

Minutes of the Cabinet

11 August 2020

-: Present :-

Councillor Steve Darling (Chairman)

Councillors Carter, Cowell, Long, Morey and Stockman

(Also in attendance: Councillors Atiya-Alla, Barnby, Barrand, Brooks, Brown, Mandy Darling, Foster, Kennedy, Chris Lewis, Loxton, Manning, David Thomas and Jacqueline Thomas)

113. Apologies

An apology for absence was received from Councillor Law.

114. Communications

The Cabinet Member for Economic Regeneration, Tourism and Housing, Councillor Long informed Members that the bids for Paignton Future High Streets, Torquay Town Deal and Torquay Investment Plan had all been submitted with the outcomes of bids expected around Christmas 2020. Councillor Long thanked the Town Deal Board and Alan Denby of the TDA for their hard work in compiling and submitting the bid documents.

The Leader of the Council, Councillor Steve Darling, congratulated Anne-Marie Bond on her appointment as Interim Chief Executive of Torbay Council and looked forward to working with her in fostering a culture change in order for Torbay Council to become an enabling council.

Councillor Steve Darling also welcomed the Government announcement in respect of funding being redirected from Serco to local public health teams for track and trace purposes hopefully enabling Torbay to maintain the low levels of COVID-19 cases.

115. Matters for Consideration

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions) are set out in the Record of Decisions appended to these Minutes.

115.1 How do we make Black, Asian and Minority Ethnic (BAME) lives matter in Torbay Review

115.2 Adults Social Care Delivery Plan, COVID 19 Recovery and establishment of Adult Social Care Improvement Board

115.3 Plymouth and Torbay Children's Safeguarding Partnership

115.4 Community Infrastructure Levy Funds - Administration and Governance of Neighbourhood Proportion

115.5 Review of Pest Control Services

115.6 Licensing Act 2003 - Draft Licensing Statement of Principles 2021 to 2026

115.7 Exclusion of Press and Public

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

that the press and public be excluded from the meeting prior to consideration of the item 12 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)) was likely to be disclosed.

Prior to consideration of the item in Minute 115h, the press and public were formally excluded from the meeting.

115.8 Briefing Document on Creation of Solar Farm

Chairman

Record of Decisions

How do we make Black, Asian and Minority Ethnic (BAME) lives matter in Torbay Review

Decision Taker

Cabinet on 11 August 2020.

Decision

- (i) That the undertaking of the 'How do we make BAME lives matter in Torbay' Review as outlined in the draft Scoping Document and Timetable be approved; and
- (ii) That the membership of the How do we make BAME lives matter in Torbay Review Panel comprise 5 councillors (2 Conservative, 2 Liberal Democrat and 1 Independent) and that the Review Panel identify relevant interested parties to be invited to attend meetings.

Reason for the Decision

Torbay Council has a Community and Corporate Plan that is based on ensuring our local community thrives. Therefore, not only does it have a legal duty but also a commitment and responsibility to ensure that all sections of our community thrive and the review will enable the Council to reflect on whether this is the case in Torbay.

Implementation

This decision will come into force and may be implemented on 24 August 2020 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

In the light of the recent protests relating to the Black Lives Matter agenda due to the death of George Floyd in Minneapolis, USA in May 2020 and protests in cities such as London and Bristol in the UK this scoping document has been produced for Cabinet to discuss and agree Torbay Council's response to this issue.

The draft scoping document set out in Appendix One to the submitted report suggests a holistic, inclusive and comprehensive approach to exploring the issue of racism in Torbay which engages with the community and allows them the space and time to voice their experiences and views to civic leaders and local and national decision makers.

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

Alternative Options considered and rejected at the time of the decision

Torbay Council has considered a number of options to respond to the concern which have included approaches to look at the issue within different areas of the council but it is felt that this approach could be fragmented and would not deliver a holistic view or provide answers to the questions the review will seek to pose.

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

14 August 2020

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

Record of Decisions

Adults Social Care Delivery Plan, COVID 19 Recovery and establishment of Adult Social Care Improvement Board

Decision Taker

Cabinet on 11 August 2020.

Decision

- i) that Cabinet approves the creation of an Adult Social Care Improvement Board, as set out in Appendix Two to the submitted report; and
- ii) notes that the Adult Social Care Delivery plan has been amended to incorporate the learning from COVID 19 and that there will be an investment program from non-recurrent funds, previously agreed in the Adult Social Care Risk Share and delegated to the Director of Adult Social Services.

Reason for the Decision

The refreshed governance arrangements are set within the context of the overall plan delivery and incorporates learning from successes and hurdles experienced during the COVID period.

Implementation

This decision will come into force and may be implemented on 24 August 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 a report that outlined how the Adult Social Care Plan will be delivered and governed within Torbay Council. It was proposed that an Adult Social Care Improvement Board would be created, to match the Children's Improvement Board. The Board would receive reports from Adult Social Care Improvement Committee and the Adult Social Care Performance Committee. This would incorporate delivery of the Adult Social Care Plan and delivery of the statutory duties delegated to Torbay and South Devon NHS Foundation Trust.

Councillor Stockman proposed and Councillor Long seconded a motion that was agreed unanimously by the Cabinet as set out above.

Alternative Options considered and rejected at the time of the decision

The option under consideration is the only one being proposed. The Social Care Program Board had been paused and agreement had been reached that it should be disbanded with new arrangements taking its place.

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

14 August 2020

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Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Plymouth and Torbay Children's Safeguarding Partnership

Decision Taker

Cabinet on 11 August 2020.

Decision

That the revised safeguarding partnership arrangements for Torbay as set out in the submitted report be noted and that the establishment of a dedicated Safeguarding Children Partnership for Torbay be approved.

Reason for the Decision

The Children and Social Work Act 2017 legislated for new arrangements for safeguarding children. The new arrangements for Torbay replace the current local safeguarding children boards with a new Safeguarding Children Partnership. The Act names the statutory partners as the local authorities, the police and clinical commissioning groups.

Implementation

This decision will come into force and may be implemented on 24 August 2020 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Plymouth and Torbay Safeguarding Children Partnership was established to provide the statutory safeguarding function to the Plymouth and Torbay Council areas at a time when the social care services were accountable to one integrated Director. An independent review of current arrangements recommended changes in light of Torbay and Plymouth assuming their own statutory responsibilities. Further the new arrangements comply entirely with the most recent government guidance on the future of safeguarding arrangements set out in revised legislation.

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

Alternative Options considered and rejected at the time of the decision

There were no alternative options considered.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None.

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14 August 2020

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Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Community Infrastructure Levy Funds - Administration and Governance of Neighbourhood Proportion

Decision Taker

Cabinet on 11 August 2020.

Decision

- i) That the neighbourhood proportion collected in respect of development located within the Brixham Neighbourhood Plan area shall be passed directly to the Brixham Town Council to administer. With the spend of any funds received by the Brixham Town Council in respect of development located outside of the administrative area of the town council, (but located within the neighbourhood development plan area), shall be in consultation with the relevant Torbay Council members for the wards concerned.
- ii) That a standalone bidding process is introduced to determine what local projects the CiL Neighbourhood proportion should be spent on (as set out in the main body of the report). The establishment of the panel (CiL Spend Board) and its operation will be the responsibility of Torbay Council, but shall include representatives of the Neighbourhood Forums, Community Partnerships, Local Member(s) and the Cabinet Member for Infrastructure, Environment & Culture.
- iii) That within a year of operation, or sooner if necessary, the bidding procedure, the make-up of the 'CiL Spend Board' and its operation should be reviewed. It will then be re-assessed against the success of Crowdfunding Torbay to determine whether the bidding process should continue, or be subsumed in whole, or part by Crowdfunding.

Reason for the Decision

Whilst the law does not prescribe a specific process for agreeing how the neighbourhood portion should be spent, the guidance indicates that the Council should identify a suitable administration process in order to ensure that CiL is spent appropriately.

Implementation

This decision will come into force and may be implemented on 24 August 2020 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Council has implemented the Community Infrastructure Levy (CIL), which generates funds from defined new developments which pay a set levy type contribution towards local infrastructure. The majority of the funds are already allocated to key infrastructure projects, including for example the costs of providing the South Devon link road. However, 25% of the levy funds form what is called the local, or neighbourhood proportion, which should be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on the area. The neighbourhood proportion should be spent within the neighbourhood of the

development which paid the levy, which in the Torbay context would normally be expected to relate to the Neighbourhood Plan areas namely, Brixham, Paignton and Torquay.

With regard to CIL chargeable development which falls within the administrative boundary of Brixham Town Council, national guidance is clear and explains that the Charging Authority (Torbay Council) must pass 25% of the relevant CIL receipts to the parish council (in this case Brixham Town Council) for that area. The town council must use the CIL receipts passed to it to support the development of the Town Council's area by funding the provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on the area.

In respect of development falling outside of the Brixham Town Council administrative area, Torbay Council is required to consult with the community about how the neighbourhood proportion funds can be used, including to support priorities set out in neighbourhood plans. The guidance suggests that we should consider using existing community consultation and engagement processes. The report seeks agreement of the administrative process most appropriate for the Community Infrastructure Levy Neighbourhood proportion funds.

Councillor Morey proposed and Councillor Carter seconded a motion that agreed unanimously by the Cabinet as set out above.

Alternative Options considered and rejected at the time of the decision

The alternative option of using crowdfunding exists and this has the potential to successfully deal with bids for CIL funding in a transparent and open manner and also allows for community support to be confirmed and match funding achieved. On the face of it this presents a potentially ideal long term solution but has yet to be proven in the context of Torbay. Hence, an alternative bidding arrangement has been presented as a short term solution but could equally form the long term solution.

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

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Leader of Torbay Council on behalf of the Cabinet

Date: _____

Record of Decisions

Review of Pest Control Services

Decision Taker

Cabinet on 11 August 2020.

Decision

- i) That the Council should instruct SWISCo to cease providing the existing free pest control service, for residential properties, from 1st September 2020; and
- ii) That SWISCo Ltd is requested to offer a chargeable pest control service and that improved pest control guidance and advice is provided to the public via the Council website.

Reason for the Decision

Many local authorities no longer offer pest control services because there are qualified service providers working in their area. Many household pests can be dealt with by using humane traps and chemicals available in shops and DIY stores. Residents can also be advised to call in the experts to solve a persistent problem with pests. If householders require professional help they can use the internet, trade or business directory to find a suitably qualified service provider.

Implementation

This decision will come into force and may be implemented on 24 August 2020 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

An opportunity exists to review the provision of pest control services for residential properties. Pest control in residential properties is not a statutory function and the Council has not provided this service directly for over 10 years. The Council could decide to simply provide advice and guidance, like many other local authorities, and remove the current obligation for SWISCo to provide a free service for rats and mice.

It is proposed that SWISCo are requested to offer a chargeable service for all forms of residential pest control, including the treatment of rats and mice.

Councillor Morey proposed and Councillor Long seconded a motion that was agreed unanimously by the Cabinet as set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the submitted report.

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

14 August 2020

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

Record of Decisions

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

Decision Taker

Cabinet on 11 August 2020.

Decision

- i) That the draft Licensing Statement of Principles 2021 to 2026, be approved for public consultation.
- ii) That the draft Cumulative Impact Policy 2021 to 2024, be approved for public consultation.

Reason for the Decision

The Council has a statutory obligation as prescribed under Section 5 (1) Licensing Act 2003, which requires that the Licensing Authority (defined as a District Council of England or Wales) publish a Statement and review and re-publish the same, every 5 years.

Implementation

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

Information

The Licensing Statement of Principles identifies how the Council will perform its role as Licensing Authority in relation to the licensing process for the sale and supply of alcohol, regulated entertainment and late night refreshments. The Council has a statutory responsibility to review, consult and re-publish its Licensing Statement of Principles and Cumulative Impact Policy. In both cases the process of review, consultation and publication must be completed on or before 6 January 2021.

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

Alternative Options considered and rejected at the time of the decision

There were no alternative options considered as the Council has a statutory responsibility to review, consult and re-publish its Licensing Statement of Principles.

Is this a Key Decision?

No

Does the call-in procedure apply?

No

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

None.

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

Record of Decisions

Briefing Document on Creation of Solar Farm

Decision Taker

Cabinet on 11 August 2020.

Decision

That the Economic Growth Fund Opportunity, as set out in the Exempt Cabinet Minute 115h, be approved.

Reason for the Decision

To enable the Council to regenerate an area of land that has very limited alternative uses.

Implementation

This decision will come into force and may be implemented on 24 August 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 submitted exempt report on the proposed regeneration of an area of land in line with the Council's approved Economic Growth Fund Criteria. The proposal would support regeneration within Torbay.

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

Alternative options were set out in the submitted report.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None.

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