

Minutes of the Cabinet

14 July 2020

-: Present :-

Councillor Steve Darling (Chairman)

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

(Also in attendance: Councillors Barnby, Barrand, Brooks, Brown, Bye, Doggett, Douglas-Dunbar, Foster, Kennedy, Chris Lewis, Loxton, Mills and David Thomas)

102. Communications

The Cabinet Member for Children's Services, Councillor Law, thanked headteachers, teachers and support staff for all that they have done for the families of Torbay during the Covid-19 Pandemic recognising that the support provided had gone beyond that of delivering education. Councillor Law also thanked education staff at Torbay Council, in particular, Rachael Williams, Assistant Director of Education, Learning and Skills who had received particular praise from Ofsted for her leadership and extensive knowledge of the schools in Torbay.

103. 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.

104. Budget Monitoring 2020/21 - Period Two

The Cabinet noted the Budget Monitoring 2020/21 – Period Two report which set out the latest position in respect of the Council's budget as at 31 March 2020 taking into account the financial impact of Covid19. The report was also due to be considered at the Overview and Scrutiny Board on 22 July 2020.

105. Future High Streets Funding for Paignton Town Centre

106. Torquay Town Deal

107. Covid-19 Economic Recovery Plan - Update

Alan Denby, Director of Economic Strategy, TDA provided a verbal update in respect of the Covid-19 Economic Recovery Plan.

108. Schools' Capital Programme 2020/21

109. Fostering Annual Report

The Cabinet noted the Fostering Services Annual Report for 2019/2020 which provided details of activities undertaken within the service between April 2019 and March 2020. The report summarised the performance of the service and provided an update on the roles and functions of the service, including the introduction of a Special Guardianship Support Service set up in 2019.

The Cabinet thanked the Director of Children's Services and her team for the work that they have put in to the complete Service Redesign during this period, which Cabinet noted was now yielding more positive results for our Children Looked After.

110. Draft Heritage Strategy for Consultation**111. Local Development Scheme****112. Amendment to boundaries of Occombe Farm Local Nature Reserve**

Chairman

Record of Decisions

Future High Streets Funding for Paignton Town Centre

Decision Taker

Cabinet on 14 July 2020.

Decision

That Cabinet supports:

- (i) the submission of a Final Business Case and to delegate the decision, on exact content of the submission, to the Head of Finance;
- (ii) the Council's investment, in principle, in two key projects included in the Business Case, as set out in paragraph 4.2 of the supporting information to the submitted report; and
- (iii) the prioritisation of projects, as set out in paragraph 2.16 of the supporting information to the submitted report, to be used in the event that the full amount of funding requested is not available.

Reason for the Decision

To support submission of the Business Case, the prioritisation of projects and the 'in principle' willingness for the Council to invest in key projects, to show the Council's continued commitment to regeneration of Paignton Town Centre, especially given the actual and potential impacts of COVID-19, and to ensure the Business Case can be submitted to the Ministry for Housing, Communities and Local Government (MHCLG) by the deadline of end July.

Implementation

The decision in respect of the Future High Streets Funding for Paignton Town Centre will come into force immediately as the decision maker has decided that any delay likely to be caused by the call-in process would prejudice the Council's interest. The Overview and Scrutiny Co-ordinator was consulted on 30 June 2020.

Information

The submitted report sought the support of Cabinet for the submission, to the Ministry for Housing, Communities and Local Government (MHCLG), of a Future High Streets Business Case for funding to start the process of transforming Paignton Town Centre.

The Business Case sought investment by Government of £18.8 million in a programme of regeneration that includes seven significant projects in Paignton Town Centre. The Draft Final Business Case, submitted in March 2020, has changed and will continue to evolve, in line with the content of the submitted report, prior to submission before end July 2020.

The Business Case set out the challenges in Torbay generally and Paignton specifically. It demonstrated how the proposed programme of work, as a whole, responded to those challenges to deliver sustainable and beneficial outcomes for Paignton Town Centre, including the attraction of further investment.

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.

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

17 July 2020

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

Record of Decisions

Torquay Town Deal

Decision Taker

Cabinet on 14 July 2020.

Decision

That the Cabinet supports the submission of a Town Investment Plan and delegates the decision, on exact content of the submission, to the Head of Finance, in consultation with the Leader of the Council.

Reason for the Decision

The Cabinets support for the submission of the Town Investment Plan was sought in order to comply with the Ministry of Housing, Communities and Local Governments submission deadline at the end of July 2020.

Implementation

The decision in respect of Torquay Town Deal will come into force immediately as the decision maker has decided that any delay likely to be caused by the call-in process would prejudice the Council's interest. The Overview and Scrutiny Co-ordinator was consulted on 2 July 2020.

Information

Torquay was selected by Government in November of last year to be one of 101 English towns invited to submit a Town Investment Plan. The purpose of this town deal is to secure a Town Deal, setting out a partnership with Government, and up to £25 million of Town Fund investment. The Town Investment Plan is intended to set out a strategic programme of investment designed to capture, for national government, the ambitions of a place and the projects intended to realise that ambition.

Torquay is a cohort one town and as such will submit the Town Investment Plan on or before 31st July. The Town Investment Plan sets out the assets, opportunities and vision for the town and will be submitted by the Council based on the advice of the Town Board.

The Town Investment Plan will when finalised set out the justification for the requested Town Fund investment of circa £25 million, the projects that the Towns Fund will support and indicative levels of investment from other public and private sector sources.

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?

No

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

None

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Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Children Services Capital Programme 2020/21

Decision Taker

Cabinet on 14 July 2020.

Decision

That Council be recommended:

- (i) that the Council agrees the list of projects and funding allocations as set out in Appendix 1 to 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 Compulsory Purchase Order(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 (DfE) 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.

Reason for the Decision

To approve the programme of capital investment for Children's Services to ensure that there are sufficient school places and facilities across the whole of Torbay.

To authorise the use of the Council's Compulsory Purchase Powers to enable a second free school to be built in Paignton.

Implementation

The recommendations of the Cabinet will be considered at the Council meeting on 16 July 2020.

Information

The submitted report sought seeking approval to implement the Children's Services Schools' Capital Programme using capital allocations of just over £9m received from the Department of Education (DfE). The projects proposed were detailed in Appendix 1 to the submitted report. The investment would ensure there were sufficient school places to meet demand and would provide much needed improvements across the school estate.

The report sought Council's approval to progress a compulsory purchase order ("CPO") to compulsorily acquire land for a new primary school in Paignton. The land subject to the proposed compulsory purchase order was land at Wilkins Drive, Paignton shown edged in red on the plan attached at Appendix 2 to the submitted report.

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

Alternative options were set out in the submitted report.

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

17 July 2020

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

Record of Decisions

Draft Heritage Strategy for Consultation

Decision Taker

Cabinet on 14 July 2020.

Decision

That the Cabinet approves the Heritage Strategy for a formal four week consultation launch in July 2020 and presents the consultation results to future a Cabinet meeting.

Reason for the Decision

To enable a four week consultation on the draft Heritage Strategy for Torbay.

Implementation

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

Information

The draft Heritage Strategy was the result of a significant review of heritage in the Torbay. It was conducted by lead consultant Katherine Findlay at Heritage Arts & People, on behalf of Torbay Council, with advice and support from Council officers, TDA and Torbay Culture. The process continued over several months involving local residents, partner organisation, Councillors, officers and services.

The purpose of the Strategy was to clarify Torbay Council's approach to heritage, and to enable the Council to confirm and develop plans for specific locations. The new document set out statutory requirements (e.g. Listed Buildings, Conservation Area Appraisals, Scheduled Ancient Monuments and non-designated heritage assets). The aim would also be to ensure accessibility to a wide readership. The report sought approval to commence formal consultation on the draft Strategy.

Councillor Morey 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

Alternative options were set out in the submitted report.

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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Record of Decisions

Local Development Scheme/Local Plan Review

Decision Taker

Cabinet on 14 July 2020.

Decision

- (i) that the Cabinet appoint a non-decision making Local Plan Working Party with the following terms of reference and membership:

Terms of Reference:

- 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;
- 2) To identify relevant interested parties, including Neighbourhood Forums and Developers, to be invited to attend meetings.

Membership:

Politically balanced - 4 Conservatives, 3 Liberal Democrats, 2 Independents and of those members to include the Cabinet Member for Instructure, Environment and Culture, Cabinet Member for Economic Regeneration, Tourism and Housing

- (ii) that, in consultation with Local Plan Working Party, the Assistant Director of Planning, Housing and Climate Emergency be given delegated authority to agree the content of documents for consultation during the review;
- (iii) that, following the review but before December 2020, a recommendation is brought to Cabinet on whether or not to revise the Torbay Local Plan 2021-2030;
- (iv) if a revision is recommended, that there shall be a scope and programme for the update of the Local Plan accompanying the recommendation; and
- (v) that every effort shall be made by all involved in the process to ensure efficiency and to deliver the review (and update if required) as soon as practicable to ensure Torbay and its community has an up-to-date Local Plan in place wherever possible.

Reason for the Decision

To support the initial scoping of the Review of the Local Plan, and the Review itself, it was proposed to establish a Working Party to ensure that all political groups on the Council were involved in this work, and for the Working Party to assist in guiding Officers to ensure that there is good engagement with all interested parties, including Neighbourhood Forums, to inform decisions and also that a Local Plan Stakeholder Engagement Group be established.

Implementation

This decision will come into force and may be implemented on 27 July 2020 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Town and Country Planning (Local Planning) (England) Regulations 2012 required that Local Plans were reviewed at least every five years. The Torbay Local Plan (2012-2030) was adopted in December 2015 and so a review was due before December 2020. These Regulations also required that the Statement of Community Involvement was reviewed.

The Local Authority was required to consider whether to revise the document following the review, or if it decided not to revise the document, to publish the reasons for considering that no revisions were necessary.

In order to support the initial scoping of the Review, and the Review itself, it was proposed to establish a Working Party, and for the Working Party to assist in guiding Officers to ensure that there is good engagement with all interested parties, including Neighbourhood Forums, to inform decisions, which it was proposed be done through a Local Plan Stakeholder Engagement Group.

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

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Leader of Torbay Council on behalf of the Cabinet

Date: _____

Record of Decisions

Amendment to boundaries of Occombe Farm Local Nature Reserve

Decision Taker

Cabinet on 14 July 2020.

Decision

That Cabinet notes that the land comprising 4.06 ha at Preston Down Road, Paignton and shown edged red on the plan at Appendix 1 to the submitted report is no longer managed as a nature reserve and does not contain habitats or species that warrant its designation as part of a Local Nature Reserve and, as a result, approves the making of a formal declaration removing the PDR land from the Occombe Farm Local Nature Reserve designation.

Reason for the Decision

To take the final steps in order to de-register land at Preston Down Road, shown on Plan EM3172, as a Local Nature Reserve.

Implementation

This decision will come into force and may be implemented on 27 July 2020 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

On 20 September 2019 the Cabinet approved:

“That the land at Preston Down Road, shown on Plan EM3172 attached at Appendix 1 to the submitted report, be de-registered as a Local Nature Reserve (LNR) as the land no longer meets the requirements to be designated as a LNR and to enable housing to be developed on the site.”

Subsequently the Council was required to consult with Natural England ('NE') prior to formalising the de-registration. NE was formally notified on 13 January 2020. A letter of response, dated 9 June 2020, had been received which concluded that “Natural England accept that the land proposed for de-declaration appears to have very limited environmental value”.

The Cabinet was required to consider the Natural England response prior to the final steps in the de-registration process being undertaken.

Councillor Long 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

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)

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