

Minutes of the Cabinet

23 February 2023

-: Present :-

Councillor Steve Darling (Chairman)

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

(Also in attendance: Councillors Barrand, Brooks (virtual), Bye, Douglas-Dunbar (virtual), Foster, Hill (virtual), Chris Lewis, David Thomas and Jacqueline Thomas (virtual))

443. Minutes

The Minutes of the meeting of the Cabinet held on 10 January 2023 were confirmed as a correct record and signed by the Chairman.

444. Disclosure of Interests

Councillors Steve Darling, Cowell and Morey declared non-pecuniary interests details of which are set out in the Record of Decisions appended to Minute 447 and Minute 448.

445. Communications

The Deputy Leader and Cabinet Member for Finance, Councillor Cowell, called upon all Members to sign the open letter to the Chancellor of Exchequer in support of the findings and recommendations set out in the Children's Society report on the Future of Local Welfare – Discretionary Support for Families Facing Crisis (<https://act.childrenssociety.org.uk/page/121919/petition>)

The Leader of the Council, Councillor Steve Darling welcomed Catherine Fritz a representative of the Citizen Advice Bureau to the meeting. Dr Fritz outlined the work of the Citizen Advice Bureau, provided details of a case study, highlighted the increase in the number of residents contacting the Citizen Advice Bureau and how the reason for contact had changed, due to the increase in the cost of living.

446. 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.

447. Revenue and Capital Budget 2023/2024

448. Application to Re-designate a Torquay Neighbourhood Forum

- 449. Housing Strategy and Public Consultation**
- 450. Domestic Abuse and Sexual Violence Strategy**
- 451. Brixham Changing Places**
- 452. Torbay Independent Reviewing Service (IRO) Annual Report 2021-22**
- 453. Torbay Council Annual Pay Policy Statement and Review of Pensions Discretions**

Chairman/woman

Record of Decisions

Revenue and Capital Budget 2023/2024

Decision Taker

Cabinet on 23 February 2023.

Decision

That Cabinet recommends to Council:

Revenue Budget:

1. That for 2023/24 net revenue expenditure of **£131.0m** resulting in a Council Tax requirement of **£82.7m** for 2023/24 (a 4.99% increase in Council Tax, of which 2% is for Adult Social Care) be approved;
2. That the proposed Fees and Charges for 2023/24 be approved;
3. 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;
4. That it be noted that the Brixham Town Council precept for 2023/24 of £394,372 will be included as part of the Torbay Council budget for Council Tax setting purposes; and
5. That the Chief Executive, in consultation with the Director of Children's Services, Chief Finance Officer, Cabinet Member for Children's Services and Cabinet Member for Finance, be authorised to approve the "safety value" agreement in relation to the Higher Needs Block deficit, subject to an offer of an agreement being made by the Department for Education.

Review of Reserves:

1. That, in support of the 2023/24 budget setting process, the Council's reserves position be noted.

Capital Strategy:

1. That the Capital Strategy 2023/24 be approved.

Capital Plan:

1. that the Capital Plan for 2023/24 as set out in Appendix 1 to the submitted report be approved; and
2. that the Chief Finance Officer, in consultation with the Director of Adult and Community Services, the Cabinet Member for Finance and the Cabinet Member for Economic Regeneration, Tourism and Housing, be authorised to approve the business cases for the use of the Community Affordable Housing loan allocations.

Reason for the Decision

The Council has a statutory obligation to set a budget each financial year and must take account of all factors when setting the budget. The Cabinet's response to the recommendations of the Overview and Scrutiny Board were set out in the submitted report.

Implementation

The recommendations of the Cabinet will be considered at the meeting of Council being held on 7 March 2023.

Information

The Cabinet considered a report that outlined the draft revenue and capital budgets and implications of the draft proposals for service change, income generation and efficiencies. The proposals had been subject to detailed public consultation and examination by the Overview and Scrutiny Board (through its Priorities and Resources Review Panel).

The Cabinet thanked the Overview and Scrutiny Board for their comprehensive review of the Cabinet's proposals for the Council's Revenue Budget for 2022/2023. The report had been compiled in light of the findings and conclusions reached by the Overview and Scrutiny Board. The Board had taken into account the views expressed by members of the public and stakeholder representatives.

The Cabinet also gave consideration to the reports on the Review of Reserves and draft Capital Strategy.

At the meeting, Councillor Cowell proposed and Councillor Steve Darling seconded a motion which was agreed by the Cabinet as set out above.

Alternative Options considered and rejected at the time of the decision

None.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

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

Councillor Morey declared a non-pecuniary interest as a Board Member of the Admiral Swimming Centre in Brixham.

Published

28 February 2023

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

Record of Decisions

Application to re-designate a Torquay Neighbourhood Forum (TNF)

Decision Taker

Cabinet on 23 February 2023.

Decision

That Cabinet recommends to Council:

1. following consideration of all representations received at the close of consultation on 23rd January 2023 and that a refreshed Torquay Neighbourhood Forum (TNF) Constitution has been received (22 February 2023); that the Torquay Neighbourhood Forum be designated as the Neighbourhood Planning body (“Qualifying Body”) for the existing/previously approved Torquay Neighbourhood Area, subject to:
 - i) evidence, presented prior to Council on 7 March 2023, that the Forum meets the minimum Forum requirements (section 61F(5) & (7) of the of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004) (this documentation should demonstrate that the criteria are met (the criteria are set out in more detail in para 1.7 of the Supporting Information to the submitted Report)).
2. and that the following amendments are made to the proposed Neighbourhood Forum’s Constitution to support the transparency of the forum in response to the concerns raised during the consultation:
 - i) to fulfil Sections 6.4, 7.3 and 7.4 of the Constitution: The Forum provide an undertaking to publish on a website, appropriate and timely manner: meeting agendas, minutes and associated documents (where appropriate) within a reasonable period;
 - ii) in Section 3.6 to modify wording to “other areas of Torbay” instead of reference to Paignton and Brixham only; and
 - iii) in Section 4.1 to modify wording to “automatically eligible as members”, including eligible, to reflect that membership is voluntary as set out in Section 4.2.

Reason for the Decision

To give the residents of Torquay a greater say in planning proposals in their area by re-designating a Neighbourhood Forum body.

Implementation

The recommendations of the Cabinet will be considered at the Council meeting on 7 March 2023.

Information

An application was submitted to Torbay Council as the Local Planning Authority, to re-

designate a Torquay Neighbourhood Forum for the existing Neighbourhood Area, comprising the Wards of Barton with Watcombe, Cockington with Chelston, Ellacombe, St. Marychurch, Tormohun and Wellwood. Re-designation of the Torquay Neighbourhood Forum would be for a period of five years, covering the Torquay Community Partnership Areas listed in the application and Torquay Wards listed above.

At the meeting, 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

An alternative option would be to refuse to agree to the re-designation of the Forum, in the light of Government Guidance which indicates that Forums should be 'local' with electoral ward level (5,500 residents), being a possible starting point, this may also provide a more sustainable group size and manageable workload. This was relevant consideration of the recent demise of the Paignton Neighbourhood Forum and the division of the original Brixham Peninsula Neighbourhood Forum, into the Brixham Town Council and the approval of the Broadsands Churston and Galampton Forum. However, Torbay Council was committed to empowering the community through Neighbourhood Planning and there was a strongly supported wish for the Torquay community to form a Forum, therefore the option to refuse the re-designation was discounted.

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)

Councillors Cowell and Steve Darling declared a non-pecuniary interest as members of the Torquay Neighbourhood Forum.

Published

28 February 2023

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

Record of Decisions

Torbay Housing Strategy

Decision Taker

Cabinet on 23 February 2023.

Decision

That the Cabinet recommends to Council:

1. that the Torbay Housing Strategy 2023-2030, as set out in Appendix 1 to the submitted report, be approved; and
2. subject to 1. above, the Cabinet approves the Housing Strategy Project Plan 2023-2024, with any minor amendments to the Housing Strategy Project Plan 2023-2024 being made by the Director of Pride in Place in consultation with Cabinet Member for Economic Regeneration, Tourism and Housing.

Reason for the Decision

The current Housing Strategy runs to April 2025, it was adopted prior to the Council declaring a Housing and Climate emergency in 2021, and before the Covid19 Pandemic in 2020. As a result the Council has refreshed the aims and objectives of the Housing Strategy accordingly. The refreshed Housing Strategy sets out what the Council, and its partners, will be doing to improve the housing situation for Torbay's current and future residents.

Implementation

The recommendations of the Cabinet will be considered at the Council meeting on 7 March 2023.

Information

The Housing Strategy (Policy Framework document) is the over-arching strategic document that pulls together all aspects of the Council's strategic housing function. The Housing Strategy sets out the approach the Council will take with all of its partners to work towards the vision set out in the Strategy. The priorities reflect the broad range of work that the Council and its partners do to meet local housing need, including developing affordable housing, maintaining housing standards, and helping people to stay independent in their own homes, whilst preventing homelessness. Within each theme, key aims of the Council have been identified, which are considered to directly contribute to the overall sense of community, health and wellbeing in the Bay.

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

None.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

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

None.

Published

28 February 2023

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

Record of Decisions

Domestic Abuse and Sexual Violence Strategy

Decision Taker

Cabinet on 23 February 2023.

Decision

That Cabinet recommends to Council:

That the Domestic Abuse and Sexual Violence Strategy as set out in Appendix 1 to the submitted report, be approved.

Reason for the Decision

The previous Domestic Abuse and Sexual Violence Strategy was due to end in early 2023.

Implementation

The recommendations of the Cabinet will be considered at the Council meeting on 7 March 2023.

Information

The current Domestic Abuse and Sexual Violence Strategy (Policy Framework document) ends in March 2023. In preparation a strategic review of the domestic abuse response in Torbay was undertaken in 2021. The review incorporated a review of the Multi Agency Risk Assessment Conference, the Safe Accommodation Needs Assessment as required by the Domestic Abuse Act 2021 and a lived experience listening exercise. All the recommendations and findings have informed the direction and focus of the new Domestic Abuse and Sexual Violence Strategy.

At the meeting Councillor Carter proposed and Councillor Stockman 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

An alternative option would be to do nothing. However, this was discounted as the current policy was set to expire this year and would not take account of the information gathered from the review and the high profile nature of domestic abuse and sexual violence in Torbay.

A further option would have been to have two individual strategies for domestic violence and abuse, and sexual violence this was discounted by the Domestic Abuse and Sexual Violence Executive Group (DASVEG) as this would fragment the strategic response, create areas of overlap and duplication and ineffective use of resources.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

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

None.

Published

28 February 2023

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

Record of Decisions

Brixham Changing Places

Decision Taker

Cabinet on 23 February 2023.

Decision

1. That, subject to the Change request and associated funding from the Department for Housing and Levelling Up being agreed, the project for the delivery of the 1 Changing Places unit in Brixham town centre car park be approved; and
2. That the ongoing revenue maintenance and cleaning costs be added to the current Council contract with Healthmatic.

Reason for the Decision

The installation of this facility will make Brixham town centre and surrounding area more accessible and inclusive to residents and tourists who have a profound disability.

Implementation

This decision will come into force and may be implemented on 8 March 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

A Changing Places toilet provides sanitary accommodation for people with multiple and complex disabilities who have one or two assistants with them. Without a suitable changing bench, many disabled people have to be laid on the floor to be changed. This is undignified, unhygienic and puts assistants at risk of injury. Changing Places toilets are designed for people who cannot use a standard accessible toilet and include enhances adaptations and equipment to assist the user and their carers.

Within Torbay there is currently one Changing Places toilet which was located behind the Vue cinema on Paignton seafront. In March 2022 Torbay Council was successful in bidding for grant funding to support the installation of 1 Changing places unit, in the Brixham town centre carpark.

At the meeting, Councillor Stockman proposed and Councillor Morey 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 was to locate the Changing Place next to a current toilet block as it has the nearby utility and sewer connections which will be needed for any solution. However, this would have required the expansion of the pavements to allow enough access around the unit, which would have subsequently impacted the flow of traffic in the carpark and reduced the loading space which was utilised by the adjacent Tesco store. Due to these considerations and the proximity to the main flow of traffic to potential users as a result 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

28 February 2023

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

Record of Decisions

Torbay Independent Reviewing Service (IRO) Annual Report 2021-22

Decision Taker

Cabinet on 23 February 2023.

Decision

That the Torbay Independent Reviewing Service (IRO) Annual Report 2021-22 be approved and published in accordance with the legislative requirements.

Reason for the Decision

To ensure that the Council upholds its responsibility as Corporate Parents and complies with legislation.

Implementation

This decision will come into force and may be implemented on 8 March 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The IRO Annual Report sets out an overview of the activity of the Independent Reviewing Officer Service, the staffing structure, developments within the service and the key improvement objectives for the service moving forward.

At the meeting, Councillor Law proposed and Councillor Morey 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.

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

28 February 2023

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

Date: _____

Record of Decisions

Annual Pay Policy including Gender Pay Gap Report

Decision Taker

Cabinet on 23 February 2023.

Decision

That Council be recommended that:

1. the Torbay Council Annual Pay Policy Statement 2023/24 as set out in Appendix 1 to the submitted report be approved for publication; and
2. the Employers Pensions Discretions set out in Appendix 2 to the submitted report be approved for publication.

Reason for the Decision

To meet the statutory requirements to review these reports and policies.

Implementation

The recommendations of the Cabinet will be considered at the Council meeting on 7 March 2023.

Information

The submitted report set 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 and 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.

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

None.

Is this a Key Decision?

Yes

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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