Torbay Council Gender Pay Gap Report, contained within the Annual Pay Policy Statement 2020/21 in Appendix 1 to the submitted report be approved for publication; and
- (iii) that the Employers Pensions Discretions set out in Appendix 2 to the submitted report be approved for publication.

127 Statutory Officer Appointment

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

that Nancy Meehan be appointed as the Council's statutory Director of Children's Services with effect from 27 February 2020.

128 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

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

21 May 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, Barrant, Barnby, Brooks, Brown, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Doggett, 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

129 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.

130 Members' questions

Members received a paper detailing questions, notice of which had been given in accordance with Standing Order A13. The answer to question 5 contained exempt information and was circulated separately.

Supplementary questions were put and answered by Councillors Cowell, Law, Long, Morey and, Stockman, arising from their responses to the questions in respect of questions 1, 2, 3, 4, 5, 6, 7, 9, 14, 16 and 21.

131 Calendar of Meetings for 2020/2023

The Council considered the submitted report setting out the proposed calendar of meetings for 2020/2023.

Councillor Carter proposed and Councillor Brown seconded a motion which was agreed (unanimously), as set out below:

- (i) **that the calendar of meetings for 2020 to 2023, set out in Appendix 1 to the submitted report, be approved;**

- (ii) that the meetings scheduled for 2020 to 2021 be held in accordance with the Standing Orders for Remote Meetings; and
- (iii) that meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Head of Governance in consultation with the relevant Chairman/woman.

132 Torquay Gateway Highways Improvement - Shiphay Lane Junction to Lowes Bridge Junction- Acquisition of Additional Land - Compulsory Purchase Order

The Council considered the submitted report for the making of a Compulsory Purchase Order (CPO) (land forming part of 89-95 Newton Road, Torquay) for the delivery of major highway improvements for Torquay Gateway Improvements, at Shiphay Lane and Lowes Bridge junction. It was noted the CPO was required to enable the land to be acquired if agreement could not be reached by negotiation with the land owner.

Councillor Morey proposed and Councillor Mandy Darling seconded a motion which was agreed (unanimously), as set out below:

- (i) that negotiations with the landowner of 89-95 Newton Road, Torquay, for acquisition of the land required for the Torquay Gateway Highways Improvement – Shiphay Lane Junction to Lowes Bridge Junction Scheme be continued to completion and to acquisition by agreement where possible;
- (ii) that authority be delegated to the Director of Corporate Services to make a Compulsory Purchase Order for the land required for the Torquay Gateway Improvement Scheme affecting land adjacent to the A3022 Newton Road in in the following terms:-
- (iii) that Torbay Council makes a Compulsory Purchase Order under sections 239, 240, 249, 250 and 260 of the Highways Act 1980 for the acquisition of all interests in the land (except those already owned by the Council) and new rights within areas shown (shaded pink for areas of land in respect of which all interests are to be acquired and shaded blue for the areas over which new rights are to be acquired) on plan number 8/6/11/3_143A, attached as Appendix 1 to the submitted report for the purpose of highway improvement;
- (iv) Subject to approval of (ii) above that the Director of Corporate Services and Operations be authorised to:-
 - a) Take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry;

- b) To acquire interests in land and new rights within the Compulsory Purchase Order either by agreement or compulsorily; and
- c) Approve agreements with the landowner setting out terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land or new rights from the Order.

133 Exclusion of the Press and Public

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

that the press and public be excluded from the meeting prior to consideration of the following items on the agenda on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.

Prior to consideration of the items in Minutes 134 and 135 the press and public were formally excluded from the meeting.

134 Economic Regeneration Investment Opportunity 11/05/20

The Council considered matters relating to an existing economic regeneration investment opportunity. Members received details of the proposals as set out in the exempt report circulated prior to the meeting.

The decision of the Council meeting is restricted due to exempt information contained within the decision.

135 SWISCo Guarantees

The Council considered the submitted exempt report which provided details of guarantees in connection with the new SWISCo company.

The decision of the Council meeting is restricted due to exempt information contained within the decision.

The Worshipful The Mayor of Torbay

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Record of Decision

Economic Regeneration Opportunity 11/05/20

Decision Taker

Cabinet on 21 May 2020

Decision

That the Economic Growth Fund Opportunity 11/5/20, as set out in the Exempt Council Minute 134/5/20, be approved.

(Note: the decision in respect of Economic Growth Fund Opportunity 11/05/20 is restricted due to exempt information contained within the decision.)

Reason for the Decision

To enable the Council to enter into a contract to support economic development in Torquay.

Implementation

This decision will come into force and may be implemented on 4 June 2020 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Cabinet considered the recommendation of the Council in respect of the submitted exempt report on a proposal to enter into a contract for land in Torquay which it has previously purchased. The proposal would support economic regeneration in Torbay and was in line with the Council's approved Economic Growth Fund Criteria.

Councillor Long proposed and Councillor Cowell seconded a motion which was 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

27 May 2020

Signed: _____ Date: 27 May 2020
Leader of Torbay Council on behalf of the Cabinet

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

16 July 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, Dart, Doggett, 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

136 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 by Imam Abdulkader followed by a minute's silence to mark the 25th anniversary of the Srebrenica genocide.

137 Communications

The Worshipful the Mayor of Torbay welcomed Nick Craker from the Royal British Legion to give a presentation on the Armed Forces Covenant.

The Worshipful the Mayor of Torbay further announced the introduction of the Mayor's Special Recognition Award. The award would celebrate young people who are making a difference in their community or environment. One Special Recognition Award would be made each month, with all Award winners being invited to the Annual Meeting of Council each year as special guests.

The Leader of the Council:

- a) Thanked Councillor Bye for arranging for Members to visit Paignton Zoo. The visit provided an opportunity to witness first-hand the challenges faced by our leisure and tourism providers operating during the Covid-19 pandemic; and

- b) informed Members that the Local Management Outbreak Board had met for the first time, the Board would be developing a communications plan with input from both public and private sector partners.

At the request of the Leader of the Council, the Cabinet Member for Economic Regeneration, Housing and Tourism updated the Council on his attendance, as the Leader of the Council's representative, at the Heart of the South West Joint Committee held on 26 June 2020 including:

- The appointment of a new Chairman; and
- Heart of the South West pipeline submission to the Secretary of State for the Ministry of Housing, Communities and Local Government.

The Overview and Scrutiny Co-ordinator advised the Council that he had attended the Police and Crime Panel on 3 July 2020.

138 Members' questions

Members received a paper detailing questions, notice of which had been given in accordance with Standing Order A13.

Supplementary questions were put and answered by Councillors Carter, Morey, Steve Darling and Pentney arising from their responses to the questions in respect of questions 1 to 12. In accordance with Council Standing Order A12.6 and A12.7, the time limit of 30 minutes for Council Questions was met therefore questions 13 to 23 were deemed withdrawn.

139 Schools' Capital Programme 2020/21

The Council considered the recommendation of the Cabinet and submitted report on the Schools' Capital Programme using the capital allocations received from the Department of Education. The projects proposed in the programme would ensure sufficient school places to meet demand and provide improvements across the school estate.

Councillor Law proposed and Councillor Morey seconded a motion which was agreed (unanimously), as set out below:

- (i) that the Council agrees the list of projects and funding allocations as set out in Appendix 1 of the submitted report;**
- (ii) that delegated authority be given to the Chief Executive to continue negotiations with the landowner(s) and any other person with an interest to acquire by agreement the Land and any other land, interests or rights subsequently identified as being required in consultation with the Cabinet Member for Children's Services and Section 151 Officer on any Heads of Terms;**

- (iii) that, having taken into account previous negotiations to acquire the Land, the making of any CPO(s) pursuant to the Education Act 1996, or any other appropriate power, for the Land and any other land, interests or rights subsequently required to deliver the primary school. 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(s) and for the subsequent confirmation and implementation of the CPO(s) 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 CPO(s) by the Secretary of State;
 - b) to carry out any surveys on the Land or any other land required and enter as may be required in order to deliver the proposed development by CPO(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 CPO(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 new primary school; and
 - d) to pay all necessary compensation either as agreed or as determined by the Upper Tribunal (Lands Chamber) in relation to the acquisition of land and other interests or for the overriding or acquisition of rights.
- (iv) that Council delegate to the Chief Finance Officer the approval of the expenditure of monies from the Children's Services Capital Programme Basic Need Funding required to cover the acquisition of the Land and any land, interests or rights as may be required for the scheme, either by agreement or by CPO; and
- (v) that once the Land, and any other land required, has been acquired either by negotiation or via a CPO(s) Council approve the disposal of the land required for the new primary school to the Department of Education at Nil Value as the required contribution to the development of a two form of entry primary school. The DfE will in turn provide the capital to build the school through the Free School Programme. The land would be leased from the DfE to the Academy Trust running the new free school.

140 Treasury Management Outturn 2019/20

Members noted the submitted report in respect of the Treasury Management Outturn for 2019/2020.

141 Urgent Council Decisions Taken by the Chief Executive

Members noted the submitted report setting out details of the following urgent decisions taken by the Chief Executive:

- (i) Extension to existing Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and South Devon NHS Foundation Trust;
- (ii) Riviera International Conference Centre Company Acquisition;
- (iii) Acquisition of 10-10a and 12-14 Strand, Torquay;
- (iv) Edginswell Station Funding Bid; and
- (v) Appointment of Representatives to the Torbay Local Outbreak Engagement Board.

142 TDA Business Plan 2020-2025

The Council considered the recommendations of the Cabinet on the TDA Business Plan for 2020-2025 (as set out the in submitted report).

Councillor Long proposed and Councillor Cowell seconded a motion which as set out below:

- (i) that the TDA business plan 2020-2025 be approved; and
- (ii) that the TDA business plan is removed from the Council policy framework.

During the debate Councillor David Thomas proposed and Councillor O'Dwyer seconded an amendment to the motion as follows:

~~The Cabinet recommends to Council:~~

- ~~(i) That the TDA business plan 2020-2025 be approved; and~~
- ~~(ii) That the TDA business plan is removed from the Council policy framework.~~

In the light of the ongoing LGA Peer Review of the TDA, that consideration of the TDA Business Plan 2020-2025 be deferred for a maximum of 6 months

until the findings of the Review are published and able to inform the future direction of the TDA and its Business Plan 2020-2025.

The amendment was put to the vote and declared lost.

Councillor Long's and Councillor Cowell's original motion was then considered by the Council which was agreed (unanimously), as set out below:

- (i) **that the TDA business plan 2020-2025 be approved; and**
- (ii) **that the TDA business plan is removed from the Council policy framework.**

143 Exclusion of the Press and Public

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

that the press and public be excluded from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in paragraph ?? of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.

Prior to consideration of the items in Minute 144 the press and public were formally excluded from the meeting.

144 Employment Committee Recommendation

The Council considered the submitted exempt report setting out the recommendations of the Employment Committee.

The decision of the Council meeting is restricted due to exempt information contained within the decision.

The Worshipful The Mayor of Torbay

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**Minutes of the Extraordinary meeting of the Council
(Council decisions shown in bold text)**

30 July 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, Dart, Doggett, 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

145 Opening of meeting

The meeting was opened with a moment for personal reflection.

146 Declarations of interests

The Worshipful the Mayor of Torbay advised that Anne-Marie Bond, Director of Corporate Services had declared a personal interest in Minute 147 to her prior to the meeting.

147 Interim Chief Executive (Head of Paid Service)

The Council considered a report that set out the Employment Committee's recommendations on the appointment of the Interim Chief Executive (Head of Paid Service).

Councillor Steve Darling proposed and Councillor David Thomas seconded a motion which was agreed, as set out below:

- (i) That Anne-Marie Bond, Director of Corporate Services and Monitoring Officer, be appointed as interim Chief Executive and Head of Paid service, commencing on 1 August 2020;**
- (ii) That Anne-Marie Bond is appointed on 37 hours per week, and receives an annual salary of £136,604.00 per annum;**
- (iii) That, subject to the approval of (i) above, Amanda Barlow, Senior Solicitor, be appointed as interim Monitoring Officer for the duration of the interim Chief Executive arrangements; and**

- (iv) That the Constitution is updated accordingly with the new appointments.

The Worshipful The Mayor of Torbay

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

24 September 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, Dart, 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

148 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.

149 Apologies for absence

An apology for absence were received from Councillor Doggett.

Councillor John Thomas had indicated he would be leaving the meeting early.

150 Communications

The Worshipful the Mayor of Torbay welcomed Sarah O'Connor from the Torbay Food Alliance to the meeting. Members then received a presentation on the support and assistance that had been provided by the Food Alliance for the benefit of the residents of Torbay.

The Worshipful the Mayor of Torbay welcomed Anne-Marie Bond to her first Council meeting in her new role as Interim Chief Executive and Amanda Barlow to her first Council meeting as Interim Monitoring Officer.

The Leader of the Council reiterated the Worshipful the Mayor of Torbay's welcome to Anne-Marie Bond, Interim Chief Executive. He advised Members that the Local Outbreak Engagement Board had been meeting on a regular basis with the

partnership working adding real value. He went on to thank Torbay Hospital who would be providing an enhanced COVID-19 testing service for Torbay's teachers.

The Leader of the Council concluded his presentation by welcoming Councillors Kennedy and Mills to the partnership having become Independent Councillors.

The Interim Chief Executive led a minute's silence for two serving members of staff, Matt Hayman and Sheila Greenberg (nee Tyson) who had sadly passed away.

The Overview and Scrutiny Co-ordinator informed members he had attended a Local Government Association training session on 'Scrutinising Climate Action: who, when and how'. He also welcomed the efforts of Torbay Hospital to fill the national gap in COVID-19 testing.

151 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 Law, Carter, Stockman, Cowell, Morey and Long and was circulated prior to the meeting.

Supplementary questions were put and answered by Councillors Law, Cowell, Morey, Carter and Long, arising from their responses to the questions in respect of questions 1, 4, 5, 6 11, 12, 13 and 14. In the absence of Councillor Doggett the answers to questions 3 and 10 were taken as read without supplementary questions.

152 Adult Care Strategic Agreement between Torbay Council, Devon Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust

The Council considered the recommendation of the Cabinet and submitted report on the Adult Care Strategic Agreement, which set out the way in which Torbay Council and Devon Clinical Commissioning Group (CCG) would commission adult social care services from the Torbay and South Devon NHS Foundation Trust. The current agreement covered a three year period from April 2020, which replaced the Annual Strategic Agreement and was in line with the Risk Share Agreement covering the same period.

Councillor Stockman proposed and Councillor Long seconded a motion which was agreed (unanimously), as set out below:

- (i) that the Adult Care Strategic Agreement between Torbay Council, Devon Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust set out at Appendix 1 to the submitted report be approved; and**
- (ii) that in the event there are minor changes requested by the Board of the Torbay and South Devon NHS Foundation Trust which meets subsequent to the decision of the Council, the agreement or negotiation of the minor changes be delegated to the Director**

of Adult Social Services, in consultation with the Cabinet Member for Adults and Public Health.

153 Proposed disposal of Council owned land at Hatchcombe

Members considered a recommendation of the Cabinet and submitted report on a proposal to dispose of a section of land at Hatchcombe to Sanctuary Housing, in order to facilitate the development new affordable homes in Torquay. It was noted the Council would forgo maximising any potential income from this land in return for the delivery of affordable housing for local people.

Councillor Long proposed and Councillor Cowell proposed a motion that was agreed (unanimously), as set out below:

- (i) to authorise the disposal of the land shaded yellow on the plan at Appendix 1 to the submitted report to a Housing Association in return for nomination rights into 100% of the properties in perpetuity under the Local Government Act 1972: General Disposal Consent Order 2003; and**
- (ii) to delegate authority to the Chief Executive in consultation with the Portfolio holder to agree the detailed terms of any transfer including agreed timescales for the development.**

154 Civic Mayor and Deputy Civic Mayor

In accordance with the Council's Standing Orders A9.1, the Council considered selecting the Civic Mayor-Elect and Deputy Civic Mayor-Elect for the next Municipal Year 2021/22.

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

- (i) that Councillor Manning be selected as Civic Mayor (Elect) for the 2021/2022 municipal year; and**
- (ii) that Councillor Mandy Darling be selected as Deputy Civic Mayor (Elect) for the 2021/2022 municipal year.**

155 Appointment of Independent Person to assist the Council Standards Committee

The Council considered the submitted report setting out the proposed appointment of a new independent person to assist in the consideration of complaints against members under the Council Code of Conduct for Members. It was noted the independent person would also assist the Council in promoting and maintaining the high standards of conduct by members.

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

that the Council appoints Peter Raven as its independent person for a period commencing on 24 September 2020 and expiring on 24 September 2024.

156 Appointment of Audit Committee Vice-Chairman

In accordance with Standing Order A1.2(e), following the resignation of the former Vice-Chairman of the Audit Committee, Members were required to confirm the appointment of a new Vice-Chairman of the Audit Committee for the remainder of the current Municipal Year.

Councillor Loxton proposed and Councillor Howgate seconded a motion, as set out below:

that Councillor Kennedy be appointed Audit Committee Vice-Chairman for the remainder of the 2020/2021 municipal year.

During the debate, Councillor David Thomas proposed and Councillor Barnby seconded the following amendment:

that Councillor Hill be appointed be appointed Audit Committee Vice-Chairman for the remainder of the 2020/2021 municipal year.

During debate on the amendment Councillor David Thomas withdrew his amendment as he was seeking a seconder from the Liberal Democrat and Independent Partnership. Councillors Loxton's and Councillor Howgate's motion was then before members and subsequently agreed as follows:

that Councillor Kennedy be appointed Audit Committee Vice-Chairman for the remainder of the 2020/2021 municipal year.

The Worshipful The Mayor of Torbay

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

8 October 2020

-: Present :-

The Worshipful The Mayor of Torbay (Councillor Douglas-Dunbar) (In the Chair)

Councillors Amil, Atiya-Alla, Barrand, Barnby, Brooks, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, 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

157 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 moment of personal reflection.

158 Apologies for absence

Apologies for absence were received from Councillors Brown, Doggett and Manning.

159 Disposal of Land at Little Blagdon Farm, Collaton St Mary and Land at Preston Down Road, Paignton

Further to the decision of the Council on 18 July 2019, Members received the submitted report detailing the unsuccessful procurement exercise to seek a development partner to assist with the delivery of housing at Preston Down Road and Collaton St Mary, Paignton. The submitted report sought approval to rescind the previous Council decision and enable the freehold disposal of the land at Collaton St Mary on the open market and Preston Down Road to be disposed of to TorVista Homes or a company owned by the Council. It was noted the proposal would ensure that the Council complied with the requirements of the Land Release Fund which had been secured to help bring forward housing development of the two sites.

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

- (i) that the decision of the Council on 18 July 2019 as set out in minute 46/7/19 (i) to (iv) be rescinded;

- (ii) that the disposal of the freehold interest of the land at Preston Down Road ensuring best value, edged red at Appendix 3 to the submitted report, to TorVista Homes or a company wholly owned by the Council, be approved and that the Chief Executive be given delegated authority to agree and finalise the terms of the disposal, in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing and the Head of Finance;
- (iii) that subject to a business case being produced Members authorise a loan via prudential borrowing or provide a guarantee of up to £23 million to TorVista homes or a company owned by the Council, to facilitate the delivery of the site, and that the Chief Executive be given delegated authority to agree the provision of the loan or provision of a guarantee in consultation with the Cabinet Member for Finance and the Head of Finance; and
- (iv) that the open market disposal of the freehold interest at Collaton St Mary (identified by land edged red in Appendix 2 to the submitted report) be approved and the Chief Executive be given delegated authority to agree and finalise the detailed disposal terms in consultation with the Leader and Cabinet Member for Finance. That the Council encourages the developer to engage with the community over the future development of this site at an early stage.

During the debate Councillor David Thomas proposed and Councillor John Thomas seconded an amendment to the motion as follows:

- (i) that the decision of the Council on 18 July 2019 as set out in minute 46/7/19 (i) to (iv) be rescinded;
- (ii) that the freehold interest of land at Preston Down Road (edged red at Appendix 3) and Collaton St Mary (edged red at Appendix 2) be dealt with in the following manner:
 - a) the sites be disposed of to TorVista Homes, or another company wholly owned by the Council; and
 - b) the Council enter into a Development Agreement with TorVista Homes, or another company wholly owned by the Council with delegated authority given to the Chief Executive in consultation with the Group Leaders and the Head of Finance to agree the finalised terms ensuring that best value is achieved and to include obligations to:
 - obtain an outline planning permission for the whole site and a detailed application on an initial phase, with the land split into smaller parcels/phases and these to be offered to the marketplace/local developers/SME's;

- construct the access arrangements and any site wide infrastructure works required along with meeting any planning obligations required to be undertaken at that time including any work necessary to satisfy the Land Release Fund requirements within the prescribed time; and
 - to dispose of the remaining phases that include contractual arrangements to clawback a pro rata financial contribution for any site wide works undertaken with the net receipts paid to Torbay Council; and
- c) that subject to a business case being produced Members authorise a loan via prudential borrowing or provide a guarantee to TorVista homes or a company owned by the Council of funds sufficient, to facilitate the delivery of the initial phase and any site wide works required, and that the Chief Executive be given delegated authority to agree the provision of the loan or provision of a guarantee in consultation with Group Leaders and the Head of Finance.

The amendment was put to the vote and declared lost.

Councillor Long's and Councillor Cowell's original motion was then considered by the Council. During the debate on the original motion, a procedural motion (in accordance with Standing Order A15.11(ii)) to move to the vote was proposed by Councillor Morey and seconded by Councillor Cowell and was declared carried. Accordingly, the original motion was put to the vote, which was agreed, as set out below:

- (i) that the decision of the Council on 18 July 2019 as set out in minute 46/7/19 (i) to (iv) be rescinded;**
- (ii) that the disposal of the freehold interest of the land at Preston Down Road ensuring best value, edged red at Appendix 3 to the submitted report, to TorVista Homes or a company wholly owned by the Council, be approved and that the Chief Executive be given delegated authority to agree and finalise the terms of the disposal, in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing and the Head of Finance;**
- (iii) that subject to a business case being produced Members authorise a loan via prudential borrowing or provide a guarantee of up to £23 million to TorVista homes or a company owned by the Council, to facilitate the delivery of the site, and that the Chief Executive be given delegated authority to agree the provision of the loan or provision of a guarantee in consultation with the Cabinet Member for Finance and the Head of Finance; and**

- (iv) that the open market disposal of the freehold interest at Collaton St Mary (identified by land edged red in Appendix 2 to the submitted report) be approved and the Chief Executive be given delegated authority to agree and finalise the detailed disposal terms in consultation with the Leader and Cabinet Member for Finance. That the Council encourages the developer to engage with the community over the future development of this site at an early stage.**

160 Review of Political Balance

The Council considered a report on a review of political balance on committees and working parties following Councillors Kennedy and Mills becoming members of the Independent Group on Torbay Council.

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

- (i) that the Community Governance Review Working Party be disbanded following the Council's determination of the review on 9 January 2020;**
- (ii) that the overall political balance of the committees as set out at Appendix 1 to the submitted report be approved; and**
- (iii) that, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 to the submitted report be approved.**

(Note: prior to the vote Councillor Kavanagh lost connection.)

The Worshipful The Mayor of Torbay

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.

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Minutes of the Council

4 February 2021

-: 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, Dart, Dudley, Ellery, Foster, Hill, Howgate, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, O'Dwyer, Pentney, Stockman, Sykes, David Thomas and Jacqueline Thomas

175 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, followed by a minute's silence as a mark of respect in memory of former Councillor Porter and Captain, Sir Tom Moore.

176 Apologies for absence

Apologies for absence were received from Councillor John Thomas.

177 Communications

The Worshipful the Mayor of Torbay welcomed Tracey Cabache from Torbay Community Development Trust, Helen Harman from Age UK and James Sparks from Brixham Does Care to the meeting. Members then received a presentation from Ms Cabache, Ms Harman and Mr Sparks on the collaborative work that their organisations have been doing to assist the community during the Covid-19 Pandemic.

The Worshipful the Mayor thanked Torbay Community Development Trust, Age UK and Brixham Does Care for supporting the community through such challenging times and for their ongoing work.

The Worshipful the Mayor announced that this week was Race Equality week and informed Members that Race Equality week was a UK-wide initiative aimed at uniting organisations and individuals in activities to address issues affecting ethnic minority employees. The Worshipful the Mayor advised that this year's theme was

accountability and transparency and highlighted the importance for us all to recognise the need to continue to improve our stance on race equality within all that we do.

The Leader of the Council highlighted the plight of carers and care home staff during the Covid-19 Pandemic and thanked them for their hard work. The Leader of the Council also welcomed the opportunity to speak with some of Torbay's foster carers during Practice Week and expressed how keen he was for foster carers to be appropriately recognised in the prioritisation for Covid-19 vaccination.

The Interim Chief Executive informed the meeting that as part of Race Equality Week she had, as an employer, made a pledge to take robust action with a zero tolerance approach to racism.

The Overview and Scrutiny Co-ordinator thanked Members who attended the Overview and Scrutiny Climate Change Review Panel on 3 February 2021 and advised Members that the Panel's recommendations would be presented to the Overview and Scrutiny Board on 17 February 2021. Councillor Howgate also welcomed the appointment of Jacqui Warren as the Council's Climate Change Officer.

178 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 Cowell, Steve Darling, Law, Long, Morey, O'Dwyer and Stockman was circulated prior to the meeting.

Supplementary questions were put and answered by Councillors Morey, O'Dwyer and Long arising from their responses to the questions in respect of questions 2, 9, 10 and 11. Councillor Long agreed to provide a further written response in respect of supplementary question 1.

179 Adjournment

The Worshipful the Mayor of Torbay advised that in accordance with Standing Orders F2.13 and F3.11 in relation to the Budget and Policy Framework the remaining items on the agenda were referred to an adjourned meeting of Council to be held on 11 February 2021 to enable full consideration to be given to the implications of the proposals set out in the reports and documentation circulated on 27 January 2021.

The Worshipful The Mayor of Torbay

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

11 February 2021

-: 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, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Dudley, 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

180 Apologies for absence

Apologies for absence were received from Councillors Brown and Ellery. It was reported that Councillor John Thomas would be arriving late to the 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, along with recorded votes for the capital and revenue budget.

181 Declarations of interests

At the invitation of the Worshipful the Mayor of Torbay, the Interim Monitoring Officer reminded Members of the dispensation granted in respect of Members' interests in relation to the setting of the budget and Council Tax and matters relating to Council controlled companies where Members were appointed as unpaid directors by the Council. It was noted that this meant Members were permitted to discuss and vote on the budget in respect of these matters without the need to declare an interest.

No interests were declared.

182 Revenue Budget 2021/2022

Further to the meeting of the Council held on 4 February 2021, Members considered the recommendations of the Cabinet in relation to the Revenue Budget 2021/22 as set out in the submitted report and supporting documents.

In accordance with legislation, the Worshipful the Mayor of Torbay advised that recorded votes would be taken on the motion and the objection.

Councillor Steve Darling proposed and Councillor Cowell seconded a motion as set out below:

- (i) that the proposals identified for efficiencies, service change and income generation in 2021/22 be approved (as set out in the Cabinet's response to Consultation report);
- (ii) that the net revenue expenditure of £115.472m resulting in a Council Tax requirement of £74.607m for 2021/22 (a 4.99% increase in Council Tax, of which 3% is for Adult Social Care) be approved;
- (iii) that the Dedicated Schools Grant be used in accordance with the Schools Financial Regulations and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed and this delegation is included in the next revision of the Council's constitution;
- (iv) that the proposed Fees and Charges for 2021/22 be approved ([\(Public Pack\)Agenda Document for Budget Digest, 19/01/2021 00:00 \(torbay.gov.uk\)](#));
- (v) that, in accordance with the requirement of the Local Government Act 2003, the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's reserves (as set out in the report) be noted; and
- (vi) that it be noted, that the Brixham Town Council precept for 2021/22 will be included as part of the Torbay Council budget for Council Tax setting purposes.

The Worshipful the Mayor of Torbay advised that one notice of motion to object to the Cabinet's revenue budget proposals had been received in accordance with Standing Order A13.4.

Councillor David Thomas proposed and Councillor Chris Lewis seconded an objection to the motion as follows:

that the Council formally objects to the Cabinet's revenue budget proposals on the basis of the Cabinet's proposed increase in Council Tax of 1.99%, in light of the financial burden and hardship this would cause our residents, particularly during the time of the Covid-19 pandemic and the devastating financial impact this has had on many individuals and their families. (Note: the Conservative Group accept the 3% increase for Adult Social Care to support our partnership work with our health colleagues in the ICO.) The Cabinet are asked to consider a zero percentage increase in Council Tax, recognising that there is a £7.1 million underspend in the current 2020/2021 Financial Year, which was not fully declared at the time of the public consultation on the Cabinet's budget proposals.

In accordance with the Constitution at F2.9, the Council therefore requires the Cabinet to consider this objection by 18 February 2021 either:

- a) submit a revision of the estimates or amounts as amended by the Cabinet with the reasons for any amendments made to the estimates or amounts, to the Council for its consideration; or
- b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Barnby, Barrand, Brooks, Bye, Foster, Hill, Kavanagh, Barbara Lewis, Chris Lewis, O'Dwyer, Sykes, David Thomas, Jacqueline Thomas and John Thomas (14); Against: Councillors Amil, Atiya-Alla, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Douglas-Dunbar, Dudley, Howgate, Kennedy, Law, Long, Loxton, Manning, Mills, Morey, Pentney and Stockman (19); and Absent: Councillors Brown and Ellery (2). Therefore, the objection was declared lost.

Councillor Steve Darling's and Councillor Cowell's original motion was then considered and agreed by the Council (by recorded vote) as set out below:

- (i) **that the proposals identified for efficiencies, service change and income generation in 2021/22 be approved (as set out in the Cabinet's response to Consultation report);**
- (ii) **that the net revenue expenditure of £115.472m resulting in a Council Tax requirement of £74.607m for 2021/22 (a 4.99% increase in Council Tax, of which 3% is for Adult Social Care) be approved;**
- (iii) **that the Dedicated Schools Grant be used in accordance with the Schools Financial Regulations and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed and this delegation is included in the next revision of the Council's constitution;**
- (iv) **that the proposed Fees and Charges for 2021/22 be approved ([\(Public Pack\)Agenda Document for Budget Digest, 19/01/2021 00:00 \(torbay.gov.uk\)](#));**
- (v) **that, in accordance with the requirement of the Local Government Act 2003, the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's reserves (as set out in the report) be noted; and**

- (vi) **that it be noted, that the Brixham Town Council precept for 2021/22 will be included as part of the Torbay Council budget for Council Tax setting purposes.**

The voting was taken by roll call as follows: For: Councillors Amil, Atiya-Alla, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Douglas-Dunbar, Dudley, Howgate, Kennedy, Law, Long, Loxton, Manning, Mills, Morey, Pentney and Stockman (19); Against: Councillors Barnby, Barrand, Brooks, Bye, Foster, Hill, Barbara Lewis, Chris Lewis, O'Dwyer, Sykes, David Thomas, Jacqueline Thomas and John Thomas (13); and Absent: Councillors Brown, Ellery and Kavanagh (3).

(Note: Councillor Kavanagh left the meeting after the recorded vote on the objection to the budget.)

183 Capital Plan Budget 2021/2022

Further to the meeting of the Council held on 4 February 2021, Members considered the recommendations of the Cabinet in relation to the Capital Plan 2021/2022 and Capital Strategy 2021/22 as set out in the submitted report.

In accordance with legislation, the Worshipful the Mayor of Torbay advised that recorded votes would be taken on the motion.

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

- (i) **that the Capital Plan for 2021/22 as set out in Appendix 1 to the submitted report be approved; and**
- (ii) **that the Capital Strategy 2021/22 be approved.**

The voting was taken by roll call as follows: For: Councillors Amil, Atiya-Alla, Barnby, Barrand, Brooks, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Douglas-Dunbar, Dudley, Foster, Hill, Howgate, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Manning, Mills, Morey, O'Dwyer, Pentney, Stockman, Sykes, David Thomas, Jacqueline Thomas and John Thomas (32); and Absent: Councillors Brown, Ellery and Kavanagh (3).

184 Treasury Management Strategy 2021/2022 (incorporating the Annual Investment Strategy 2021/2022 and the Minimum Revenue Provision Policy 2021/2022)

The Council received the Treasury Management Strategy for 2021/22 as set out in the submitted report. Members noted the strategy aimed to support the provision of all Council services through the management of the Council's cash flow, debt and investment operations.

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

That Council approve:

- (i) the Treasury Management Strategy for 2021/22;**
- (ii) the Prudential Indicators 2021/22; and**
- (iii) the Annual Minimum Revenue Provision Policy Statement for 2021/22,**

as set out in the Appendix to the submitted report.

The Worshipful The Mayor of Torbay

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

25 February 2021

-: Present :-

The Worshipful The Mayor of Torbay (Councillor Douglas-Dunbar) (In the Chair)
Deputy Civic Mayor of Torbay (Councillor)

Councillors Amil, Atiya-Alla, Barrand, Barnby, Brooks, Brown, Bye, Carter,
Mandy Darling, Steve Darling, Ellery, Foster, Hill, Kavanagh, Kennedy, Law,
Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, Stockman, Sykes, David Thomas
and Jacqueline Thomas

185 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.

186 Apologies for absence

Apologies for absence were received from Councillors Dudley, Howgate and Morey.

187 Nominations for Honorary Freeman of the Borough of Torbay

The Council received a recommendation, as set out in the minutes of the Civic Committee meeting held on 18 January 2021, in relation to a nomination for Honorary Freeman.

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

That, in accordance with the minutes of the Civic Committee of 18 January 2021, in exercise of the powers, conferred by Section 249 of the Local Government Act 1972, Mr Dave Barnett and Mrs Dawn Barnett be admitted as an Honorary Freeman of the Borough of Torbay in recognition and appreciation of their significant contribution towards the lives of numerous children within Torbay as foster carers.

Members were advised that due to the Covid-19 pandemic the Council was unable to enact the formal Conferment of the Honorary Freedom of the Borough at this time. The formal Conferment would take place once the restrictions on large gatherings were lifted.

The Worshipful The Mayor of Torbay

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

25 February 2021

:- 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, Dart, Dudley, Ellery, Foster, Hill, Howgate, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, Pentney, Stockman, Sykes, David Thomas, Jacqueline Thomas and John Thomas

188 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.

189 Apologies for absence

Apologies for absence were received from Councillors Kavanagh and O'Dwyer.

190 Communications

The Worshipful the Mayor of Torbay shared a letter she had received from Royal Air Force Brize Norton. The Worshipful Mayor advised Members that the letter provided an insight on the activities of at Royal Air Force Brize Norton and highlighted the wide variety of support that they provide, particularly the peace missions they have undertaken.

The Leader of the Council requested all Members to promote the Torbay Lottery Small Grants Fund, Members were advised that there was £22,000 to be allocated and any local charity, voluntary or community group could apply.

The Leader of the Council also informed Members that he had met with colleagues at South West Water to discuss all year round water quality alerts for water users. The Leader of the Council also advised that he would be meeting Great Western Railways in the near future to champion for improved services to London and better local connections at Newton Abbot.

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 29 January 2021 including:

- Formal agreement of the Building Back Better Plan which provides a framework for making the case with Government for investment in Heart of the SW and helps guide investment decisions made by members of the partnership as part of the area's recovery work; and
- Discussed the Coastal Communities Plan and received updates on the Climate Emergency and Peninsula Transport Board.

The Interim Chief Executive led a minute's silence for a serving member of staff, David Needham who had sadly passed away.

The Interim Chief Executive informed Members that 26 February 2021 would be Dr Caroline Dimond's last day as the Council's Director of Public Health. The Interim Chief Executive thanked Caroline for everything she had achieved during her time with Torbay Council and wished her well in her retirement.

191 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 Morey and Long and was circulated prior to the meeting.

Supplementary questions were put and answered by Councillors Morey and Long, arising from their responses to the questions in respect of questions 3 and 5. Councillor Long agreed to provide a further written response in respect of supplementary question 2.

192 Resource Management and Waste Strategy

The Council considered the recommendation of the Cabinet and submitted report on the Resource Management and Waste Strategy, which sets out how the Council will effectively manage household waste.

Councillor Morey proposed and Councillor Steve Darling seconded a motion, as set out below:

That the Resource Management and Waste Strategy, as set out at Appendix 1 to the submitted report, be approved.

During the debate Councillor David Thomas proposed and Councillor Foster seconded an objection to the motion as follows:

That the Council formally objects to the adoption of the Resource Management and Waste Strategy on the basis that the reference to the three weekly bin collection is deleted from the Strategy as this is not widely supported by the community.

In accordance with the Constitution at F4.9, the Council therefore requires the Cabinet to consider this objection by 23 March 2021 and either:

- a) submit a revision of the Resource Management and Waste Strategy with the reasons for any amendments to the Council for its consideration; or
- b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

The objection was put to the vote and declared lost. Councillor Morey's and Councillor Steve Darling's original motion was then considered and agreed by the Council, as set out below:

That the Resource Management and Waste Strategy, as set out at Appendix 1 to the submitted report, be approved.

193 Community Engagement and Empowerment Strategy

The Council considered the submitted report and Cabinet's recommendations which sought approval of the Community Engagement and Empowerment Strategy.

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

- (i) **that the Policy Framework be amended to replace the Communication, Engagement and Consultation Strategy with the Community Engagement and Empowerment Strategy;**
- (ii) **that the Community Engagement and Empowerment Strategy set out at Appendix 3 to the submitted report be approved; and**
- (iii) **that Head of Policy, Performance and Community Engagement, working as part of the 'Our Communities' project team, takes responsibility for implementing the plans required to deliver this Strategy.**

(Note: at the conclusion of this item Councillor Barnby left the meeting.)

194 Council Tax 2021/2022

The Council received the submitted report in relation to the setting of Council Tax for 2021/22.

Councillor Cowell proposed and Councillor Steve Darling seconded a motion, which was agreed as set out below:

That the Council is recommended to note:

- (i) On the 3rd December 2020 Council approved the following Council Tax Bases for 2021/22:-**
 - a) For the whole Council area as 45,464.53, [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and**
 - b) For dwellings in the Brixham Town Council area as 6,115.06 to which a Parish precept relates.**
- (ii) That the Police and Crime Commissioner for Devon and Cornwall, and the Devon and Somerset Fire and Rescue Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table in paragraph (v) below.**

That the Council is recommended to approve:

- (iii) The Council Tax requirement for the Council's own purposes for 2021/22 (excluding Brixham Town Council) of £74,607,300.**
- (iv) That the following amounts be calculated for the year 2021/22 in accordance with Chapter Three of the Act:**
 - a) £312,524,518 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account the precept issued to it by Brixham Town Council.**
 - b) (£237,562,000) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.**
 - c) £74,962,518 being the amount by which the aggregate at (iv)(a) above exceeds the aggregate at (iv)(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax Requirement for the year (item R in the formula in Section 31B of the Act).**
 - d) £1,648.81 being the amount at (iv)(c) above (Item R), all divided by Item T ((i)(a) above), calculated by the Council, in**

accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).

- e) £355,218 being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act
- f) £1,641.00 being the amount at (iv)(d) above less the result given by dividing the amount at (iv)(e) above by Item T ((i)(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
- (v) That the Council, in accordance with Chapter Three of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2021/22 for each part of its area and for each of the categories of dwellings.

	Valuation Band							
	A	B	C	D	E	F	G	H
Ratio of each band to Band D	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9
	£	£	£	£	£	£	£	£
Torbay Council	1,094.00	1,276.33	1,458.66	1,641.00	2,005.67	2,370.33	2,735.00	3,282.00
Police and Crime Commissioner	157.71	183.99	210.28	236.56	289.13	341.70	394.27	473.12
Devon and Somerset Fire and Rescue Authority	60.00	70.00	80.00	90.00	110.00	130.00	150.00	180.00
Aggregate of Council Tax Requirements ex. Town Council	1,311.71	1,530.32	1,748.94	1,967.56	2,404.80	2,842.03	3,279.27	3,935.12
Brixham Town Council	38.73	45.18	51.64	58.09	71.00	83.91	96.82	116.18
Aggregate of Council Tax Requirements	1,350.44	1,575.50	1,800.58	2,025.65	2,475.80	2,925.94	3,376.09	4,051.30

including Brixham Town Council								
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Note: Torbay Council's precept includes the Adult Social Care "precept" set in 2016/17 to 2018/19, 2020/21 and 2021/22.

- (vi) That the Council's basic amount of Council Tax for 2021/22 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.**

The voting was taken by roll call as follows: For: Councillors Amil, Atiya-Alla, Brown, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Douglas-Dunbar, Dudley, Ellery, Howgate, Kennedy, Law, Long, Loxton, Manning, Mills, Morey, Pentney, Stockman (21), Against: Councillors Barrand, Brooks, Bye, Foster, Hill, Barbara Lewis, Chris Lewis, Sykes, David Thomas, Jacqueline Thomas and John Thomas (11) and Absent: Barnby, Kavanagh and O'Dwyer (3).

195 Torbay Council Annual Pay Policy Statement including Gender Pay Gap Report and Review of Pensions Discretions

The Council considered the submitted report setting out the Council's Annual Pay Policy Statement, as required under Section 38(1) of the Localism Act 2011. It was noted that the Pay Policy Statement drew together the Council's overarching policies on pay and conditions which would be published on the Council's website. The report also set out the annual review of pensions discretions as required by the Local Government Pension Scheme Regulations. In addition, the report set out details of the Council's gender pay gap data as required by the Equality Act 2010 (Specific Duties and Public Authorities) Regulations. Prior to the meeting a revised Pay Policy Statement (Appendix 1) was circulated to reflect the recent decision to remove the Restriction of Public Sector Exit Payment Regulations due to come into force on 4 November 2020, which the Government had decided not to implement.

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

- (i) that the Torbay Council Annual Pay Policy Statement 2021/22 as set out in revised Appendix 1 to the submitted report be approved for publication;**
- (ii) that the Torbay Council Gender Pay Gap Report, contained within the Annual Pay Policy Statement 2021/22 in Appendix 1 be approved for publication; and**
- (iii) that the Employers Pensions Discretions set out in Appendix 2 to the submitted report be approved for publication.**

196 Review of the Members Code of Conduct

The Council considered the submitted report on a review of the Members Code of Conduct, which had been reviewed following the consultation and release of the Local Government Association Model Code of Conduct.

Councillor Mandy Darling proposed and Councillor Mills seconded a motion that was agreed (unanimously) by the Council as set out below:

That the revised Members Code of Conduct, as set out in Appendix 1 to the submitted report be approved.

The Worshipful The Mayor of Torbay

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

31 March 2021

-: Present :-

The Worshipful The Mayor of Torbay (Councillor Douglas-Dunbar) (In the Chair)
Deputy Civic Mayor of Torbay (Councillor Manning)

Councillors Amil, Barrant, Barnby, Brooks, Brown, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Dudley, Ellery, Foster, Hill, Howgate, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Loxton, Mills, Morey, O'Dwyer, Pentney, Stockman, Sykes, David Thomas, Jacqueline Thomas and John Thomas

197 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.

198 Apologies for absence

Apologies for absence were received from Councillors Atiya-Alla and Long.

199 Declarations of interests

Anne-Marie Bond, Interim Chief Executive and Amanda Barlow, Interim Monitoring Officer declared a personal interest in minute 200.

200 Appointment of the New Chief Executive

Members considered the recommendations of the Employment Committee on the appointment of the new Chief Executive (as set out in the submitted report).

It was proposed by Councillor Steve Darling and seconded by Councillor David Thomas:

- (i) That Anne-Marie Bond be appointed to the permanent post of Chief Executive and Head of Paid Service, based on 37 hours per week and on an annual salary of £145,000 per annum, with effect from 1 April 2021; and**

- (ii) That, subject to the approval of (i) above, Amanda Barlow, Head of Legal Services, continues in the role as Interim Monitoring Officer.

The Worshipful The Mayor of Torbay

Agenda Item 8

Meeting of the Council, Wednesday, 28 April 2021

Questions Under Standing Order A12

A member may only submit three questions for consideration at each Council Meeting. Each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn. The time for member's questions will be limited to a total of 30 minutes.

First Round

<p>Question (1) by Councillor O'Dwyer to the Deputy Leader of the Council and Cabinet Member for Finance (Councillor Cowell)</p>	<p>What was the underspend for the last financial year in the end, projected or actual based on latest up to date information?</p>
<p>Question (2) by Councillor C Lewis to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p>	<p>At the Cabinet meeting on the 23rd March the future of the Pavilion was on the Agenda with a recommendation that £75,000 be spent on the joint appointment of a specialist consultant to survey the Pavilion. The money to be taken out of the Economic Development Budget (EDB).</p> <p>Three Conservative Councillors asked for confirmation that the £75,000 would be taken out of the EDB budget, and if so what would be cut from the budget.</p> <p>The Portfolio holder stated twice that the above amount was being taken from the Town Deal Funding (TDF). The Leader of the Council confirmed that the Portfolio holder had stated the money was coming from the TDF and that was good enough for him.</p> <p>The exact wording of the exchange at the Cabinet meeting can be heard on the Zoom recording.</p> <p>Will the Portfolio Holder please apologise to the three Councillors for the confusion and confirm that the £75,000 will be coming from the Economic Development Budget as per the Cabinet decision.</p> <p>If the above is correct can the Portfolio holder please inform the Council what will be cut from the EDB budget to accommodate the £75,000.</p>
<p>Question (3) by Councillor Atiya-Alla to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>In recent years Torbay Council built a jetty for the purpose of landing mussels at Brixham. Can you please advise me around the volume of landings of mussels since its construction and any impact that Brexit may have had on these landings and any reduction on income of what this may had to the harbour authority.</p>

<p>Question (4) by Councillor Bye to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>Last year I was told “a solution will be found” to the problem of overnight parking & encampment at the Ilsham Marine Drive & by Meadfoot Beach. A van, which appears to be lived in, has been in situ in a lay-by by Meadfoot Beach for three weeks at least, obscuring one of the few litter bins & the cause of much annoyance to residents. When will a solution be found please?</p>
<p>Question (5) by Councillor Foster to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>Would the Cabinet Member please give an update on the trial of the new Dual Bins on Princess Gardens, how many dual bins are in the trial and what the cost is and also will he confirm that this trial has been funded from the money given by the Government for the Towns Deal Project.</p>
<p>Question (6) by Councillor Jackie Thomas to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>I have been asked by many residents on when they can expect a green waste Collection. Cllr Mike Morey attended a Radio interview on Rivera FM on the 14th April 2020 which was a year ago and had confirmed to the listeners that the scheme was going to be rolled out as soon as possible. Can you please advise me when this will be available?</p>
<p>Question (7) by Councillor David Thomas to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p>	<p>Events on Paignton green have played a huge part of our summer offer and help to make Paignton the place it is in the summer. Ordinarily any business on or near the green is keen to have events, because footfall increases and in pure economic terms this means the business has a greater chance to make some money. However this is not the case with SWISCo. Whenever an event takes place on the green, the organisers of such events are told to provide their own toilets and that the toilets on the green are not for people attending events – even though each customer would be paying their 30p to use the facilities. Furthermore, if an agreement can be made with SWISCo, a charge of approximately £200 for an evening is charged to the event organiser on top of the 30p entrance fee.</p> <p>Why does simple economics not feature in any business case with these facilities and why would SWISCo actively discourage people to use a facility that they had provided and as a result turn away what could be a sizeable income?</p>

Second Round

<p>Question (8) by Councillor David Thomas to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>In a recent article in the Times newspaper (15 April 2021), it stated that grants have been provided to Councils for extra litter bins. Firstly, how much did Torbay Council receive and can you please provide a spreadsheet showing where the monies have been spent and how much may still be available?</p>
<p>Question (9) by Councillor Bye to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>In view of Council Leader Steve Darling’s recent comments advising more will be done to make residents feel safe when will the lights get fixed in Torwood Gardens so residents feel safe walking through there in the evening?</p> <p>I was advised by the Director of Place in November funding had been identified but despite several representations this work has not been completed.</p>
<p>Question (10) by Councillor O’Dwyer to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p>	<p>What is the budget for the new Independent Chairperson of the Strategic Housing Board post per annum or per meeting and how many meetings is it planned there will be in a year?</p>

Third Round

<p>Question (11) by Councillor Bye to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p>	<p>How has Torbay’s share of the Government’s £56million Welcome Back Fund to “help boost the look & feel of high streets & seaside towns” been spent & what consultation with the community has taken place?</p>
<p>Question (12) by Councillor O’Dwyer to the Deputy Leader of the Council and Cabinet Member for Finance (Councillor Cowell)</p>	<p>Noting the multiple contract awards of over £20 million for agency staffing published on our contracts register. Can you provide up to date figures for total actual agency costs for ourselves and our wholly owned subsidiaries for the last year by month.</p>

Meeting: Annual Council

Date: 28 April 2021

Wards Affected: All Wards

Report Title: Appointments to Council Committees and Working Parties and Appointment of Committee Chairmen/women and Vice-Chairmen/women

Officer Contact Details: June Gurry, Head of Governance Support, email june.gurry@torbay.gov.uk

1. Purpose of Report

- 1.1 In accordance with annual appointing and the start of the new Municipal Year, to appoint the Council's committees, working parties, Chairmen/women and Vice-Chairmen/women for the new municipal year. In addition to ensure the committees and working parties have appropriate terms of reference and appointments to those bodies are made in accordance with the relevant statutory requirements.
- 1.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 cease on 7 May 2021 and with Covid-19 restrictions still being in place limiting the numbers of those who can gather indoors, the Annual Council is being held before 7 May 2021 to enable it to be held virtually. This report is based upon the current political makeup of the Council should the Clifton with Maidenway By-election being held on 6 May 2021 require a change to political balance a further report will be presented to Council.

2. Reason for Proposal and its benefits

We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay and affordable housing for our residents.

We want Torbay to be the premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment is celebrated and where we play our part in addressing the climate change emergency.

- 2.1 The proposals in this report help us to deliver this ambition by ensuring the Council complies with relevant statutory and Constitutional requirements thereby supporting the Council to be a Council fit for the future.
- 2.2 The Constitution requires Members at the Annual Meeting of the Council to determine which committees to establish for the forthcoming municipal year, their

size and terms of reference and the allocation of seats in accordance with the rules of political balance.

- 2.3 The Council will establish the Licensing Committee for this municipal year and is also requested to establish the Licensing Sub-Committee at this stage in order to make effective and efficient use of resources and to ensure that the Council can continue to discharge its Licensing function prior to a full meeting of the Licensing Committee.

3. Recommendation(s) / Proposed Decision

- 1) That the overall political balance of the committees as set out at Appendix 1 be approved;
- 2) That, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 be approved;
- 3) That, subject to 1) and 2) above, the Terms of Reference and membership for the Council's Committee's and working parties be approved as set out in Appendix 3
- 4) That, subject to 3) above being approved, nominations be from Group Leaders received to fill the seats on the committees;
- 5) That, subject to 3) above, the Chairmen/women and Vice-Chairmen/women of those Committee's be approved as set out in Appendix 4;
- 6) That, a sub-committee of the Licensing Sub-Committee be established to comprise three Members of the Licensing Committee;
- 7) That the terms of reference of the Licensing Sub-Committee be to consider and determine all matters in connection with licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles);
- 8) That the Licensing Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations; and
- 9) That the Head of Governance Support be authorised to empanel Members from the Licensing Committee to serve on the Licensing Sub-Committee as and when required; and

Appendices

Appendix 1: Political Balance of Committees

Appendix 2: Political Balance of Working Parties

Appendix 3: Committee Terms of Reference and Membership of Committees and Working Parties

Appendix 4: Nominations for Chairmen/women and Vice-Chairmen/women

Background Documents: None

Supporting Information

1. Introduction

- 1.1 The political composition of the Council is 14 members of the Conservative Group, 12 members of the Liberal Democrat Group and 10 members of the Independent Group. The political balance is:

Conservative Group	14 seats	= 38.89%
Liberal Democrat Group	12 seats	= 33.33%
Independent Group	10 seats	= 27.78%

- 1.2 The proportional distribution of seats on Committees between political groups is set out at Appendix 1.
- 1.3 Whilst not a legislative requirement, the Council has included in its Constitution for Working Parties to also be politically balanced. Proportional distribution of seats on Working Parties is set out at Appendix 2.
- 1.4 In order to ensure the Council uses its resources in an effective and efficient manner, it is proposed that Council appoints the Licensing Sub-Committee avoiding the necessity for a full Licensing Committee that would be convened solely to make this decision.
- 1.5 In accordance with, Committee and Sub-Committee Meetings Standing Order B1, the Council will also appoint the Chairmen/women and Vice-Chairmen/women for Committees, except for those Committees that meet on an ad hoc basis.
- 1.6 Appendix 3 sets out the terms of reference for Council Committees and Working Parties.

2. How does this proposal support the ambitions, principles and delivery of the Corporate Plan?

- 2.1 The calculation of political balance of committees is a statutory requirement and supports all aspects of the Corporate Plan through the good governance of the Council.

3. How does this proposal contribute towards the Council's responsibilities as corporate parents?

- 3.1 There is no direct contribution towards the Council's responsibilities as corporate parents. The legislation ensures that nominations to the seats on committees reflects the representation of different political groups on the Council.

4. How does this proposal tackle deprivation?

As section 3 above.

5. What are the financial and legal implications?

5.1 The Local Government and Housing Act 1989 requires the Council to allocate seats on committees to political groups in accordance with the size of each group as a whole, unless alternative arrangements are notified to all Members and agreed without any councillor voting against them. The Council is required to observe the following principles as far as it is reasonably practicable:

(a) that not all seats on the body are allocated to the same group;

(b) that the majority of seats on the body are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;

(c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of Members of that group to the membership of the authority; and

(d) subject to paragraphs (a) to (c) above, that the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of Members of that group to the membership of the authority.

5.2 The Council is required to determine the number of seats on each committee and the allocation of those seats to the political groups. Applying the principles of the Local Government and Housing Act 1989 and the supporting Regulations, the option for distribution would be proportional as set out at Appendix 1.

5.3 The allocation of seats includes a statutory bar on members of the Cabinet to be on the Overview and Scrutiny Board and a Council decision to exclude members of the Cabinet on the Audit Committee.

5.4 Political balance requirements may be dis-applied under Section 17, Local Government and Housing Act 1989 and Regulation 20, Local Government (Committees and Political Groups) Regulations 1990. This would allow the relevant seats to be allocated to another group. Any decision to dis-apply would require a resolution of the Council with no member voting against.

5.5 In respect of Working Parties, the Council's Constitution states that Working Parties considering non-executive functions will be appointed in accordance with the principles of political balance.

6. What are the risks?

6.1 The Constitution and legislation requires the Council to undertake the annual appointments of committees, working parties and chairmen/women and vice-chairmen/women. There are no risks unless members fail to determine the matter.

7. Public Services Value (Social Value) Act 2012

7.1 Not applicable.

8. Tackling Climate Change

8.1 No impact.

9. What consultation have you carried out?

9.1 The Group Leaders have received the proposed allocations to Council committees and working parties, along with the appointments to Chairmen/women and Vice-Chairmen/women and have been requested to provide nominations from their respective groups.

Political Balance of Committees

Committee	Conservative Group	Liberal Democrat Group	Independent Group	Total
Appeals Committee (School Transport)	3	3	1	7
Audit Committee (excluding Cabinet Members)	3	2	2	7
Civic Committee	3	3	1	7
Employment Committee (to include a Cabinet member)	2	2	1	5
Harbour Committee	3	2	3	8
Licensing Committee (excluding Cabinet Member with responsibility for Licensing)	6	5	4	15
Overview and Scrutiny Board (excluding Cabinet Members)	3	3	3	9
Planning Committee (excluding Cabinet Member with responsibility for Planning)	3	3	3	9
Standards Committee	3	2	2	7

Political Balance of Non-Executive Working Parties

Working Party	Conservative Group	Liberal Democrat Group	Independent Group	Total
Airshow Working Party	2	2	1	5
Community Asset Transfer Panel (including appropriate Cabinet Member)	2	1	1	4
Corporate Parenting Board	2	2	1	5
Harbour Asset Working Party (plus external advisors and membership restricted to Harbour Committee)	2	1	2	5
Harbour Budget Working Party (plus external advisors and membership restricted to Harbour Committee)	2	2	1	5
Oldway Mansion and Grounds Steering Group (Working Party)	2	2	1	5
Transport and Parking Working Party	3	3	3	

Schedule 4 – Terms of Reference
Overview and Scrutiny Board and Sub-committees, Regulatory and Other Committees,
Area Committees, Working Parties and Other Bodies

Name and Terms of Reference	Membership
<p>Appeals Committee (Transport):</p> <p>To determine appeals in respect of school transport.</p>	<p>7 members of the Council in accordance with the political balance requirements</p> <p>Conservative (3):</p> <p>Liberal Democrat (3):</p> <p>Independent Group (1):</p>
<p>Audit Committee:</p> <ol style="list-style-type: none"> 1. To consider the Head of Internal Audit’s annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council’s corporate governance arrangements. 2. To consider summaries of specific Internal Audit reports as requested. 3. To consider reports dealing with the management and performance of the providers of Internal Audit Services. 4. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale. 5. To consider the External Auditor’s Annual Letter, relevant reports, and the report to those charged with governance. 6. To consider specific reports as agreed with the External Auditor. 7. To comment on the scope and depth of external audit work and to ensure it gives value for money. 	<p>7 members of the Council excluding members of the Cabinet, in accordance with the political balance requirements</p> <p>Conservative (3):</p> <p>Liberal Democrat (2):</p> <p>Independent Group (2):</p>

Name and Terms of Reference	Membership
<p>8. To liaise with the Public Sector Audit Appointments Ltd over the appointment of the Council’s external auditor.</p> <p>9. To commission work from Internal and External Audit within approved resources.</p> <p>10. To support the Council’s compliance with the CIPFA Code of Practice for Treasury Management in Public Services including the role as nominated Committee to be responsible for ensuring effective scrutiny of the capital strategy, treasury management strategy and policies.</p>	
<p>Regulatory Framework</p>	
<p>11. To maintain a strategic overview of the Council’s Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour (the primary responsibility for considering and ensuring that the constitution is fit for purpose lies with the Monitoring Officer and the Standards Committee in relation to the codes of conduct).</p>	
<p>12. To maintain a strategic overview of the Council’s compliance with the prevailing Accounts and Audit Regulations.</p>	
<p>13. To review any issue referred to it by the Chief Executive, a Director, the Monitoring officer, Section 151 Officer (Chief Finance Officer) or any Council body.</p>	
<p>14. To monitor the effective development and operation of risk management and corporate governance in the Council.</p>	
<p>15. To monitor council policies on ‘Raising Concerns at Work’ and the ‘Anti-fraud and corruption strategy’ and the Council’s complaints process.</p>	

Name and Terms of Reference	Membership
<p>16. To consider the findings of reviews of the effectiveness of the system of internal control including the Annual Governance Statement and to recommend its adoption.</p> <p>17. To oversee the Council’s arrangements for corporate governance and consider necessary actions to ensure compliance with best practice.</p> <p>18. To review the Code of Corporate Governance.</p> <p>19. To monitor the Council’s compliance with its own and other published standards and controls.</p> <p>20. To maintain a strategic overview of the Council’s compliance with the Regulation of Investigatory Powers Act 2000 (RIPA).</p> <p>Accounts</p> <p>21. To consider the External Auditor’s report to those charged with governance on issues arising from the audit of the accounts.</p> <p>22. On behalf of the Council, to consider and approve the annual statement of accounts.</p>	
<p>Civic Committee:</p> <p>1. To consider nominations for the title of Honorary Freeman and Honorary Alderman and make recommendations to the Council as necessary following unanimous voting on acceptance of any nominations.</p> <p>2. In conjunction with the Senior Leadership Team, identify and consider individuals to nominate for a Queens Honour.</p>	<p>7 members of the Council in accordance with the political balance requirements</p> <p>Conservative (3):</p> <p>Liberal Democrat (3):</p> <p>Independent Group (1):</p>

Name and Terms of Reference	Membership
<p>Employment Committee:</p> <ol style="list-style-type: none"> 1. To make recommendations to Council on the appointment of the Head of Paid Service including the terms and conditions of his/her employment. 2. To determine appointments to post of Director or equivalent positions of the Council and senior management positions at Hay Grade 528 or above, or for the most senior management position where this is lower, for its wholly owned companies, including the terms and conditions of contracts, appointment procedures and arrangements. 3. To consider applications for the position of Coroner and to recommend to Council the person to be appointed to that post. 4. To hear and determine appeals in relation to disciplinary matters, in relation to dismissal. 5. To consider any matters referred by the Chief Executive on the appointment of Non-Executive Directors on Council owned companies. 6. To consider any disciplinary or grievance matters in relation to the Chief Executive. 7. To consider and determine requests for Flexible Retirement from Senior Officers. 	<p>5 members of the Council in accordance with the political balance requirements (to include a Cabinet member)</p> <p>Conservative (2):</p> <p>Liberal Democrat (2):</p> <p>Independent Group (1):</p>
<p>Harbour Committee</p> <p>To determine all matters relating to the strategic management of the Council’s function as a Harbour Authority, in line with the Tor Bay Harbour Port Masterplan, the Council’s Policy Framework. Specifically the Committee will:-</p> <ol style="list-style-type: none"> 1. manage all of the Harbour’s financial matters in accordance with approved 	<p>8 members of the Council in accordance with the political balance requirements, plus up to five external non-voting advisors appointed by the Committee on a four year term.</p>

Name and Terms of Reference	Membership
<p>financial procedures and the Council’s aspirations for the harbour to be self financing as outlined in the Tor Bay Harbour Port Masterplan and including (but not limited to):</p> <ul style="list-style-type: none"> (a) the setting of harbour charges from time to time (including in-year changes to the schedule) normally following consultation with the relevant Harbour Liaison Forums; (b) approving the annual revenue budgets within the ring-fenced harbour accounts; (c) receiving quarterly budget monitoring reports and to approve variances as appropriate; and (d) monitoring the harbour reserve funds and to seek to ensure that the funds are kept above an appropriate minimum contingency level and ensure the harbour remains self-financing; <p>providing that no decision by the Harbour Committee shall impact adversely on the Council’s general fund or capital budget.</p> <ol style="list-style-type: none"> 2. to act as Duty Holder for the purposes of the Port Marine Safety Code, the accountability for which cannot be assigned or delegated; 3. approve and monitor a business plan for Tor Bay Harbour, in line with the Council’s policy framework, and address any issues relating to performance; 4. review these terms of reference annually and request the Council to make any necessary amendments and/or additions; 5. review annually the powers delegated to the Head of Tor Bay Harbour Authority and refer any proposed changes to the Council for determination. The Committee itself shall not authorise any changes; 	<p>(Group Leaders will be asked to take account of the geographical spread of members in making appointments to the Committee)</p> <p>Conservative (3):</p> <p>Liberal Democrat (2):</p> <p>Independent Group (3):</p>

Name and Terms of Reference	Membership
<p>6. consider any other matters referred to the Committee by the Head of Tor Bay Harbour Authority;</p> <p>7. establish any sub-committee or working parties as the Committee sees fit, in particular a Harbour Appointments Sub-Committee for the recruitment of advisors;</p> <p>8. recommend the format, composition and governance of the Harbour Liaison Forums and keep the arrangements under review;</p> <p>9. to provide strategic direction to the Head of Tor Bay Harbour Authority and the Leader of the Council in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority.; and</p> <p>10. appoint advisors following receipt of recommendations from the Harbour Appointments Sub-Committee. Appointments will be merit based and be in accordance with the Local Protocol for members of the Harbour Committee.</p>	
<p>Harbour Appointments Sub-Committee</p> <p>1. To consider ad hoc applications for external advisor positions on the Harbour Committee and recommend to the Harbour Committee the persons who should be appointed to those posts as and when vacancies arise, and to determine the rolling programme for advisors tenure.</p>	<p>5 members of the Council in accordance with the political balance requirements to include the Chairman and Vice-Chairman of the Harbour Committee appointed the Harbour Committee.</p> <p>Conservative (2)</p> <p>Liberal Democrat (2)</p> <p>Independent Group (1)</p>

Name and Terms of Reference	Membership
<p>Marine Safety Sub-Committee</p> <p>1. To ensure appropriate insight and understanding of the organisations marine safety management system and supporting systems and when necessary make recommendations to the Harbour Committee regarding health and safety related matters.</p>	<p>5 members of the Council in accordance with the political balance requirements appointed the Harbour Committee.</p> <p>Conservative (2)</p> <p>Liberal Democrat (2)</p> <p>Independent Group (1)</p>
<p>Health and Wellbeing Board</p> <p>1. To encourage those who arrange for the provision of any health or social care services in the area to work in an integrated manner for the purpose of advancing the health and wellbeing of the people in its area.</p> <p>2. To provide advice, assistance and support, as it thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 (arrangements between NHS bodies and local authorities) of the National Health Service Act 2006 in connection with the provision of such services.</p> <p>3. To encourage those who arrange for the provision of health-related services in its area to work closely with the Health and Wellbeing Board.</p> <p>4. To encourage those who arrange for the provision of any health or social care services in its area and those who arrange for the provision of any health-related services in its area to work closely together.</p> <p>5. To exercise the functions of Torbay Council and South Devon and Torbay Clinical Commissioning Group under sections 116 (health and social care: joint strategic needs assessments) and 116A (health and social care: joint health and wellbeing strategy) of the Local Government and Public Involvement in</p>	<p>Membership:</p> <p>Leader of the Council or their nominee</p> <p>Director of Adult Services and Housing</p> <p>Director of Children’s Services</p> <p>Director of Public Health</p> <p>A representative of Healthwatch Torbay</p> <p>A representative of Devon Clinical Commissioning Group</p> <p>A representative of NHS England</p> <p>Non-voting Co-opted Members:</p> <p>Torbay and South Devon NHS Foundation Trust</p> <p>Police and Crime Commissioner</p> <p>Devon Partnership NHS Trust</p> <p>Torbay Community Development Trust</p> <p>Chairman of Safer Communities Torbay</p>

Name and Terms of Reference	Membership
<p>Health Act 2007, namely:</p> <ul style="list-style-type: none"> • Preparation of a Joint Strategic Needs Assessment; and • Preparation of a Joint Health and Wellbeing Strategy. <p>6. To assess needs for pharmaceutical services in Torbay and publish a statement of its first assessment and of any revised assessment.</p> <p>7. To provide the Council its opinion on whether the local authority is discharging its duty under section 116B (duty to have regard to assessment and strategies) of the Local Government and Public Involvement in Health Act 2007.</p> <p>8. To exercise the statutory duty to promote co-operation between Torbay Council, its relevant partners and other partners or bodies as the Council considers appropriate, to improve the well-being of children in the area.</p> <p>9. To consider the annual report of the Torbay Safeguarding Children’s Board.</p> <p>10. To make any decisions that legislation or government guidance reserves to Health and Wellbeing Board’s and/or proposes that Health and Wellbeing Boards would be appropriate forum for such decisions to be made.</p>	<p>Chairman of Torbay Safeguarding Children Board Chairman of Torbay Safeguarding Adults Board Chairman of Torbay Together Representative from Devon and Cornwall Police Assistant Director of Community and Customer Services Representative of the Ageing Well Assembly Representative of Primary Care Representative of the Department for Work and Pensions Representative of Torbay Schools</p>
<p>Licensing Committee:</p> <p>To carry out the Licensing functions of the Council.</p>	<p>15 members of the Council in accordance with the political balance requirements</p> <p>Conservative (6):</p> <p>Liberal Democrat (5):</p> <p>Independent Group (4):</p>
<p>Overview and Scrutiny Board:</p>	<p>9 members of the Council in accordance with the political</p>

Name and Terms of Reference	Membership
1. To approve and co-ordinate the work programme for the overview and scrutiny function for the year.	balance requirements (including the Overview and Scrutiny Co-ordinator and Overview and Scrutiny Lead Members) excluding Members of the Cabinet and the Chairman/woman of the Council plus 2 Diocesan and 2 Parent Governor Representatives Conservative (3): Liberal Democrat (3): Independent Group (3):
2. To appoint sub-committees and/or working parties to perform the overview and scrutiny function (the membership of such bodies to be in accordance with Standing Order D2 in relation to Overview and Scrutiny).	
3. To appoint the Council’s representatives to the Heart of the South West Local Enterprise Partnership (LEP) Joint Scrutiny Committee.	
4. To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are the responsibility of the Cabinet.	
5. To make reports or recommendations to the Authority or the Cabinet with respect to the discharge of functions which are the responsibility of the Cabinet.	
6. To make reports or recommendations to the Authority or the Cabinet with respect to the discharge of functions which are not the responsibility of the Cabinet.	
7. To make reports or recommendations to the Authority or the Cabinet or the Council’s partner authorities (as defined by the Local Government and Public Involvement in Health Act 2007) on matters which affect the Authority's area or the inhabitants of that area.	
8. To consider all matters and issues arising from the Council's power of scrutinising local health services in accordance with the Health and Social Care Act 2001, the National Health Service Act 2006 and Health and Social Care Act 2012.	
9. To consider all matters and issues arising from the Council's power to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions in	

Name and Terms of Reference	Membership
<p>accordance with the Police and Justice Act 2006.</p> <p>10. To review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area in accordance with Flood and Water Management Act 2010.</p>	
<p>Children and Young People’s Overview and Scrutiny Board:</p> <p>1. to review how the needs and interests of children and young people are met by all departments, policies, services and decisions; and how performance is evaluated and improved;</p> <p>2. to review universal, targeted and specialist services for children and young people including:</p> <ul style="list-style-type: none"> • prevention and management of risk; • social care; • children’s and young people’s wellbeing; • education – supporting and enabling learning for all children and young people; • internal and external partnership working for children and young people; • supporting parents and families; and • relevant financial management; <p>3. to assess the effectiveness of decisions of the Cabinet in these areas of the Council’s statutory activity; and</p> <p>4. to make reports and recommendations as appropriate arising from this area of overview and scrutiny.</p>	<p>This is a Sub-Committee of the Overview and Scrutiny Board and comprises 5 members of the Council in accordance with the political balance requirements.</p> <p>Conservative (2):</p> <p>Liberal Democrat (2):</p> <p>Independent Group (1):</p> <p>Statutory Education Co-opted Members:</p> <p>Statutory parent governor representatives (primary, secondary and academy trust) (3):</p> <p>Statutory Church of England representative (1):</p> <p>Statutory Roman Catholic Diocesan representative (1):</p>

Name and Terms of Reference	Membership
	<p>Non-Voting Co-opted Members:</p> <p>Devon and Cornwall Police representative (1):</p> <p>Torbay Youth Trust representative (1):</p> <p>Care experienced young person (1):</p> <p>Imagine This Partnership Board representative (1):</p>
<p>Planning Committee:</p> <ol style="list-style-type: none"> 1. At all times to have regard to the Development Plan (as defined in S.38 of the Planning and Compulsory Purchase Act 2004) for Torbay. 2. To consider and (if appropriate) determine (unless such determination is reserved by law to Council) all applications and all other matters (including issuing notices, making Orders and requesting the Monitoring Officer to issue civil or criminal proceedings) relating to: <ul style="list-style-type: none"> Town and Country Planning, including <ul style="list-style-type: none"> • Conservation Areas • Listed Buildings • Scheduled Ancient Monuments • The display of advertisements • Tree Preservation Orders • Complaints about high hedges • Public Rights of Way 	<p>9 members of the Council (excluding the Cabinet Lead with responsibility for Planning, in accordance with the political balance requirements) with membership comprising, if reasonably possible, members from the various areas of the Borough</p> <p>Conservative (3):</p> <p>Liberal Democrat (3):</p> <p>Independent Group (3):</p>

Name and Terms of Reference	Membership
<ul style="list-style-type: none"> • Minerals • Highways matters • Waste • Enforcement; and • Environmental Assessment <p>so far as they are set out in Schedule 2 of this Part 3 of the Constitution (Council Functions) or are identified as Council functions in Schedule 1 of this Part 3 (Local Choice Functions): i.e. so far as they are not Executive functions.</p> <p>3. The Committee shall not determine any application (or other matter) in a manner that would (in the opinion of the Assistant Director Planning, Housing and Climate Emergency or the opinion of the Director of Place) not be in accordance with the Development Plan for Torbay unless they recommend such determination and the determination is consistent with the Assistant Director’s recommendation.</p> <p>If, contrary to officer recommendation, the Committee consider that an application (or other matter) shall be determined not in accordance with the Development Plan for Torbay then (unless their determination is consistent with the recommendation of the Assistant Director Planning, Housing and Climate Emergency) the item shall be referred to Council for determination.</p>	
<p>Standards Committee:</p> <ol style="list-style-type: none"> 1. To promote and maintain high standards of conduct by councillors, co-opted members and church and parent governor representatives. 2. To assist councillors, co-opted members and church and parent governor representatives to observe the Members’ Code of Conduct. 3. To advise the Council on the adoption or revision of the Members’ Code of Conduct. 	<p>7 members of Torbay Council in accordance with the political balance requirements</p> <p>Conservative (3):</p> <p>Liberal Democrat (2):</p> <p>Independent Group (2):</p>

Name and Terms of Reference	Membership
<p>4. To monitor the operation of the Members’ Code of Conduct.</p> <p>5. To advise, train or arrange to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members’ Code of Conduct.</p> <p>6. To assist the Monitoring Officer in carrying out his/her responsibilities pursuant to the Code of Conduct and its protocols.</p> <p>7. To review the Council’s local protocols as contained in the Constitution.</p> <p>8. To review the Constitution in relation to ethics and probity issues.</p> <p>9. To advise others on probity and ethics.</p> <p>10. To consider any alleged breaches of local protocols by members.</p> <p>11. To share experience with other standards committees.</p> <p>The Council may arrange for the Standards Committee to exercise such other functions as the Council considers appropriate.</p>	
<p>Airshow Working Party</p> <p>1. To enable Members to be kept fully briefed on the progress of the Torbay Air Show</p> <p>2. To monitor the budget allocated for the Torbay Air Show.</p> <p>3. To consider how the Torbay Air Show can provide an opportunity to create greater benefits which support the Council’s broader corporate objectives (including providing opportunities for the Council’s Looked After Children).</p>	<p>5 members of the Council in accordance with the political balance requirements</p> <p>Conservative (2):</p> <p>Liberal Democrat (2):</p> <p>Independent (1):</p>
<p>Community Asset Transfer Panel</p>	<p>4 members of the Council in</p>

Name and Terms of Reference	Membership
<p>To assess applications made at Stage 1 and Stage 2 of the Community Asset Transfer process in accordance with the criteria set out in the Community Asset Transfer Policy.</p>	<p>accordance with the political balance requirements, to include the appropriate Cabinet Member</p> <p>Conservative (2):</p> <p>Liberal Democrat (1):</p> <p>Independent (1):</p>
<p>Corporate Parenting Board</p> <p>1. To provide a forum for regular, detailed discussions of issues in relation to, and a positive link with, our Children Looked After, in accordance with the Council's Children Looked After and Corporate Parenting Strategy.</p>	<p>5 members of the Council in accordance with the political balance requirements</p> <p>Conservative (2):</p> <p>Liberal Democrat (2):</p> <p>Independent Group (1):</p>
<p>Harbour Asset Working Party (plus external advisors)</p> <p>1. To review all assets within Tor Bay Harbour and the Harbour Estate.</p> <p>2. To establish how each asset is performing.</p> <p>3. To identify any assets that are surplus.</p>	<p>5 members of the Council in accordance with the political balance requirements</p> <p>Conservative (2):</p> <p>Liberal Democrat (1):</p> <p>Independent Group (2):</p>
<p>Harbour Budget Working Party (plus external advisors)</p> <p>1. To scrutinise the draft Tor Bay Harbour Authority budget prior to presentation to</p>	<p>5 members of the Council in accordance with the political balance requirements</p>

Name and Terms of Reference	Membership
<p>the Harbour Committee and to review the full range of harbour charges.</p> <p>2. To assist Officers to monitor and review the budget ahead of each quarterly Harbour Committee meeting.</p>	<p>Conservative (2):</p> <p>Liberal Democrat (2):</p> <p>Independent Group (1):</p>
<p>Local Plan Working Party</p> <p>1. To support the Local Planning Authority’s review of the Torbay Local Plan 2012-2030 and any other associated documents as may be deemed appropriate by the Assistant Director of Planning, Housing and Climate Emergency;</p> <p>2. To identify relevant interested parties, including Neighbourhood Forums and Developers, to be invited to attend meetings.</p>	<p>9 members of the Council in accordance with the political balance requirements, to include the Cabinet Member for Instructure, Environment and Culture and the Cabinet Member for Economic Regeneration, Tourism and Housing appointed by the Cabinet.</p> <p>Conservative (3):</p> <p>Liberal Democrat (3):</p> <p>Independents (3):</p>
<p>The Oldway Mansion and Grounds Steering Group (Working Party)</p> <p>1. To review any condition surveys for buildings on the site.</p> <p>2. To review proposals for use of buildings and grounds.</p> <p>3. To ascertain community views in respect of these matters.</p> <p>4. To make recommendations about how future use of building should be taken forward.</p>	<p>5 members of the Council in accordance with the political balance requirements</p> <p>Conservative (2):</p> <p>Liberal Democrat (2):</p> <p>Independent Group (1):</p>

Name and Terms of Reference	Membership
<p>5. To identify relevant members from the local community and relevant representatives from the business, public and voluntary sectors to be invited to meetings.</p> <p>6. To specify, fully cost and prioritise the works to Oldway as identified in Phase 1 of the DCA report (presented to Council on 21 June 2018).</p> <p>7. To explore with the community all potential sources of funding for the entirety of the Phases, including, but not limited to:</p> <ul style="list-style-type: none"> • Grant funding • Fund raising events • Crowd funding • Business opportunities and investment • Legacies • Philanthropic contributions <p>8. To produce a flexible programme of proposed delivery of restoration works which aligns with the availability of funding.</p> <p>9. To provide strategic oversight of commissioning and delivery of any restoration works.</p>	
<p>Transport and Parking Working Party</p> <p>1. To consider current and emerging highways and transportation issues and to make recommendations to the appropriate decision-maker.</p> <p>2. To consider current and emerging parking issues and to make recommendations to the appropriate decision maker.</p>	<p>9 members of the Council in accordance with the political balance requirements</p> <p>Conservative (3):</p> <p>Liberal Democrat (3):</p>

Name and Terms of Reference	Membership
	Independent Group (3):

Nominations for Chairmen/women and Vice-Chairmen/women of Committee's 2021-2022

Committee	Chairman/woman	Vice-Chairman/woman
Audit Committee		
Harbour Committee		
Health and Wellbeing Board (Note: In accordance with Standing Order H3.1 nominations reflect the members of the Health and Wellbeing Board which includes officers and partners.)		
Licensing Committee		
Overview and Scrutiny Board		
Planning Committee		
Standards Committee		

(Note: In accordance with Committees and Sub-Committees Standing Order B1, Committees that meet on an ad hoc basis and require a different Chairman/woman are not included.)

Schedule 5 - Scheme of Delegation of Executive Functions to the Cabinet, Committees of the Cabinet and Officers

This report is presented to the Adjourned Annual Meeting of Council on 28 May 2019 in accordance with Standing Order C4.2(a) for inclusion in the Council’s Scheme of Delegation (Schedule 5 of Part 3) of the Constitution of Torbay Council.

1. The names, addresses and wards of the people appointed to the Cabinet by the Leader of the Council are set out below:

Name	Address	Electoral Ward
Deputy Leader of the Council and Cabinet Member for Finance – Councillor Darren Cowell	Torbay Council Town Hall Torquay TQ1 3DR 07808 765486	Shiphay
Cabinet Member for Adults and Public Health – Councillor Jackie Stockman	Torbay Council Town Hall Torquay TQ1 3DR 01803 851255	Furzeham with Summercombe
Cabinet Member for Children’s Services – Councillor Cordelia Law	Torbay Council Town Hall Torquay TQ1 3DR 07733 550133	Tormohun
Cabinet Member for Economic Regeneration, Tourism and Housing – Councillor Swithin Long	Torbay Council Town Hall Torquay TQ1 3DR 07413 111648	Barton with Watcombe
Cabinet Member for Infrastructure, Environment and Culture – Councillor Mike Morey	Torbay Council Town Hall Torquay TQ1 3DR 01803 853316	Furzeham with Summercombe
Cabinet Member for Corporate and Community Services – Councillor Christine Carter	Torbay Council Town Hall Torquay TQ1 3DR 07848 829159	Roundham with Hyde

2. The Cabinet will carry out all the local authority’s functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. Executive functions will be exercised collectively unless the Leader of the Council directs otherwise in accordance with Article 6.06 of the Constitution.

Cabinet Member	Service Areas
Leader of the Council - Councillor Steve Darling	
Deputy Leader and Cabinet Member for Finance Councillor Darren Cowell	Finance: Creditors Debtors Payments Internal Audit Cashiers Procurement Systems Accountancy
Cabinet Member for Adults and Public Health Councillor Jackie Stockman	Adult Services (NHS Trust Provider): Adult Mental Health Adult Safeguarding Care Homes Commissioning & Management Community Alarms Community Equipment Domiciliary & Day Care Adult Social Care Commissioning: Community Engagement Healthwatch NHS Advisory Service Performance Management Public Health: Epidemiology Health Improvement Health Protection and Infection Control NHS Health Services and Support

Cabinet Member	Service Areas
<p>Cabinet Member for Children’s Services</p> <p>Councillor Cordelia Law</p>	<p>Children’s Safeguarding:</p> <ul style="list-style-type: none"> Early Help Targeted Support Services Multi-Agency Safeguarding Hub Single Assessment Children in Need/Child Protection Children Looked After/Care Leavers Children with Disabilities Fostering Adoption Independent Reviewing Youth Offending Service Integrated Youth Support Services Quality Assurance Professional Support to Torbay Safeguarding Children Board <p>Education, Learning and Skills:</p> <ul style="list-style-type: none"> Early Years and Childcare Pupil Place Planning Special Educational Needs and Disability School Admissions School Improvement and Commissioning School Transport Virtual School Children’s Centres
<p>Cabinet Member for Economic Regeneration, Tourism and Housing</p> <p>Councillor Long</p>	<p>Business Services:</p> <ul style="list-style-type: none"> TDA Commissioning Asset Management Investment Fund Management <p>Adult Social Care Commissioning:</p> <ul style="list-style-type: none"> Housing Strategy & Development <p>Community Services:</p> <ul style="list-style-type: none"> Housing Options Housing Standards Homes Improvement Agency

Cabinet Member	Service Areas
<p>Cabinet Member for Infrastructure, Environment and Culture</p> <p>Councillor Mike Morey</p>	<p>Business Services:</p> <ul style="list-style-type: none"> Resort Services (Beaches) Parking Services TOR2 (Commissioning) and Service Delivery Natural Environment, Parks and Open Spaces Flood Risk Management Culture and Events Heritage Geopark Sports Development Theatres, Arts and Museums Leisure Contracts Waste Disposal <p>Planning and Transport:</p> <ul style="list-style-type: none"> Local Transport and Strategic Transport Highways and Street Scene Building Control

Cabinet Member	Service Areas
<p>Cabinet Member for Corporate and Community Services</p> <p>Councillor Christine Carter</p>	<p>Corporate Services: Communications Community Engagement and Strategic Partnership Coroner Governance Support (Democratic and Electoral Services) Registrars Human Resources and Payroll Information and Freedom of Information Legal Services Performance and Business Development ICT Library Services Print and Post Room Website Support</p> <p>Transformation: Programme Management Project Management</p> <p>Community and Customer Services: Corporate Health and Safety Emergency Planning Food and Safety Safer Communities Licensing and Public Protection Trading Standards CCTV and Security Crematorium Customer Services and Connections Revenue & Benefits</p>

3. No executive functions have been delegated to area committees, any other authority or any joint arrangements at the present time.
4. The Leader of the Council has also (so far as lawful) delegated to officers the discharge of those functions that are referred to in Schedule 7 and are executive functions in the manner set out in that Schedule, in accordance with (and subject to) the Council’s Standing Orders in relation to the Cabinet .
5. So far as the Constitution requires officers to consult with “the relevant member”, the areas of responsibility of the Cabinet Members are as set out paragraph 2 above.

Overview and Scrutiny Annual Report 2020/2021

April 2021



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Foreword

This year has been a challenging year for Overview and Scrutiny, having to respond to the issues the Covid-19 pandemic has brought to Torbay. We took a brief pause in proceedings in order for the Council to establish secure and effective remote meeting processes, before continuing 'business as normal' in a world of remote meetings.

We continued to take a leading role in the Leader and Cabinet's Budget development for 2021/2022 and I am pleased that most of our recommendations informed the final budget proposals. In addition to the budget, the Board has investigated a number of issues and I believe has made a notable difference in some of the key decisions made by the Cabinet, especially those around children and young people, tackling poverty in Torbay and the climate emergency.

I would like to take this opportunity to thank everyone who has played a part in contributing towards the work of the Council's Overview and Scrutiny Boards and Panels. Overview and Scrutiny and the Cabinet have continued to work together to try to make a positive difference for the people of Torbay.

This report gives details of the work which has been undertaken by Overview and Scrutiny over the course of the 2020/2021 Municipal Year.

Councillor Lee Howgate

Overview and Scrutiny Co-ordinator

1. Key information about Overview and Scrutiny

The operation of overview and scrutiny

Councillor Howgate has been the Overview and Scrutiny Co-ordinator since May 2019. He is supported by Scrutiny Lead Members:

- Councillor Bye – Children’s Services;
- Councillor Mandy Darling – Health and Adult Services;
- Councillor Foster – Community and Corporate Services; and
- Councillor Doggett – Place (who sadly passed away in November 2020 and had been a valued member of the Board for a number of years with a passion for transport and the environment) with Councillor Kennedy taking over as Scrutiny Lead for Place from 3 December 2020.

The Overview and Scrutiny Board meets monthly with task and finish Panels created to consider topics in greater detail. The Board comprised Councillors Barrand, Brown, Bye, Mandy Darling, Doggett, Foster, Howgate, Kennedy, Loxton and Councillor Atiya-Alla (who took over from Councillor Doggett).

Residents and stakeholders can get involved by:

- Attending public meetings;
- Giving evidence to one of the Panels or Boards; and
- Sending in comments about a review.

Scrutiny’s Role

To make recommendations to the Cabinet or Council in accordance with following principles:

- Focusing on the issues which matter.
- Policy Development is of equal importance to “holding to account”.
- The Forward Plan is the key tool for managing the decision making process.
- The relationship between overview and scrutiny and the Cabinet should seek to complement one another.
- All Councillors should have the opportunity to help shape policy decisions at an early stage.

Meetings:

- Are open to the public to attend.
- Typically last 2-3 hours.
- Meet regularly (during the daytime and evenings).
- Have a formal structure, but are run in an accessible way.
- Papers are published on the Council’s website at [Committee structure \(torbay.gov.uk\)](https://www.torbay.gov.uk/committees).

2. Snapshot of scrutiny development in 2020/2021

Focusing on the issues which matter

The Overview and Scrutiny Board continued to undertake its health scrutiny duty providing oversight of health services in Torbay and clinical services across the peninsula by taking part in meetings of Devon County Council's Health and Adult Care Scrutiny Committee and holding Torbay and South Devon NHS Foundation Trust to account on their handling of Covid-19 and their Care Quality Commission inspection through its own Board meetings.

The Board continued to receive regular reports on the Council's revenue and capital budgets. It has closely monitored the performance of Children's Services both in terms of outcomes for children and the costs of the service.

In order to provide greater focus and dedicated time to issues impacting children, the Board created a sub-committee – the Children and Young People's Overview and Scrutiny Board in January 2021, which meets bi-monthly.

Equal importance placed on policy development

The Board provided feedback during the development of a number of policies over the course of the year, including the draft Heritage Strategy, Strategic Agreement between Torbay Council, Devon Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust, draft Resource and Waste Management Strategy and draft Community Engagement and Empowerment Strategy.

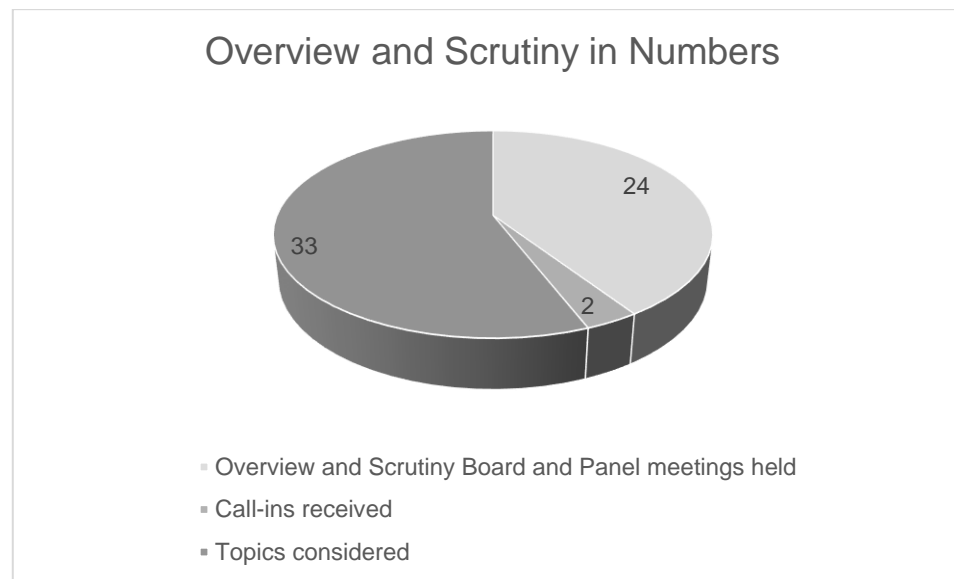
Complementing the work of the Cabinet

The Overview and Scrutiny Board continue to seek to complement the work of the Cabinet, with regular strategic meetings held between the Overview and Scrutiny Co-ordinator, Overview and Scrutiny Board Vice-Chairman and the Leader of the Council.

Pre-Briefings and Work Planning

Monthly briefings have enabled better member engagement and more focussed debate at Board meetings, developing key lines of questioning and exploring on a rolling basis upcoming items to ensure relevant items are considered at the right time.

3. Overview and Scrutiny in Numbers 2020/2021



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Key:

- 24 Overview and Scrutiny Board and Panel meetings held
- 2 Call-ins received
- 33 Topics considered

4. Snapshot of some of the Key Achievements 2020/2021

Climate Change Emergency

Torbay Council declared a 'Climate Emergency' on 24 June 2019 and is a partner to the work of the Devon Wide Climate Emergency Response Group (DCERG), which aimed to provide a collaborative Devon-wide response to the climate emergency to help us get to a net zero carbon emissions as soon as possible and also prepare us for the necessary adaptation to infrastructure and services required to respond to climate change.

In response to this the Overview and Scrutiny Board established a Climate Change Emergency Task and Finish Group in July 2019. The Panel engaged with the community throughout the process, by use of social media calling for evidence and attendance and contribution at Panel meetings. They also linked in with the work of the DCERG and provided feedback on the draft Devon Carbon Plan ensuring a suitable approach for Torbay.

Climate change was also raised by the Overview and Scrutiny Board through the budget process which resulted in additional funding being identified to cover aspects such as tree planting and helping residents to make energy efficient changes to their homes.

The review has resulted in:

- proposed changes to Council reports to include enhanced information on how the decision will impact on climate change;
- the development of guidance to highlight the expectations of the Planning Authority regarding compliance with policies in the Local Plan that relate to climate change;

- the Cabinet reviewing the portfolio for the Climate Change Emergency in light of good practice;
- reprioritisation of key actions to ensure those with the biggest impact are at the top of the list;
- the development of a comprehensive communications plan to raise awareness of the schemes available to help with energy efficiency; and
- the development of a model to take forward the Climate Change Emergency which will ensure full community participation and supports those people who are already experiencing high levels of deprivation.

Update on County Lines and Child Exploitation in Torbay

This spotlight review brought together representatives from Devon and Cornwall Police, Children's Services, Adult Safeguarding, Torbay and South Devon NHS Foundation Trust and Safer Communities Torbay to provide a multi-agency response on how partners were managing issues in connection with county lines and child and vulnerable person's exploitation.

This review highlighted:

- importance of the role of Police Community Support Officers (PCSOs) and Police Cadets as eyes and ears on the ground;
- role and profile of Councillor Advocates;
- the need to improve information and intelligence sharing and gathering;
- the importance of listening and engaging with communities to give them the confidence to pick up the signs of exploitation and know where and how to get support;
- the risks around vulnerable children and young people moving into Torbay and moving out of Torbay and ensuring that intelligence was shared with the appropriate partners to enable continued support for them and their families;
- how online exploitation was being managed and the importance of families discussing online activity with their children to develop an open understanding of their use and contacts;
- the role of schools and work being undertaken with partners;

- the impact on missing children and excluded children and the support in place;
- lessons learned from Torbay serious case reviews and from other authorities and how this was used to improve services to protect vulnerable people;
- issues in connection with housing; and
- the impact of Covid-19.

This resulted in greater awareness raising of this issue, which was shared with all Councillors and a commitment for greater sharing of information and intelligence across all agencies which would lead to improved partnership response to address exploitation and support our vulnerable people.

5. Responding to the Covid-19 Emergency

Covid-19 has impacted on all our lives in 2020/2021 and the Overview and Scrutiny Board acknowledged their role in ensuring that the Council and key partners were responding appropriately and this was a key area of focus over the past year.

22 July 2020 – Health and Social Care – The Board met to reflect on the health and social care sector’s response to Covid-19 and were briefed on the continuing efforts around Covid-19 within the sector. They also considered the findings from the Care Quality Commission’s Inspection of Torbay and South Devon NHS Foundation Trust.

COVID-19 had highlighted the benefits of the Integrated Care Organisation (ICO) model and the strength of working in partnership for example Torbay Council, the voluntary sector, the business and community working together on providing the Shielding Hub.

- Teams and services across the ICO had shown remarkable levels of compassion, collaboration and agility.
- The professionalism and integrity of all staff had been inspiring and humbling.
- New ways of working using technology had been successful (e.g. video conferencing, e-consultations and telephone consultations). It was intended they would be continued without losing the ability for face to face interactions with patients when appropriate to ensure that they receive the care and services they need.
- There had been a high level of engagement and collaboration between services and the voluntary and community sector.

- The organisations had developed their ability to work together and broken down barriers and feel in a good position to react to future challenges together.

26 August 2020 – Economic Recovery Plan – The Board received an update on the implementation of the Economic Recovery Plan in response to Covid-19.

- The support provided by the Council and Torbay Economic Development Company Limited (trading as TDA) to help businesses during these difficult times and the anticipated further impact, especially on our tourism sector in the autumn once the summer season had finished and the Furlough scheme ends in October. Locally and regionally the Council, TDA and key partners were working together to lobby central Government to see what further help can be provided for our local businesses and the tourism sector.
- The three chambers of commerce for Torquay, Paignton and Brixham were coming together more and also collaborating with the Torbay Business Forum with each of them taking up a seat on the Business Forum Board. The Future High Streets and Town Deal bids had been submitted for Torquay and Paignton and the high tech sector was performing well and creating more jobs.
- Issues were raised in connection with language schools and the reduction in the number of students and the knock on impact that had on some of the most vulnerable households in Torbay, who relied on additional income during the summer hosting the language students and the support available to them.

16 September 2020 – Domestic Violence and Sexual Abuse – The Board reviewed how Covid-19 had impacted on levels of domestic

violence and sexual abuse in Torbay and were briefed on how the Crime and Disorder Partnership (Safer Communities Torbay) were and continues to respond. The key issues discussed were:

- expectations and evidence base which led to belief that there would be a rise in domestic abuse and sexual violence cases as a result of Covid-19 and lockdown;
- impact on children now they are back to school; and
- the nature of sexual violence tending to be historical as opposed to domestic abuse which was usually in the current or near recent times.

14 October 2020 – Children and Young People and the Impact of Covid-19 – The Board met to establish what impact Covid-19 had and whether progress was being made to improve performance in Children's Services. They also considered how successful the September return to school had been.

This resulted in:

- the Chief Executive Officers and Heads of Maintained Schools being requested to ensure that priority support is given to children and young people from disadvantaged backgrounds to enable them to catch up and flourish in their education and achieve the best results possible;
- the Chief Executive Officers and Heads of Maintained Schools continuing to explore all options available to enable children and young people to have access to the internet and appropriate devices to ensure that they are able to fully access online education resources;
- the Cabinet Member for Children's Services be requested to lobby the Government to ensure that reasonable funding in respect of the additional costs incurred by the Primary,

Secondary, Further Education and Early Years Sectors are covered to ensure that their overall budgets are not adversely impacted as a result of Covid-19; and

- the Council and TDA collectively identifying with local businesses opportunities to emphasise the importance of utilising apprenticeships in the workplace and encouraging take up of apprentices though the recovery phase of Covid-19 and to assist in our economic recovery and help secure jobs for the young people in Torbay, who are at risk of being adversely impacted by Covid-19 and may have reduced employment opportunities due to the number of experienced adults seeking jobs.

9 December 2020 – Impact of Covid-19 on Torbay Hospital – The Board considered how Covid-19 had impacted on Torbay Hospital and also received an update on the Torbay Hospital Community Services Infrastructure project funded through the national Health Infrastructure Programme. The Board challenged:

- the use of community hospitals and their capacity;
- the use of staff for the Nightingale Hospital and impact on Torbay Hospital of backfilling the staff;
- the 116 bed capacity of the Nightingale Hospital and impact if referrals were made outside of Devon;
- the readiness and preparations for third wave after Christmas and what action was being taken to encourage people to social distance and stay safe over the Christmas period; and
- the use of private hospitals such as Mount Stuart and how this was funded.

The Board was reassured that appropriate measures were in place to manage Covid-19 for the people of Torbay.

6. Topic List

Overview and Scrutiny Board

- Health and Social Care response to Covid-19.
- Care Quality Commission Inspection of Torbay and South Devon NHS Foundation Trust (Torbay Hospital).
- Turning the Tide on Poverty – Review of Action Plan.
- Economic Recovery Plan (Covid-19).
- Review of the Draft Heritage Strategy.
- Quarterly Budget monitoring.
- Climate Change.
- Domestic Violence and Sexual Abuse.
- Strategic Agreement between Torbay Council, Devon Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust.
- Children and Young People and the Impact of Covid-19. Priorities and Resources 2021/2022.
- Draft Resource and Waste Management Strategy.
- Children's Improvement Plan Quarterly Update.
- Update on Torbay Hospital and Community Services Infrastructure project funded through the national Health Infrastructure Programme.
- Update on the impact of Covid-19 on Torbay Hospital.
- Draft Community Engagement and Empowerment Strategy.
- Peer Review of Torbay Council's Control and Influence over the Torbay Economic Development Company Limited (trading as TDA).
- Update on county lines and child exploitation in Torbay.

- Establishment of Children and Young People's Overview and Scrutiny Board (Sub-Committee of Overview and Scrutiny Board).
- Climate Change Emergency Response.
- 5G.
- Review of Planning Action Plan.
- Memorandum of Understanding – Torbay and South Devon NHS Foundation Trust.
- Update on Torquay Town Deal.
- Update on Future High Streets Fund.

Children and Young People's Overview and Scrutiny Board

- Ofsted Annual Conversation Letter and Work Programme.
- Adoption.
- Review of Youth Offending Team.
- Children in Care Council and Pledge.
- Ensuring Children receive the right support at the right time.

Panels

- Review Climate Change Emergency.
- Review of Enforcement Activity.
- Review of Council Redesign Programme and Accessibility.

7. Current and Future Work Programme

The Overview and Scrutiny work programme needs to be flexible in order to address any issues that arise throughout the Municipal Year. The Covid-19 pandemic has seen the Board's focus significantly change during 2020/2021 and any many of the meetings focussed around action being taken as a result of Covid-19 and contribution towards the recovery phase, particularly around health, education and the economy, which have the biggest impact on our residents. A number of task and finish groups were suspended in early 2020 due to key officers leading the Council's response to the initial outbreak and the subsequent recovery phase. The Board has reprioritised its work programme to enable it to focus of the areas of most importance such as the Climate Change Emergency and Covid-19.

The future Work Programme will be agreed by the Overview and Scrutiny Board early in the new Municipal Year although it will continue to have the flexibility to react to issues as they arise, recognising that the current pressures placed upon the Council's staff as a result of Covid-19 and different ways of working may continue for some time.

8. Call-in of decisions

The call-in process is one of the mechanisms which can be used to hold the Cabinet to account.

The purpose of call-in is to examine the decisions reached by the Cabinet (or other decision makers) and the reasoning behind those decisions. The process enables further public debate to be held on the subject. The Overview and Scrutiny Board can then consider whether the decision was appropriate and make recommendations accordingly.

Over the course of the year, the Overview and Scrutiny Board have considered two call-ins.

- Co-operative Councils Innovation Network; and
- Economic Growth Fund investment.

9. Community involvement

The Overview and Scrutiny Boards and Panels engage with a wide selection of groups, organisations and individuals. We welcome the opportunity to hear from members of the public at our meetings and your input is important in understanding the concerns and needs from our communities. To support this approach and in addition to the statutory education co-opted members the Children and Young People's Overview and Scrutiny Board has appointed a number of non-voting co-opted members to provide expert advice, representing the following:

- Devon and Cornwall Police;
- Torbay Youth Trust;
- Care experienced young person; and
- Imagine This Partnership Board.

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Contact Us

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How to get involved in overview and scrutiny

- **Attend meetings** – our scrutiny meetings are open to the public and you are welcome to come along and listen to the debate and discussion. *Please note that reports may be considered in private if they contain confidential information.*
- **Ask a question or make a point** – if you would like make a representation at a meeting, please email governance.support@torbay.gov.uk at least two days before the meeting so that we can let the Chairman know in advance. It is helpful to know what you would like to raise in order for it to be considered at the appropriate time during the discussions.
- **Request a review** – if there is something you think scrutiny could look at, then let us know via governance.support@torbay.gov.uk
- **Consultation and participation** – you could be asked for your views on an issue or be invited to provide specialist knowledge you might have by being a witness in a scrutiny review.

TORBAY COUNCIL

Meeting: Cabinet/Council

Date: 20 April 2021/28 April 2021

Wards Affected: Barton with Watcombe

Report Title: Proposal for a peppercorn rent Lease for Burton Academy for land at South Parks

For implementation ASAP

Cabinet Member Contact Details: Councillor Cordelia Law, Cabinet Member for Children's Services, cordelia.law@torbay.gov.uk

Director/Assistant Director Contact Details: Rachael Williams, Assistant Director Children's Services, rachael.williams@torbay.gov.uk

1. Purpose of Report

- 1.1 Children's Services seeks Council approval for a 15 year peppercorn rent lease to Burton Academy is part of the Catch 22 Catch 22 Multi-Academies Trust for land at South Parks Road, Torquay, please see Appendix 1: Plan of area to be leased.
- 1.2 Burton Academy delivers services to some of the most vulnerable young people in Torbay who are unable to access education in a mainstream setting.
- 1.3 In 2018 the Council recognised the shortfalls of the Academy's existing accommodation, supporting the provision of a new two storey extension on the site through the Children Service's Capital Programme. The extension addresses many of the existing accommodation issues and was implemented on the understanding the Council would lease the adjacent Council land back to the Academy to compensate for the area of external play space 'lost' through the new build.
- 1.4 The extension was completed in January 2021 and it is now necessary to finalise the arrangements of the lease of the Council land to ensure the Academy has sufficient external space to meet the needs of the pupils attending.

2. Reason for Proposal and its benefits

"We want Torbay and its residents to thrive."

"We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay and affordable housing for our residents."

- 2.1 This proposal supports the Council's ambitions for ensuring that young people have the opportunity to succeed. The Academy works with some of the most vulnerable young people in the area, ensuring they have the necessary support to achieve their

potential. It supports the Council as corporate parent and tackles the inequalities arising from deprivation and vulnerability.

2.3 Burton Academy is a specialist provision which is non-profit making and has limited income; all its resources go into delivering services to some of the most vulnerable pupils in Torbay. High rental/lease costs would hinder the Academy by reducing the services it can deliver now and in the future.

2.4 The new extension has significantly improved the Academy's learning environment and has already had a positive impact on the motivation and engagement of pupils. This will lead to better outcomes and prospects for the future for the young people who attend the Academy. Provision of the required external space is an important part of meeting these needs and will complete the package of works that the Council has previously agreed to provide.

3. Recommendation(s) / Proposed Decision

That Cabinet recommends to Council:

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

- a) Grant a 15 year lease at a peppercorn rent with an option to break in the 10th year.

Appendices

Appendix 1: Plan of area to be leased

Background Documents

- April 2018: PDDG Report: Brunel Academy Relocation Options Appraisal
- September 2019: Briefing note for Members

Supporting Information

1. Introduction

- 1.1 Burton Academy is part of the Catch 22 Multi-Academies Trust, offering alternative education provision for 60 pupils aged 11 to 16 years old. Pupils attend from across the whole of Torbay when their needs cannot be met within a mainstream environment.
- 1.2 In 2019, the Council agreed the funding of a £1m extension at the Academy to address the inadequacies of its existing accommodation. This was the second phase of a long term plan of improvements for Burton Academy. The first phase saw the internal refurbishment to existing classrooms and internal remodelling, which was funded by Catch22 and completed in 2019. Feedback from the Academy is that these improvements have had a dramatic and positive impact on pupil's behaviour and engagement. Phase 2 and the new extension will be building on this positive outcome.
- 1.3 Burton Academy occupies a small, landlocked site and the building of the new extension has left the Academy with very little external space available for its pupils. The extension was proposed and subsequently implemented on the understanding that the Council would lease additional external play space to the Academy to compensate for the area lost through the new build.
- 1.4 Following the extension completed in January 2021 the lease is required to provide sufficient external space to meet the needs of the pupils attending. Without it the Academy will fall short of the DfE requirements for external area.
- 1.5 One of the main aims of extending the accommodation at the main Torquay site was to enable Burton Academy, currently operating across two sites, to consolidate itself on the one site. This creates a stronger school community, a more efficient learning environment and removes the complexity and financial burden of managing two sites. With the extension and the additional land, the Academy will only need one site and will be able to surrender the lease for its second site; the Polsham Centre, Paignton. The arrangement agreed by the Trust and Children's Services is that the commencement of the lease for the additional land will simultaneously trigger the surrender of the Polsham Centre lease.
- 1.6 The Polsham centre is a Council asset and Children's Services has stated that the building is needed by Children's Services to deliver other services. One possibility is to accommodate the Council's Sixth Day provision (a statutory provision for pupils that have been excluded from mainstream school). The provision had been sharing accommodation at a local special school but with raising pupil numbers the host school has had to reclaim the spaces used by the provision for teaching.
- 1.7 Children Services urgently needs to find a new base for the Sixth Day provision, plus with the growth in demand for this type of provision, there is a need to find a permanent, long term base in which the provision can establish itself and grow. To locate and find accommodation fit for service delivery will have a financial implication for the Council. The Polsham Centre with its central location and current educational

use provides an affordable solution, however, it is only an option if Burton Academy is able to surrender it back to the Council.

2. Options under consideration

- 2.1 With the approval and subsequent building of an extension at Burton Academy there are no alternatives for consideration. The Academy has lost the majority of its external area which now needs to be re-provided.
- 2.2 The extension completed in January 2021 at a cost of £1.1m to the Council. This significant investment and the related positive outcomes will not be fully realised if the Academy does not have sufficient external space to meet the needs of its pupils or is able to amalgamate its provision on the one site and release the Polsham Centre back to the Council. The Council, by building the extension, has committed to providing the additional land to Burton Academy.
- 2.3 Burton Academy is a specialist provision with limited income and non-profit making; all its resources go into the service it delivers to some of the most vulnerable pupils in Torbay. Without a peppercorn rental agreement any additional rental costs could negatively impact on the services it delivers and the long term aspirations held by the service and Children's Services for its future. A peppercorn rent ensures the Academy can use its limited revenue to invest in services to meet the needs of the vulnerable pupils attending.

3. Financial Opportunities and Implications

- 3.1 The area of land to be leased to Burton Academy was a community park which had previously been identified by the Council as surplus; the land has restricted access, is not in use and is in a poor state of repair. By leasing it to Burton Academy, the Council will ensure the Academy has sufficient land to meet the needs of its pupils. It will also mean that the Academy is responsible for maintenance costs and ensuring that the land is secure. The land will remain in Council ownership but the Council will not be liable for its running & maintenance costs.
- 3.3 Under the terms of the lease Burton Academy will be required to ensure that the site is enclosed with a secure metal fence and maintained throughout the term of the lease; this includes removal of existing, broken play equipment and defective surface. This significantly reduces the Council's financial liability for the site.
- 3.4 Once the lease is in place for the land at South Parks, the surrender of the lease for the Polsham Centre by the Academy will be triggered. Polsham is a valuable asset in a central location which can be utilised for other service providers such as the Sixth Day Provision.

4. Legal Implications

- 4.1 The proposal is for a peppercorn lease to run for 15 years. In granting the lease the Council would be committed to a long term arrangement. However, it is intended that a break clauses will be incorporated into the lease in favour of the Council to provide flexibility to pursue alternative uses of the site in future years. The break clause will be at 10 years.

- 4.2 The lease would include the usual terms and conditions which protect the Council as the landowner with the liability, third party insurance and security of the site resting with the lessee.
- 4.3 The terms of the lease will ensure that the land is used solely for recreational use/outside space ancillary to the Social, Emotional and Mental Health (SEMH), or as amended by the Department of Education from time to time, education provision within the adjacent Burton Academy and for no other purpose.
- 4.4 Outside of normal school hours and under the direction and management of the tenant, the land may be used for ancillary community use.
- 4.5 A Disposal of Open Space Process has been duly completed with notices published in compliance with Section 123. No objections were received to the notice so the Council is therefore able to proceed with leasing the land to Burton Academy.

5. Engagement and Consultation

- 5.1 As part of this proposal a Section 123 notice disclosing the Council's intention to dispose of the land was published in the newspaper and displayed in the local area. The closing date for objections was 25th July 2019, however, no objections were received.
- 5.2 The proposal has also been raised and discussed as an agenda item at various local forums, with other interested parties and with those directly affected by the proposal. This includes Children's Services as the Commissioner, Environmental Services, the Council's Strategic Land Task Group and the staff, young people, their families and other service users of Burton Academy.
- 5.3 The feedback from all parties has been supportive recognising the benefits the lease will bring to the Academy.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 No works or services will be purchased or hired as a direct result of this proposal.

7. Tackling Climate Change

- 7.1 This proposal has no differential impact on climate change.

8. Associated Risks

- 8.1 If a lease is not granted then services delivered by Burton Academy to some of the most vulnerable children in Torbay are at risk. The Academy would not have sufficient external space to meet the needs of its pupils and would not meet minimum DfE requirements.
- 8.2 If the lease for the land is not agreed, the surrender of the Polsham Centre will not be triggered and it will not be released for use by other service providers such as the Sixth Day Provision.

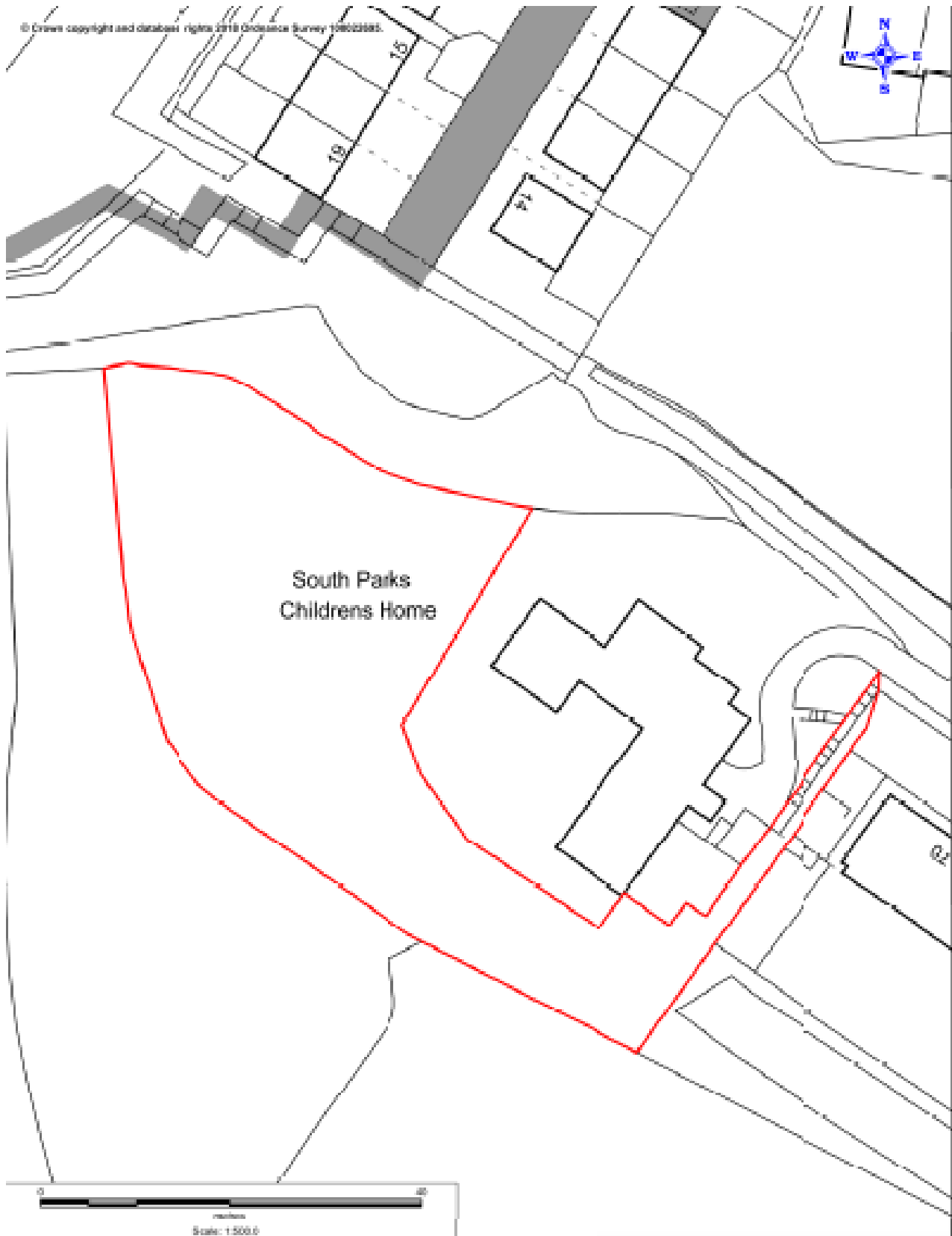
- 8.3 If the peppercorn rent lease is granted the Council is in a long term commitment and the land will not be available for any other purpose or for disposal until the break clause is triggered. However, to date there are no alternative options for the site. The site was previously up for disposal but being landlocked there was no interest and there are very limited opportunities for development.

Equality Impacts

9.	Identify the potential positive and negative impacts on specific groups		
	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	Long term commitment to an Academy which directly and specifically benefits young people in the area with particular needs which can't be met in mainstream education		
People with caring Responsibilities	Long term commitment to an Academy which directly and specifically benefits young people in the area with particular needs which can't be met in mainstream education		
People with a disability			There is no differential impact
Women or men			There is no differential impact
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact
Religion or belief (including lack of belief)			There is no differential impact
People who are lesbian, gay or bisexual			There is no differential impact
People who are transgendered			There is no differential impact
People who are in a marriage or civil partnership			There is no differential impact
Women who are pregnant / on maternity leave			There is no differential impact
Socio-economic impacts (Including impact on child	Long term commitment to ensure young people from deprived		

	poverty issues and deprivation)	backgrounds are given the support they need & the opportunities to thrive Opportunity to break cycles of poverty & neglect		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Long term commitment to ensure vulnerable groups of young people are given the support they need & the opportunities to thrive The Academy equips vulnerable young people with the qualifications & life skills for the future; creating a healthy and prosperous community in the bay		
10..	Cumulative Council Impact (proposed changes elsewhere which might worsen the impacts identified above)	<p>Burton Academy caters for young people with very specific needs which cannot always be met in mainstream education.</p> <p>By supporting Burton Academy the Council is fulfilling its statutory role as corporate parent and its commitment to helping and supporting the most vulnerable.</p>		
11.	Cumulative Community Impacts (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)	<p>Without the provision at Burton Academy the Council would be failing in part of its responsibilities to young people in the area.</p>		

Appendix 1: Plan of area to be leased



EM Plan No: EM3246
Date: 13th November 2018

Title: South Parks Playground & adj land
Disposal of Public Open Space.

TORBAY DEVELOPMENT AGENCY - ASSET MANAGEMENT

Asset No: T2041 & T105122
LR Title No: DM537137
Scale: 1:500
Area: 1,815.96m²



**Standing Order D11 (in relation to Overview and Scrutiny) – Call-in and Urgency
Annual Council Meeting, 28 April 2021**

In accordance with Standing Order D11, the call-in procedure does not apply where the executive decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Council's or the public's interests.

Before deciding whether a decision is urgent the decision making person or body must consult the Overview and Scrutiny Co-ordinator, or in his absence either:

- (a) (if the decision is a Key Decision and Standing Order E14 (General Exception) applies) each member of the Overview and Scrutiny Board shall be consulted; or
- (b) (in all other cases) the Civic Mayor, or (if there is no Civic Mayor appointed) the Deputy Civic Mayor, shall be consulted.

Decisions taken as a matter of urgency shall be reported to the next available meeting of the Council, together with the reasons for urgency and a summary of the consultation undertaken.

The table below sets out this information:

Matter for decision	Decision-taker	Reasons for urgency	Consultation
Easter Food Poverty and Holiday Activities and Food Programme	The Cabinet	<p>The Cabinet took a decision, at its meeting held on 1 March 2021, to approve a programme for Easter Food Poverty and Holiday Activities and Food Programme following the Government's announcement to significantly expand its Holiday Activities and Food Programme.</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the public's interests.</p>	The Overview and Scrutiny Co-ordinator was consulted on 24 February 2021.

Matter for decision	Decision-taker	Reasons for urgency	Consultation
Possible Purchase of Care Home, Paignton	The Cabinet	<p>The Cabinet took an exempt decision, at its meeting held on 7 April 2021, in respect of a possible purchase of a care home in Paignton.</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the Council and public' interests.</p>	The Overview and Scrutiny Co-ordinator was consulted on 26 March 2021.