

Minutes of the Cabinet

23 March 2021

-: Present :-

Councillor Steve Darling (Chairman)

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

(Also in attendance: Councillors Amil, Atiya-Alla, Barnby, Barrant, Brooks, Bye, Mandy Darling, Douglas-Dunbar, Foster, Hill, Kennedy, Barbara Lewis, Chris Lewis, Loxton, Manning, Mills, David Thomas and Jacqueline Thomas)

166. 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.

167. Changing Places Policy

168. Our Promise to You - The Torbay Pledge to cared for and care experienced children/young people 2021-2022

169. Interim Climate Change Emergency Task and Finish Report

170. Carbon Neutral Torbay Approach 2021-2022 and Initial Action Plan

171. Pavilion Update

172. TorVista Homes Business Plan

173. Leasehold Re-gear, Waterside Caravan Park, Three Beaches, Dartmouth Road, Paignton

174. Redevelopment of 12-14 Strand (former Debenhams building)

175. Community Safety

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

176. 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 items 16 and 17 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 items in Minutes 177 and 178, the press and public were formally excluded from the meeting.

177. Torbay Coast & Countryside Trust Funding Request

178. Variation of Terms of Investment Loan

Chairman

Record of Decisions

Changing Places Policy

Decision Taker

Cabinet on 23 March 2021.

Decision

- (i) that Torbay Council leads on a partnership which develops a Changing Places Policy, which incorporates:
- A commitment from Torbay Council to supporting the provision of Changing Places toilets in Torbay.
 - An electronic map and guide as to where they can be found in Torbay.
 - An aspirational blueprint and statement on where they would ideally be situated to gain full coverage.
 - Planning guidance on requirements for new buildings and guidance on what constitutes a Changing Place Toilet.
 - A shared commitment from public, private and voluntary sector partners to do everything they can to promote, create and maintain changing places toilets.
 - A commitment to encourage the use of mobile Changing Places Toilets at major public events – these are available to lease.
- (ii) that the concept of the Changing Places Toilet is supported by Cabinet in principle and the development and implementation of the policy be delegated to the Assistant Director of Adult Services in consultation with the Assistant Director of Planning, Housing and Climate Emergency; and
- (iii) that Torbay Council, with partners, submits a bid to the newly announced Changing Places Fund to provide an additional changing places toilet in Torbay.

Reason for the Decision

It is important that people with profound, complex and multiple disabilities and impairments are able to safely, comfortably and hygienically spend time away from their home. Changing Places Toilets support this by providing sanitary facilities, with extra space and equipment that can be used by people who require the assistance of one or two carers/companions.

Implementation

This decision will come into force and may be implemented on 7 April 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Nationally, over a quarter of million people need access to Changing Places Toilets to enable them to get out and about and enjoy the day-to-day activities many of us take for granted. It was proposed that the Council leads on a partnership which develops and implements a Changing Places Toilets Policy in Torbay, thereby delivering improved accessible changing facilities for people who need a lot of assistance. The proposals would, in particular, support severely disabled people who were looking to holiday in the bay, and those residents who need

these facilities.

At the meeting, Stephen Marks, on behalf of Mencap Torbay Society gave a presentation. Subsequently, Councillor Stockman proposed and Councillor Law 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

No other options have been considered, other than to not adopt this policy.

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

26 March 2021

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

Record of Decisions

Our Promise to You - The Torbay Pledge to cared for and care experienced children/young people 2021-2022

Decision Taker

Cabinet on 23 March 2021.

Decision

- (i) that the 'Our Promise to You – The Torbay Pledge to cared for and care experienced children/young people 2021-2022' be adopted; and
- (ii) that the whole Council commit to working with our cared for and care experienced young people to implement the Pledge, and that the Cabinet Member for Children's Services will provide regular updates to the Children and Young People's Overview and Scrutiny Board on its implementation.

Reason for the Decision

The Council as Corporate Parents has a duty and responsibility to secure the best and most appropriate outcomes for looked after children.

Implementation

This decision will come into force and may be implemented on 7 April 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny)

Information

On 1 March 2021 the Children and Young People's Overview and Scrutiny Board considered the 'Our Promise to You – The Torbay Pledge to cared for and care experienced children/young people 2021-2022' and subsequently made recommendations to the Cabinet.

The adoption of 'Our Promise to You – The Torbay Pledge to cared for and care experienced children/young people 2021-2022' provides a commitment to our cared for and care experienced children/young people to listen and work with them to provide and secure the best outcomes for our looked after children.

At the meeting, the Cabinet received a presentation from Charlie and James both of whom were care experienced young people and Jenny Hunt from Torbay Youth Trust. Subsequently, Councillor Law proposed and Councillor Stockman seconded a motion that was agreed unanimously 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.

Published

26 March 2021

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

Record of Decisions

Interim Climate Change Emergency Task and Finish Report

Decision Taker

Cabinet on 23 March 2021.

Decision

That the Cabinet's response to the Interim Climate Change Emergency Task and Finish Report produced by the Overview and Scrutiny Board be approved, as published.

Reason for the Decision

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

Implementation

This decision will come into force and may be implemented on 7 April 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Cabinet received the report of the Overview and Scrutiny Board on the review undertaken by the Climate Change Emergency Task and Finish Group. In accordance with section D7 of Standing Orders – Overview and Scrutiny as set out in the Constitution, the Cabinet was required to respond to the recommendations of the Overview and Scrutiny Board within two months.

Subsequently the Cabinet prepared an action plan which was proposed by Councillor Morey and seconded by Councillor Law and agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

No alternative options were considered.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None.

Published

26 March 2021

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

Record of Decisions

Carbon Neutral Torbay Approach 2021-2022 and Initial Action Plan

Decision Taker

Cabinet on 23 March 2021.

Decision

- (i) that the Initial Carbon Neutral Action Plan, as set out at Appendix 1 to the submitted report, be approved; and
- (ii) that the proposed carbon neutral approach for 2021-22 (as set out at Appendix 2 to the submitted report) including the development of the Carbon Neutral Council Action Plan and Carbon Neutral Torbay Action Plan, be approved.

Reason for the Decision

The proposals will help the Council, and wider Torbay area, to accelerate actions towards meeting the Community and Corporate Plan's carbon neutral priorities. There are many benefits to tackling climate change. Carrying out immediate actions and developing long term action plans will ensure the Council and community can work together to help create a climate resilient, carbon neutral Torbay.

Implementation

This decision will come into force and may be implemented on 7 April 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Torbay Council declared a Climate Emergency in June 2019. A range of actions are already being taken but there is now an immediate need to accelerate actions to work towards tackling the Climate Emergency and Torbay becoming carbon neutral.

Approval was sought for an Initial Action Plan which would deliver immediate actions to tackle the Climate Emergency whilst also allowing some time to refresh Torbay's Energy and Climate Change Strategy (2014-2019) and co-design and develop, with partners, new longer term action plans to work towards a carbon neutral council and carbon neutral Torbay (community).

Councillor Morey proposed and Councillor Law 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 following options were set out in the submitted report:

- (i) not approve the proposed approach and adopt an ad-hoc, not fully coordinated approach to tackling the Climate Emergency and meeting the Community and Corporate Plan's carbon neutral ambitions; or

- (ii) approve the approach, enabling the development of a longer term coordinated approach, up to 2030, which will be capable of making significant progress towards tackling the Climate Emergency and meeting the Community and Corporate Plan's carbon neutral ambitions.

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

26 March 2021

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

Record of Decisions

Pavilion Update

Decision Taker

Cabinet on 23 March 2021.

Decision

That the Chief Executive of Torbay Council in consultation with the Portfolio holders for Finance and Economic Regeneration be authorised to:

- i) agree and finalise the details exchange of letters protocol got the Pavilion as set out in the Council's response; and
- ii) agree that £75,000 from Economic Development Budget be allocated to match fund the joint appointment of a specialist consultants who will survey the Pavilion and provide a programme of works required with indicative costs.

Reason for the Decision

The proposals would ensure the restoration of the Pavilion was undertaken as quickly as possible and to provide additional certainty, and commitment from both parties. The restoration would include the repair of the inherent defects of this strategically important building and a programme of refurbishment that would ultimately see the building bought back into use.

Implementation

This decision will come into force and may be implemented on 7 April 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Pavilion, Torquay has been empty and unused for many years. The property was leased to Marina Developments Ltd (MDL) on a 99 year lease from 1985. The marina and adjoining car park wa also leased to MDL on a separate 99 year lease agreement from 1987. The Council has been working with its tenant over many years to find a solution which would see the restoration of the Pavilion and ultimately bring it back into use.

As such authorisation was being sought, for Torbay Council to enter into an exchange of letters protocol with Marina Developments Ltd and YG Developments Ltd, which sets out the mutually agreed way forward in respect of the Pavilion. The proposed letters record the process and actions required by both parties prior to commencing the full restoration of the Pavilion building.

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

Alternative Options considered and rejected at the time of the decision

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

26 March 2021

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Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

TorVista Homes Business Plan

Decision Taker

Cabinet on 23 March 2021.

Decision

That Cabinet approve the TorVista Homes Business Plan as set out in the exempt Appendix A to this report, subject to a further updated business plan being presented to Cabinet on 20 April 2021 to enable a review of independent specialist advice to be undertaken.

Reason for the Decision

The proposals set out an ambitious plan to significantly increase the number of affordable homes in Torbay, providing a range of accommodation types to assist all client groups. The nomination rights Torbay Council would have to these properties would allow it greater flexibility to act strategically and meet the needs of those clients with complex and multiple needs.

Implementation

This decision will come into force and may be implemented on 7 April 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Torbay Council asked TDA to set up a Housing Company as a way to increase the supply of affordable housing within Torbay and to ensure that the Council's strategic housing needs were being met. As part of the company set up it was important to have a Business Plan which sets out the values of the company, its objectives and what it wants to achieve over the plan period. The TorVista Homes Business Plan does this and it also considers all of the financial aspects of the company so that it can be seen that there were sufficient funds for the company to operate.

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

Alternative Options considered and rejected at the time of the decision

TorVista Homes could have put forward an alternative plan demonstrating activity either more or less ambitious than the one being considered. However it was felt that this plan incorporates all the objectives of the Council whilst still providing room for ambitious delivery.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None.

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

Record of Decisions

Leasehold Re-gear, Waterside Caravan Park, Three Beaches, Dartmouth Road, Paignton

Decision Taker

Cabinet on 23 March 2021.

Decision

That subject to further due diligence on the covenant strength of the tenant, the Chief Executive in consultation with the Portfolio Holder for Economic Regeneration, Tourism and Housing be authorised to:

- i) agree the terms and enter into a new reversionary lease of 100 years for the Waterside Caravan Park;
- ii) that Cabinet note that the terms of the lease require the Council to make a reverse premium to the tenant of up to £2.5m at the start of the lease term with the tenant making an increased value of rent payments over the duration of the revised lease term. This reverse premium will be used by the tenant for the enhancement of facilities at Waterside Caravan Park. These improvements will include the upgrade and conversion of the existing clubhouse to house an indoor pool and conversion of the existing outdoor pool to 6 new lodges and will be specified within the lease; and
- iii) That the Chief Executive in consultation with the Section 151 Officer be authorised to agree and finalise the detailed lease structure and terms based on accountancy and legal advice.

Reason for the Decision

The proposals result in an investment in an asset that would see improved facilities and the implementation of a longer, institutional lease which in time would provide an increased revenue stream from the asset. The asset on completion of the redevelopment would help sustain existing jobs and potentially secure new jobs, enhancing the site as a visitor attraction.

Implementation

This decision will come into force and may be implemented on 7 April 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Waterside Caravan Park was occupied by Park Holidays UK Ltd. under a 99 year lease from Torbay Council dated 1st July 2002, which had an unexpired term of circa 80 years. The passing rent was £147,700 p.a. and the rent was reviewed 5 yearly to Retail Price Index (RPI), the next rent review was in 2021.

Park Holidays UK Ltd. recognise that the facilities within the caravan park had become dated, with visitors seeking modern leisure facilities. The tenant was seeking a capital contribution by way of a reverse premium of circa £2,410,000 from Torbay Council to unlock redevelopment of part of the site which would be repaid in full by way of "additional rent" of £120,000 p.a., with

the additional rent index linked after year 10. The additional rent would be received for the duration of the lease and beyond the term of the loan.

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

The Council's Corporate Asset Management Plan 2015 to 2019 (2018/19 Revision) makes reference to the Council 'always seeking to maximise the full market receipt for their assets whether by way of freehold disposal or leasehold interest'. The disposal of this asset by way of the long leasehold would meet that requirement and would facilitate rental growth and improved investment yield.

As an alternative option to a capital contribution and lease re-gear the tenant Park Holidays UK Ltd. would continue under the existing lease terms. The dated facilities would not receive investment and the associated benefits would not be realised. In this scenario Park Holidays UK Ltd. may ultimately look to dispose of its interest in the business which may have a negative impact on the investment value of the asset.

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

26 March 2021

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

Record of Decisions

Redevelopment of 12-14 Strand (former Debenhams building).

Decision Taker

Cabinet on 23 March 2021.

Decision

- (i) that the approach to redeveloping the Strand by focussing on 12-14 Strand and in line with the previous decision to fund the works required to obtain a planning permission from the Fleet Walk surplus be approved. Funding to be from a reserve created from the Fleet Walk surplus from 2019/20 earmarked for regeneration; and
- (ii) that the Cabinet will ensure that there was continuing engagement between the community and the project team with a view to exploring options to retain the canopy of 12-14 The Strand.

Reason for the Decision

The replacement of the existing soon to be empty building at the Strand with a mixed use development would benefit economic and housing growth. Employment opportunities would be provided through the provision of new food retail and commercial floor space at ground floor level once the development is completed. Employment opportunities would also exist through the delivery of the design and construction. Such development would rejuvenate this part of Torquay and compliment the Town Deal projects.

Implementation

This decision will come into force and may be implemented on 7 April 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

In April 2020 the Council acquired the Debenhams buildings at 10-10A and 12-14 Strand, Torquay (consisting of two separate buildings). Originally, the current tenant (Debenhams) had security of tenure until January 2022 although recent events had meant that Debenhams would be vacating all of their stores in advance of that date. This would leave the Council with an empty property in a strategically important location whilst still being responsible for all associated holding costs.

Approval was therefore sought to refine the focus of any redevelopment plan and seek planning permission for a mixed used development of the land owned by the Council.

Councillor Long proposed and Councillor seconded a motion which was agreed unanimously by the Council, 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

26 March 2021

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

Record of Decisions

Torbay Coast and Countryside Trust Funding Request

Decision Taker

Cabinet on 23 March 2021.

Decision

That the Torbay Coast and Countryside Trust Funding Request, as set out in the Exempt Cabinet Minute 177, be approved.

Reason for the Decision

To enable the Council to provide financial support to a local organisation to assist with economic regeneration within Torbay.

Implementation

This decision will come into force and may be implemented on 7 April 2021 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 financial assistance to a local organisation in line with the Council's approved Economic Growth Fund Criteria. The financial assistance would support economic regeneration within Torbay.

Councillor Morey proposed and Councillor Long 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

The following alternative options were set out in the submitted report:

- Not to provide the financial support as requested.
- To provide financial support in a form that is acceptable to the organisation but does expose the Council to a greater level of financial risk.

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

26 March 2021

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

Record of Decisions

Variation of terms of Investment Loan

Decision Taker

Cabinet on 23 March 2021.

Decision

That the variation of terms of Investment Loan, as set out in the Exempt Cabinet Minute 178, be approved.

Reason for the Decision

The reason for the decision is to provide support from Council to the growth and development plans of a local organisation that the Council has financially invested in.

Implementation

This decision will come into force and may be implemented on 7 April 2021 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 variation of terms of an investment Loan. The loan was approved by the Investment and Regeneration Committee on 24 July 2018, by granting the request to vary the terms of the Investment Loan the Council would be supporting a local organisation by supporting the expansion of the company, which will create up to 80 further high-quality jobs, and considerable private sector capital investment, in Torbay, with the consequent benefits to the local economy.

At the meeting, Councillor Long proposed and Councillor Cowell seconded a motion which was agreed unanimously, as set out above.

Alternative Options considered and rejected at the time of the decision

There are no alternative options, the decision is to either vary the terms of the loan or not.

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

26 March 2021

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