

Minutes of the Cabinet

17 November 2020

-: Present :-

Councillor Steve Darling (Chairman)

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

(Also in attendance: Councillors Barnby, Barrant, Brooks, Foster, Kennedy, Barbara Lewis, Chris Lewis, Loxton, Manning, Mills, David Thomas and Jacqueline Thomas)

133. Communications

The Leader of the Council, Councillor Steve Darling, announced the sad passing of Councillor Doggett and as a mark of respect Councillor Long read the poem 'Abou Ben Adhem' written by Leigh Hunt.

The Cabinet Member for Children's Services, Councillor Law, welcomed Jackie Sims who had been appointed the Divisional Director for Children's Services. Councillor Law also informed Members of the contents of a letter from the Children's Services Commissioner in respect of the assessment of Torbay Council's leadership capacity and intervention for Children's Services, which showed that positive steps had been taken to improve performance within the Service, whilst recognising that there was still a lot of work to do before Torbay was in the position it would wish to be in.

The Cabinet Member for Adult Services, Councillor Stockman announced that following advertisement and interview, Lincoln Sargent had been appointed to the role of Director of Public Health.

In addition, Councillor Stockman referred to the large number of positive Covid-19 cases in Brixham and implored Members to spread the message to all residents to take care, continue to social distance and self-isolate when asked to do so.

The Cabinet Member for Infrastructure, Environment and Culture, Councillor Morey informed Members that the Department for Transport had awarded the Peninsula Transport Group £425,000 to deliver a number of initiatives such as strategic economic corridors and a carbon transition strategy. Councillor Morey advised that he would seek to arrange an all member briefing in due course.

134. 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.

135. Notice of motion - Free School Meals**136. Torbay Heritage Strategy for Adoption****137. Local Plan Review (Local Development Scheme) - Local Plan Working Party Recommendations****138. Licensing Act 2003 - Licensing Statement of Principles 2021 to 2026****139. Early Years Sufficiency Annual Update**

The Cabinet noted a report that provided an annual update on the availability of childcare places to meet the requirements for funded children in Torbay. The Cabinet Member for Children's Services informed Members that whilst there had been some closures of private early years providers, there were sufficient places to accommodate the children who were displaced elsewhere. There has not been a child who has been left unable to access a suitable childcare place as a result of these closures. Councillor Law advised Members that the early years sector had responded well to the challenge of Covid-19 with the service not receiving reports of any parent not being able to access a childcare place if they needed one.

140. Proposed Council Tax Support Scheme 2021/22**141. Customer Relationship Management System****142. Leasehold Disposal Pier Point Restaurant and Retail Unit, Torbay Road, Torquay, TQ2 5HA**

This item was deferred until the Cabinet Meeting on 15 December 2020.

143. Budget Monitoring 2020/21 - Quarter Two

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 2020/2021. Members noted that the report had been prepared prior to the announcement of the second lockdown, which would have further impact on the revenue budget. Full discussion on the report had taken place at the Overview and Scrutiny Board on 11 November 2020.

Record of Decisions

Notice of Motion - Free School Meals

Decision Taker

Cabinet on 17 November 2020

Decision

That the Cabinet resolves to request the Leader of the Council to write to the Secretary of State for Education and the Chancellor of the Exchequer to call for:

1. An extension of the eligibility for free school meals to every pupil whose parents or guardians are in receipt of Universal Credit,
2. The Government acknowledges the existing and ongoing school holiday food poverty and ensures a sufficient provision of food vouchers for every one of those pupils in every school holiday,
3. An extension of the eligibility for free school meals to pupils from low-income families whose parents or guardians have no recourse to public funds and destitute asylum seekers under s4 of the Immigration and Asylum Act 1999.

Reason for the Decision

To support the motion and campaign for additional help for those experiencing food poverty.

Implementation

This decision will come into force and may be implemented on Monday, 30 November 2020 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The Cabinet considered a motion in relation to free school meals, notice of which was given in accordance with Standing Order A13.

Councillor Long proposed and Councillor Morey seconded a motion, as set out below which was agreed unanimously by the Cabinet:

The Cabinet notes:

That numbers of pupils entitled to Free School Meals are rising fast. Torbay has witnessed a 29% rise in the number of children entitled to free school meals. Prior to the Covid-19 Pandemic there were 3,963 children entitled to free school meals, this has risen to 5,114 this September. This figure does not include data for 2 year olds with entitlement, therefore the number could be even higher. Every child who is entitled to Free School Meals is a sign of a family under significant financial pressure. This picture of increasing child poverty is supported by the rapid rise in the number of families dependent on food banks.

That children who are hungry are less able to learn and thrive at school.

That the extension of the school meals voucher scheme (campaigned for by Marcus Rashford) to cover the period of the summer holiday was incredibly important and valuable to families in food poverty.

The Cabinet recognises the fears that the second lockdown is likely to lead to further increases in child poverty.

The Cabinet therefore supports the calls by the Child Food Poverty Task Force, supported by Marcus Rashford and many leading food suppliers and producers, which calls for:

The expansion of free school meals provision to every child whose family is in receipt of Universal Credit or equivalent, or with a low-income and no recourse to public funds.

That provision be made for food vouchers to cover school holidays and periods of lockdown for all families in receipt of Universal Credit or with low-income and no recourse to public funds. That Healthy Start vouchers should be increased in value to £4.25, and expanded to be made available to all those in receipt of Universal Credit or with a low-income and no recourse to public funds.

This Cabinet resolves to request the Leader of the Council to write to the Secretary of State for Education and the Chancellor of the Exchequer to call for:

1. An extension of the eligibility for free school meals to every pupil whose parents or guardians are in receipt of Universal Credit,
2. The Government acknowledges the existing and ongoing school holiday food poverty and ensures a sufficient provision of food vouchers for every one of those pupils in every school holiday,
3. An extension of the eligibility for free school meals to pupils from low-income families whose parents or guardians have no recourse to public funds and destitute asylum seekers under s4 of the Immigration and Asylum Act 1999.

Alternative Options considered and rejected at the time of the decision

None.

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

20 November 2020

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

Record of Decisions

Torbay Heritage Strategy for Adoption

Decision Taker

Cabinet on 17 November 2020

Decision

That, the Heritage Strategy, as set out in Appendix 1 and 2 to the submitted report, be adopted subject to the Assistant Director Planning, Housing & Climate Emergency, in consultation with the Cabinet Member for Infrastructure, Environment and Culture, being given delegated authority to approve any necessary minor amendments to the documents.

Reason for the Decision

The Torbay Heritage Strategy focuses and co-ordinates a number of key recommendations including; a clear set of objectives for managing and protecting heritage assets, it is a tool to involve and inspire key partners and stakeholders, attract visitors and support our economy and respond to climate change whilst recognising our wide ranging internationally recognised heritage.

Implementation

This decision will come into force and may be implemented on 30 November 2020 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny)

Information

Torbay's current Heritage Strategy dates from 2011. It was not formally adopted by Torbay Council and has never been reviewed. Numerous changes have impacted the culture and heritage sector since that time.

The purpose of the new Torbay Heritage Strategy is to clarify Torbay Council's approach to heritage, and to enable the Council to confirm and develop plans for specific locations. The new documents set out statutory requirements (e.g. Listed Buildings, Conservation Area Appraisals, Scheduled Ancient Monuments and non-designated heritage assets).

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

The existing Strategy was out of date and was never adopted. A new Strategy was required to reflect the current situation.

Is this a Key Decision?

No – Reference Number: I075887

Does the call-in procedure apply?

Yes

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

None.

Published

November 2020

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

Record of Decisions

Torbay Local Plan 2012-30: Five Year Review.

Decision Taker

Cabinet on 17 November 2020.

Decision

That;

(i) the review of the Torbay Local Plan 2012-30 in Appendix 1 be approved and that the decision be published in accordance with Section 17 of the Planning and Compulsory Purchase Act 2004 and Regulation 10A of the Town and Country Planning (Local Plan) (England) Regulations 2012;

(ii) as per option 1 set out in this report, the scope of the update will be:

To assess whether the local plan's housing figure should be updated in line with the most recent standard methodology housing figure. It would require an update to Local Plan Policies SS1, SS12 and SS13. There may be a consequential impact on other policies dealing with housing supply, particularly Policy SS2 and neighbourhood area policies (SDT1, SDP1 and SDB1);

(iii) a decision on any further amendments to the plan arising from updates to the housing policies in line with the review; or identified as necessary following legislative changes; or the identified as necessary to ensure the plan is sound, be delegated to the Assistant Director of Planning, Housing and Climate Emergency in consultation with the Local Plan Working Party;

(iv) the terms of reference of the Local Plan Working Party, to reflect the work necessary beyond the review to update the Local Plan, be amended from:

“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”

To:

“To support the Local Planning Authority's review **and update** 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”; and

(v) that Cabinet receives regular progress updates on the review from the Assistant Director of Planning, Housing and Climate Emergency.

Reason for the Decision

The proposals in this report help us to deliver this ambition by seeking agreement of the scope of the Local Plan Update. An up to date development plan is the legal starting point for determining planning applications. It sets a framework for the delivery of affordable and market housing, contains policies on employment, tourism, reducing deprivation, and improving the

built and natural environment. By agreeing the scope of the Local Plan Update the review has a clear and prioritised approach, which recognised the importance of addressing housing land supply issues in accordance with the advice set out in Appendix 1 to the submitted report.

Implementation

This decision will come into force and may be implemented on 30 November 2020 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Local Plans are required by law to be reviewed at least every five years from adoption. On 14 July the Cabinet established the Local Plan Review Working Party, who have subsequently met and proposed a number of recommendations for the Cabinet to agree. 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

There were three options:

- 1) To carry out a partial update of policies for the supply of housing (i.e. those which set a housing number).
- 2) To carry out a partial update of policies for the supply of housing (i.e. those which set a housing number) and to carry out a light touch update of other policies to reduce repetition and make minor amendments. This is the recommended approach.
- 3) To carry out a more detailed re-write to create a new Local Plan.

The three options were set out in more detail 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

20 November 2020

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

Date: _____

Record of Decisions

Licensing Act Statement of Principles 2021 – 2026

Decision Taker

Cabinet on 17 November 2020.

Decision

That Cabinet recommends to Council:

- i) That the Licensing Statement of Principles 2021 to 2026, for publication with effect from 7th January 2021 be approved; and
- ii) That the Cumulative Impact Policy 2021 to 2024, for publication with effect from 7th January 2021 be approved.

Reason for the Decision

The Council has a statutory obligations as prescribed under Section 5 (1) Licensing Act 2003, which requires that the Licensing Authority publish a statement and review and re-publish the same, at least every 5 years.

Implementation

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

Information

In accordance with Section 5 of the Licensing Act 2003, the Council is required every 5 years, to review, consult and republish its Licensing Statement of Principles (The Statement). The current Statement was published on 7th January 2016 and therefore, it has been reviewed and consulted upon and must be re-published, on or before 7th January 2021.

In addition, the Council's Cumulative Impact Policy (CIP), following a change in legislation, no longer forms part of the Statement and must now be a standalone Policy. This has also been revised and consulted upon and is required to be republished on or before 7th 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

The statement is a statutory requirement, therefore no other options were considered.

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

20 November 2020

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

Record of Decisions

Proposed Council Tax Support Scheme 2021/22

Decision Taker

Cabinet on 17 November 2020.

Decision

That Cabinet recommends to Council:

- i) that the Council Tax Support Scheme for 2021/2022 be approved;
- ii) that Council notes the scheme includes the standard annual uprating of the personal allowances and premiums. That these values take into account the statutory inflationary increase in personal allowances used to calculate entitlement to Council Tax Support. That Council further notes that the Council Tax Support Scheme for 2021/2022 has been aligned with the Governments amended prescribed requirements for pensioners that came into force on 11 February 2020.
- iii) that Personal Allowances and Premiums, used to calculate Council Tax Support, are uprated from 1 April 2021 in line with the prescribed Pensioner scheme and national working-age benefits, which are both set by the Government; and
- iv) that the Chief Finance Officer be given delegated authority, in consultation with 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 recommendations of the Cabinet will be considered at the Council meeting on 3 December 2020.

Information

The current Council Tax Support scheme was approved by members at Full Council in December 2016. 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 any replacement scheme, no later than 11 March for the subsequent financial year.

The current scheme needs to be updated 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 Communities and Local Government and also

aligned to national working-age benefits, determined by the Department for Work and Pensions.

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

The Council had intended to introduce an income banded Council Tax Support Scheme from April 2021. This was after the proposed implementation from April 2020 was unfortunately paused due to delays in receiving 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.

Unfortunately, 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.

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

20 November 2020

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

Record of Decisions

Customer Relationship Management System

Decision Taker

Cabinet on 17 November 2020.

Decision

That Cabinet approves a procurement exercise to be undertaken to identify a provider to supply, implement and maintain a new Customer Relationship Management (CRM) system, with the outcome of the procurement exercise and the associated funding request to be presented to Cabinet and Council in due course.

Reason for the Decision

A customer relationship management system is an effective and efficient tool which provides an interface with its customers, across several delivery channels. The Council has an existing partial customer relationship management system which is no longer fit for purpose.

Implementation

This decision will come into force and may be implemented on 30 November 2020 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Customer relationship management involves dealing with queries, complaints and specific requests and demands, with accurate information. To support this a CRM system can be used as an effective and efficient interface with its customers across several delivery channels (face to face, telephone, internet websites, texting and emails). Torbay Council has an existing partial customer relationship management system which is no longer fit for purpose.

It is proposed that the Council procures a new customer relationship management system so that we can build a better picture of why customers contact us and improve service delivery.

Councillor Steve Darling 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

Two alternative options had been considered:

- Option one – do nothing;
- Option two – procure and implement a new customer relationship management system.

The detailed evaluation of these two options was set out in the exempt appendix to 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

20 November 2020

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