

## **Minutes of the Cabinet**

**16 November 2021**

**-: Present :-**

Councillor Steve Darling (Chairman)

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

(Also in attendance: Councillors Barnby, Brooks, Bye, Douglas-Dunbar, Foster, Chris Lewis and Loxton)

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### **270. Minutes**

The Minutes of the meeting of the Cabinet held on 19 October 2021 were confirmed as a correct record and signed by the Chairman.

### **271. Communications**

The Cabinet Member for Children's Services thanked those who had attended the meeting in fancy dress to raise funds for Children in Need and to all those who had made donations.

The Cabinet Member for Infrastructure, Environment and Culture advised that the Council had been awarded government funding to assist residents on low incomes to benefit from free energy efficiency improvements to their homes, which in turn would also contribute in meeting Torbay's carbon neutral targets.

The Cabinet Member for Economic Regeneration, Tourism and Housing updated members on the Council's joint working with the Department for Work and Pensions on early help for those claiming Universal Credit and those facing redundancy.

### **272. Matters for Consideration**

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

### **273. Gambling Act 2005 - Licensing Statement of Principles 2022 to 2025**

### **274. Proposed Council Tax Support Scheme 2022/23**

### **275. Temporary Accommodation - Procurement and Strategy**

**276. Budget Monitoring 2021/22 - Quarter 2 (April - September) Revenue Outturn Forecast & Capital Outturn Forecast**

The Cabinet noted the contents of the submitted report which provided a high level budget summary of the Council's revenue and capital income and expenditure for 2021/22. Full discussion on the report had taken place at the Overview and Scrutiny Board on 10 November 2021.

**277. Renewed listing of Parkfield as an Asset of Community Value**

**278. Torquay Town Deal – Business Case Assurance**

**279. Growth Fund allocation - Edginswell Development**

**280. Growth Fund investment to deliver five new business units at Lymington Road Coach Station**

**281. Report of the Overview and Scrutiny Board on the 'Impact on the Council of the increase in the Higher Needs Block of the Dedicated Schools Grant'**

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Chairman

## Record of Decision

### Gambling Statement of Principles 2022-25

#### Decision Taker

Cabinet on 16 November 2021

#### Decision

That Cabinet recommends to Council:

That the Gambling Statement of Principles 2022 to 2025 be approved.

#### Reason for the Decision

The Licensing Authority is required to publish a statement and to review and re-publish the same, every three years, in order to meet its statutory requirement, as prescribed under Section 349 of the Gambling Act 2005.

#### Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 9 December 2021.

#### Information

The Gambling Act 2005 requires Torbay Council, under its role as Licensing Authority, to review and publish a 'Statement of Principles' (the Gambling Policy), every three years. The Statement of Principles outlines the procedures that the Licensing Authority intends to follow in discharging its statutory responsibilities under the Act. The current Statement has been reviewed, with further changes made as a result of public consultation. The refreshed Statement is required to be published, on or before 30 January 2022.

At the meeting Councillor Carter 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

No other options were considered.

#### Is this a Key Decision?

Yes – Reference Number: I083607

#### Does the call-in procedure apply?

No

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

None.

**Published**

19 November 2021

Signed: \_\_\_\_\_ Date: 19 November 2021  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decision

### Proposed Council Tax Support Scheme 2022/23

#### Decision Taker

Cabinet on 16 November 2021

#### Decision

That Cabinet recommends to Council:

1. that the Council Tax Support Scheme for 2022/23 be approved;
2. that Council notes the scheme for 2022/2023 includes the standard annual uprating of the personal allowances and premiums. These values take into account the statutory inflationary increase in personal allowances used to calculate entitlement to Council Tax Support. These allowances represent a households basic living needs;
3. that Personal Allowances and Premiums, used to calculate Council Tax Support, are uprated from 1 April 2022 in line with the prescribed Pensioner scheme and national working-age benefits, which are both set by the Government; and
4. that the Chief Finance Officer be given delegated authority, in consultation with the Deputy Leader of the Council and Cabinet Member for Finance and the Cabinet Member for Corporate and Community Services, to make any further adjustments required to the Exceptional Hardship Policy and fund.

#### Reason for the Decision

The Council has a statutory duty to provide a local Council Tax Support Scheme for working-age households within its area. Pension age households are subject to statutory provisions determined on a national basis that must be incorporated within each authority's local scheme.

#### Implementation

The Cabinet's recommendations will be considered at the Council meeting on 9 December 2021.

#### Information

The Council has a statutory duty to provide a local Council Tax Support Scheme for working-age households within its area. Prior to the start of each financial year, the Council must consider whether to revise its scheme or to replace it with a replacement scheme. It must make any revision to its scheme, or apply any replacement scheme, no later than 11 March for the subsequent financial year.

The current scheme needs to be updated each year to take into account the inflationary increase in the personal allowances used to calculate entitlement to Council Tax Support - these allowances represent a households basic living needs. This will ensure the scheme is compliant with the Prescribed Requirements for all local schemes, determined by the Department for Levelling Up, Housing and Communities and also aligned to national working-

age benefits, determined by the Department for Work and Pensions.

At the meeting Councillor Carter 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**

It was the intention to introduce an income banded Council Tax Support scheme from April 2021. This was after the proposed implementation from April 2020 which was unfortunately paused due to delays in receiving the required software and the absence of the required reassurances that all system integration work and testing would be completed prior to our deadline for annual Council Tax billing.

With the onset of COVID 19 in early March 2020 and the fundamental impacts this had on the local economy, it was decided to not progress with plans to introduce a banded Council Tax support scheme for 2021/2022. This has been further paused due to the need to accurately model and forecast the impacts of introducing a new format of scheme.

### **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.

### **Published**

19 November 2021

Signed: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

Date: 19 November 2021

## Record of Decision

### Temporary Accommodation - Procurement and Strategy

#### Decision Taker

Cabinet on 16 November 2021

#### Decision

1. That authority be delegated to the Divisional Director of Community & Customer Services in consultation with the Director of Finance, Cabinet Member for Economic Regeneration, Tourism and Housing and Cabinet Member for Corporate and Community Services, to award contracts to successful bidders on the Temporary Accommodation Framework Procurement; and
2. that the Temporary Accommodation Action Plan be noted.

#### Reason for the Decision

The proposed procurement will enable the Council to gain stability on the sufficiency and costs associated with this statutory function.

#### Implementation

This decision will come into force and may be implemented on 29 November 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Council currently does not have any long term contracts for Temporary Accommodation Services and have been operating in the main on a spot purchase model.

The impact of not having significant contracts in place for these services have been:

- A decrease in availability of temporary accommodation - especially in the tourism sector due to increased demand (Covid Impact)
- Reduced control over associated spend due to significant fluctuations in market prices
- Lack of access to suitable temporary accommodation – particularly for larger families
- Poor contract compliance and management.

The procurement approach plans to secure a range of contracted and leased accommodation units through which the Council can provide good standard, appropriate temporary housing for those in need. It will also provide a framework for the Council to spot purchase additional units if required.

At the meeting Councillor Long proposed and Councillor Carter 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. The option being proposed is the preferred option as it enables the Council to undertake an open market procurement to secure the required number of units needed for the delivery of the Temporary Accommodation Service. The Council will also benefit from having a list of approved providers from which the Council can purchase additional units from on an 'as required' basis. This will also support any accommodation requirements as part of a response to an emergency incident.

### **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**

19 November 2021

Signed: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

Date: 19 November 2021



## Record of Decision

### Renewed listing of Parkfield as an Asset of Community Value

#### Decision Taker

Cabinet on 16 November 2021

#### Decision

That the application to re-list Parkfield, 38 Esplanade Road, Paignton in the Council's list of assets of community value (ACV), as previously listed on 30 September 2016, be approved.

#### Reason for the Decision

Following receipt of a community nomination for land to be listed as an ACV, a local authority must reach a decision whether or not to list nominated land within eight weeks of receiving the nomination.

#### Implementation

This decision will come into force and may be implemented on Monday, 29 November 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

Parkfield was listed as an Asset of Community Value ('ACV') on 30 September 2016. That listing expired on the 29 September 2021. An application to relist was received and must be determined in accordance with the requirements of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.

The Equality Impact Assessment within the submitted report referred to the newly built Youth Centre on the Parkfield estate and not Parkfield House as set out in the application. Accordingly, the officer recommendation, as set out in the submitted report, was updated at the meeting to provide clarity of the relisting as previously approved in 2016. Councillor Carter proposed and Councillor Cowell seconded a motion that was agreed by the Cabinet, as set out above.

#### Alternative Options considered and rejected at the time of the decision

Having received a valid application, the only other option would be to refuse to list the asset as an Asset of Community Value. However, given the previous listing of the property and the continued uses, this option was discounted.

#### 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**

19 November 2021

Signed: \_\_\_\_\_ Date: 19 November 2021  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decision

### Torquay Town Deal - Business Case Assurance

#### Decision Taker

Cabinet on 16 November 2021

#### Decision

1. That the endorsement of the Torquay Town Board in respect of the business cases for the projects set out at Paragraph 1.2 of the submitted report be noted; and
2. that the business cases as set out in the Exempt Appendix 1 to the submitted report be submitted to the Department for Levelling Up, Housing and Communities with any required amendments delegated to the Chief Executive in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing and the Director of Finance.

#### Reason for the Decision

The proposals would enable delivery of Town Investment Plan projects from autumn of this year, which would demonstrate to the local community, investors and the Government the progress of the Town Deal. Submission of the business cases and the subsequent funding through the Town Deal provides investment which would create employment, attract additional investment and support residents in accessing support to help them gain work and deepen their skills in key sectors thereby in time contributing to a more resilient local economy.

#### Implementation

This decision will come into force and may be implemented on Monday, 29 November 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

In July 2020 the Council submitted a Town Investment Plan seeking funding to support the economic regeneration of Torquay from the Government's Town Deal programme, administered by the then Ministry of Housing, Communities and Local Government (MHCLG).

The Council was subsequently advised that the Investment Plan would be supported by £21.9 million of Town Deal grant subject to the submission of business cases. The first three business cases were submitted in July 2021 for Edginswell Rail Station, Harbour Public Realm and Stronger Futures projects.

Approval was sought to submit the five remaining business cases for projects which include;

- Strand (Debenhams)
- Pavilion
- Coastal Corridor Pinch Point
- Core area public realm
- Torquay Town Centre regeneration

to the renamed Department for Levelling Up, Housing and Communities (DLUHC).

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**

An alternative option would be not to submit the business cases, this option was discounted as the Towns Fund grant would not be released by the Government and the anticipated benefits from the schemes would not accrue. There would be significant disadvantages with this option which could include the loss of grant, lack of achievement of economic benefits and reputational harm with Government and local partners.

### **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**

19 November 2021

Signed: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

Date: 19 November 2021

## Record of Decision

### Growth Fund allocation - Edginswell Development

#### Decision Taker

Cabinet on 16 November 2021

#### Decision

1. That, subject to due diligence on legal and financial issues and the rent being in excess of the Council's loan repayments, the Chief Executive, in consultation with the Chief Finance Officer and Cabinet Member for Housing, Regeneration and Tourism, be authorised to negotiate and conclude lease and development terms with the incoming tenant and that the Council approve funding from the Growth Fund to fund the development at a sum not exceeding £6.5 million, of which £1.5 million is for the anticipated fit out costs that may or may not be required; and
2. that, subject to due diligence on legal and financial issues, the Chief Executive be authorised to finalise lease terms and enter into a lease that includes an option to purchase with the incoming tenant.

#### Reason for the Decision

To deliver economic growth through, targeted infrastructure investment and to meet the original objectives set out when the land was acquired in 2018.

#### Implementation

This decision will come into force and may be implemented on Monday, 29 November 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

In 2018 the Council acquired 6 acres of land at Edginswell, Torquay, with the intention of unlocking a prime employment site at the strategic Torquay Gateway, adjacent to the South Devon Highway.

The Council acting as landowner and developer wish to progress and enter into contracts to develop and lease a new production, research and design facility, with external parking and servicing on land at Edginswell Business Park, Orchard Way Torquay. The facility would provide circa 2,100 sq m space with the potential to bring 100 new jobs to Torbay, for an innovative and expanding company in the sector of research, training and production of energy based surgical systems.

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

#### Alternative Options considered and rejected at the time of the decision

Alternative options for the site have been considered (including Leisure, Builders merchants,

speculative business units). However, having now progressed with the Wickes store proposal the Council had the benefit of approximately 2 new development plateaus that would be created by the enabling works.

**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**

19 November 2021

Signed: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

Date: 19 November 2021

## Record of Decision

### **Economic Growth Fund investment to deliver five new business units at Lymington Road Coach Station.**

#### **Decision Taker**

Cabinet on 16 November 2021

#### **Decision**

1. To increase Torbay Council's prudential borrowing up to £1,367,369 from the Growth Fund to fund the development shortfall over and above the Getting Building Fund grant; and
2. to delegate authority to the Director of Place, in consultation with the Cabinet Member for Regeneration, Tourism and Housing, to approve the final project brief/specification for the public realm works and to allocate funds from existing revenue sources.

#### **Reason for the Decision**

The buildings are currently vacant and prone to vandalism with poor customer facilities for arriving visitors. Without investment the coach station environment would further decline generating void management costs and an increase in anti-social behaviour.

There was also a shortage of small business units in Torbay and the rental stream from the new units would service the loan required to support the Council's contribution.

#### **Implementation**

This decision will come into force and may be implemented on Monday, 29 November 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### **Information**

On 15 December 2020, the Cabinet approved prudential borrowing of £1,367,369 from the Growth Fund to contribute towards the costs of building five new business units on the site of the former CCTV building and café, and to implement improvements to the public realm within the vicinity of the coach station and car park.

Following this decision market conditions have changed and a budget increase is required to address the inflation in build costs, the results of detailed site investigations, and to address feedback received from the Environment Agency, service departments, Torbay Council's planning department and engagement with Members and the community regarding improvements to the public realm.

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**

The proposed development would see the demolition of some existing derelict buildings which had historically been hard to let and were beyond their economic life. An alternative option to the proposal was to enhance the existing structure and then continue to try and find a potential tenant.

### **Is this a Key Decision?**

Yes – Reference Number: I085818

### **Does the call-in procedure apply?**

Yes

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

None.

### **Published**

19 November 2021

Signed: \_\_\_\_\_ Date: 19 November 2021  
Leader of Torbay Council on behalf of the Cabinet



## Record of Decision

### **Report of the Overview and Scrutiny Board - Impact on the Council of the increase in the Higher Needs Block of the Dedicated Schools Grant**

#### **Decision Taker**

Cabinet on 16 November 2021

#### **Decision**

That the Cabinet's response to the Overview and Scrutiny Board - Impact on the Council of the increase in the Higher Needs Block of the Dedicated Schools Grant 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 Monday, 29 November 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 impact on the Council of the increase in the Higher Needs Block of the Dedicated Schools Grant. In accordance with section D7 of Standing Orders in relation to 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 a response to the recommendations of the Overview and Scrutiny Board which was proposed by Councillor Law and seconded by Councillor Cowell 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**

19 November 2021

Signed: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

Date: 19 November 2021