

Minutes of the Cabinet

20 February 2020

-: Present :-

Councillor Steve Darling (Chairman)

Councillors Long, Morey, Carter, Stockman and Cowell

(Also in attendance: Councillors Brooks, Brown, Douglas-Dunbar, Foster, Kennedy, Chris Lewis, Manning and David Thomas)

94. Apologies

Apologies for absence were received from Councillor Law and Steve Parrock, Chief Executive.

95. Minutes

The Minutes of the meetings of the Cabinet held on 21 January and 4 February 2020 were confirmed as a correct record and signed by the Chairman.

96. Communications

The Cabinet Member for Adults and Public Health, Councillor Stockman, implored Members to lobby Government and Torbay's Members of Parliament to reconsider the funding formula for Younger Adults (18 to 24 year olds) social care, the revised funding formula could result in a 15% reduction in funds placing further pressure on the Council's supporting people budgets. Councillor Stockman also announced that the Better Care Fund 2019/20 had allocated funds to a range of projects across Torbay.

The Cabinet Member for Infrastructure, Environment and Culture, Councillor Morey, provided an update on damage caused by the recent storms and thanked staff and contractors for their hard work during difficult conditions.

The Cabinet Member for Economic Regeneration, Tourism and Housing, Councillor Long, was pleased to support South Devon College at a celebratory reception hosted by the Rt Hon. Robert Halfon MP, Chair of the Education Select Committee and former Skills and Apprenticeship Minister. The reception formally recognised the national finalists and also acknowledged outstanding apprenticeship delivery and provision across the sector. Whilst in parliament, Councillor Long also met with Anthony Mangnall MP, to discuss supporting growth of Brixham as a fishing port and how Torbay can position itself for future funding.

The Cabinet Member for Finance, Councillor Cowell announced the launch of Crowdfunding Torbay.

The Leader of the Council, Councillor Steve Darling, welcomed the Employment Committee's recommendation to appoint Nancy Meehan as the Director of Children's Services.

97. 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.

97.1 Revenue Budget 2020/2021

This item was not required as the Council approved the Revenue Budget at its adjourned meeting held on 13 February 2020.

97.2 One Torbay: Working for all Torbay - Community and Corporate Plan

97.3 Housing Strategy

97.4 Torre Abbey Restoration Project - Phase 3 National Heritage Lottery Fund Bid

97.5 Contractors Compound on Paignton Green

97.6 Extension of the Joint Community Equipment Contract

97.7 Torbay Council Annual Pay Policy Statement including Gender Pay Gap Report and Review of Pensions Discretions

97.8 Exclusion of Press and Public

Councillor Darling proposed and Councillor Long 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 15 to 18 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 item in Minute 97.10, the press and public were formally excluded from the meeting.

97.9 TDA Business Plan 2020-2025

This item was deferred to enable the Chairman of the TDA Board to attend the meeting to present the report.

97.10 New Economic Growth Fund Opportunities

97.11 New Investment Fund Opportunities

There were no new Investment Opportunities.

97.12 Update on Existing Investments

There was no update at this time.

Chairman

Record of Decisions

Corporate Plan

Decision Taker

Cabinet on 20 February 2020

Decision

That the Cabinet recommend to Council:

- (i) that “One Torbay: Working for all Torbay” be approved as a Policy Framework document of the Council; and
- (ii) that the list of Policy Framework documents in the Constitution be updated to change the name to ‘Community and Corporate Plan.’

Reason for the Decision

The Community and Corporate Plan is the overarching document within the Council’s Policy Framework setting out the Council’s ambitions for the next four years.

Implementation

The recommendations of the Cabinet will be considered at the Council meeting on 27 February 2020.

Information

Following the local elections in May 2019, a Community and Corporate Plan had been prepared by the Cabinet which set out the ambitions and visions of the Council over the remainder of the four year term of office and the principles within which the Council will operate. The Plan has been subject to extensive consultation and engagement with partners and the community as part of the Partnership’s commitment to change the way the Council engages with its residents, communities and partners and amendments had been made to the document as a result.

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

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

24 February 2020

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

Record of Decisions

Housing Strategy

Decision Taker

Cabinet on 20 February 2020

Decision

- (i) that, the Cabinet approve the Housing Strategy 2020 ~ 2025, attached as Appendix 1 to the submitted report, and recommend the Housing Strategy to Council for approval as part of the Council's Policy Framework; and
- (ii) that the Director of Place be instructed to work with housing partners to develop a Housing Strategy Delivery Plan for approval by Cabinet no later than 30th April 2020.

Reason for the Decision

To recommend the Council to approve the Housing Strategy which forms part of the Council's Policy Framework.

Implementation

The recommendations of the Cabinet will be considered at the Council meeting on 27 February 2020.

Information

As part of the work of developing the Community and Corporate Plan, a new Housing Strategy for Torbay had been developed which set out the Cabinet's plans towards meeting its priority of improving the delivery, affordability and quality of housing in Torbay.

Consultation on the Housing Strategy took place between 17 December 2019 and 31 January 2020 together with the following documents relating to housing:

- Homelessness and Rough Sleeping Strategy;
- Housing Standards Enforcement Policy; and
- Houses in Multiple Occupation Standards.

The Housing Strategy is a Policy Framework document and requires formal approval from the Council before it can be adopted.

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

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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Record of Decisions

Torre Abbey Restoration Project - Phase 3 National Heritage Lottery Fund Bid

Decision Taker

Cabinet on 20 February 2020

Decision

The Cabinet recommends to Council:

- (i) that the Director of Place be authorised to submit a National Heritage Lottery Fund (Round 1) application for £4.875m for Phase 3 of the Torre Abbey Restoration Programme as described in the submitted report; and
- (ii) that Council agrees to borrow up to £1.7m to provide the financial commitment outlined in this report and underwrite any possible shortfall in the third party matched funding element of the package.

Reason for the Decision

To support a bid for funding of the Torre Abbey Restoration Phase 3 project to help protect the Abbey, a scheduled ancient monument, for the benefit of the local community and our visitors.

Implementation

The recommendations of the Cabinet will be considered at the Council meeting on 27 February 2020.

Information

The submitted report sought approval to re-submit a Phase 3 Round 1 bid to the National Heritage Lottery Fund (NHLF) in May 2020 in respect of the Torre Abbey Restoration Programme. Whilst the Council was unsuccessful with the first Phase 3 Round 1 bid in June 2018, officers were encouraged by NHLF to submit an Expression of Interest (EOI) for Torre Abbey in respect of the re-launched Heritage Lottery funding programme. This most recent EOI was successful and as a result, in 2019, the NHLF invited the Council to submit a Round 1 application for Phase 3 of the Torre Abbey restoration project.

In previous rounds the Council, supported by the TDA, had successfully obtained HLF funding in excess of £7m which had been matched with funding contributions from Torbay Council, the Friends of Torre Abbey (FOTA) and others to reach a total investment of circa £11m for the two earlier phases of restoration and redevelopment (2006 ~ 2013). Phase 3 would require the Council borrowing up to £1.7m to underwrite any shortfall in the third party matched funding element of the package.

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

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

Contractors Compound on Paignton Green

Decision Taker

Cabinet on 20 February 2020

Decision

- (i) that the licence to Midas on the terms set at Appendix 1 to the submitted report be granted;
- (ii) that the income received from the licence be utilised as follows:
 - (a) a £4,000 grant be given to Paignton Community Partnership to support their activities for the benefit of Paignton; and
 - (b) £24,900 be allocated as funding for the delivery of the English Riviera Airshow.

Reason for the Decision

To enable a contractor's compound to be placed on part of Paignton Green to help facilitate the redevelopment of the Lighthouse and Park Hotel sites.

Implementation

This decision will come into force and may be implemented on 3 March 2020 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Council had been approached by the contractors (Midas Construction Ltd) acting for the developers of The Lighthouse and Park Hotel sites for permission to use part of Paignton Green as a contractor's compound while development takes place on the building sites.

The proposed term was for a period of 74 weeks for which Midas would pay a licence fee of £28,900. The detailed terms of the licence were set out at Appendix 1 and a Plan is set out in Appendix 2 to the submitted report.

Placing a compound on Paignton Green would breach the wording of a covenant ("the Covenant") placed over the Green in 2013. In essence the Covenant states that the Council would not allow any permanent structure on the Green. The Covenant was intended to protect Paignton Green from development by preventing permanent structures. The proposal was a technical breach of the Covenant but will not affect the long-term protection afforded by the Covenant.

The Lighthouse and Park Hotel sites are very constrained and not easily served by any alternative compound in a different location, granting the licence would better enable the prompt development of highly visible seafront sites.

At the meeting, the Cabinet heard from Mr Chris Robson, member of the Paignton Community Partnership.

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

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

Record of Decisions

Extension of the Joint Community Equipment Contract

Decision Taker

Cabinet on 20 February 2020

Decision

- (i) that Cabinet approves the decision to extend the current contract with Nottingham Rehab Limited trading as NRS Healthcare, for the delivery of the Joint Community Equipment Service and minor adaptations within Torbay; and
- (ii) Torbay Council awards its current economic operator a new one year contract to run until 31 March 2021, with an option to extend for a further 12 months in the event this is required for a more complex tender, following the completion of a review of our aids, adaptations and assistive technology services.

Reason for the Decision

To enable the existing contract to be extended to allow for a full review to be undertaken on the future delivery of this service.

Implementation

This decision will come into force and may be implemented on 3 March 2020 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The submitted report sought approval to extend the current contract with Nottingham Rehab Limited trading as NRS Healthcare, for the delivery of the Joint Community Equipment Service and minor adaptations within Torbay. The current contract with NRS Healthcare ends in March 2020 and the report requested the extension of this arrangement for one plus one years (potentially until March 2022).

The extended contract would continue to be commissioned jointly by the council and NHS Devon Clinical Commissioning Group (CCG). The contract extension would enable the Council, along with its NHS partners, to undertake a review of our aids, adaptations and assistive technology functions, to provide a more joined-up offer to people who use our services and how this can be better provided, potentially by working in partnership with other local authorities.

Councillor Stockman 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

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

Record of Decisions

Torbay Council Annual Pay Policy Statement including Gender Pay Gap Report and Review of Pensions Discretions

Decision Taker

Cabinet on 20 February 2020

Decision

That Council be recommended:

- (i) that the Torbay Council Annual Pay Policy Statement 2020/21 as set out in Appendix 1 to the submitted report be approved for publication;
- (ii) that the Torbay Council Gender Pay Gap Report, contained within the Annual Pay Policy Statement 2020/21 in Appendix 1 be approved for publication; and
- (iii) that 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 27 February 2020.

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 which 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. In addition, the report set out details of the Council's gender pay gap data as required by the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

Councillor Carter 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

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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Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

New Economic Growth Fund Opportunity 10/2/20

Decision Taker

Cabinet on 20 February 2020

Decision

That the Economic Growth Fund Opportunity 10/2/20, as set out in the Exempt Cabinet Minute 99.10, be approved.

(Note: the decisions in respect of Economic Growth Fund Opportunity 20/02/20 are restricted due to exempt information contained within the decisions.)

Reason for the Decision

To enable the Council to offer a loan to a local organisation to assist with economic regeneration within Torbay.

Implementation

The decision in respect of Economic Growth Fund Opportunity 10/02/20 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 18 February 2020.

Information

The Cabinet considered the submitted Exempt Report on the proposed loan to a local business in line with the Council's approved Economic Growth Fund Criteria. The proposed loan would support economic regeneration within Torbay.

Councillor Morey proposed and Councillor Steve Darling 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

None

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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