

Minutes of the Extraordinary Meeting of the Council (Council decisions shown in bold text)

8 October 2020

-: Present :-

The Worshipful The Mayor of Torbay (Councillor Douglas-Dunbar) (In the Chair)

Councillors Amil, Atiya-Alla, Barrand, Barnby, Brooks, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Dudley, Ellery, Foster, Hill, Howgate, Kavanagh, Kennedy, Law, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, O'Dwyer, Pentney, Stockman, Sykes, David Thomas, Jacqueline Thomas and John Thomas

157 Opening of meeting

The Worshipful the Mayor of Torbay advised that, as the meeting was being held remotely via Zoom during the Corona Virus pandemic, the meeting would follow the Remote Meeting Standing Orders with all voting being taken by roll call throughout the meeting.

The meeting was then opened with a moment of personal reflection.

158 Apologies for absence

Apologies for absence were received from Councillors Brown, Doggett and Manning.

159 Disposal of Land at Little Blagdon Farm, Collaton St Mary and Land at Preston Down Road, Paignton

Further to the decision of the Council on 18 July 2019, Members received the submitted report detailing the unsuccessful procurement exercise to seek a development partner to assist with the delivery of housing at Preston Down Road and Collaton St Mary, Paignton. The submitted report sought approval to rescind the previous Council decision and enable the freehold disposal of the land at Collaton St Mary on the open market and Preston Down Road to be disposed of to TorVista Homes or a company owned by the Council. It was noted the proposal would ensure that the Council complied with the requirements of the Land Release Fund which had been secured to help bring forward housing development of the two sites.

Councillor Long proposed and Councillor Cowell seconded a motion as set out below:

- (i) that the decision of the Council on 18 July 2019 as set out in minute 46/7/19 (i) to (iv) be rescinded;

- (ii) that the disposal of the freehold interest of the land at Preston Down Road ensuring best value, edged red at Appendix 3 to the submitted report, to TorVista Homes or a company wholly owned by the Council, be approved and that the Chief Executive be given delegated authority to agree and finalise the terms of the disposal, in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing and the Head of Finance;
- (iii) that subject to a business case being produced Members authorise a loan via prudential borrowing or provide a guarantee of up to £23 million to TorVista homes or a company owned by the Council, to facilitate the delivery of the site, and that the Chief Executive be given delegated authority to agree the provision of the loan or provision of a guarantee in consultation with the Cabinet Member for Finance and the Head of Finance; and
- (iv) that the open market disposal of the freehold interest at Collaton St Mary (identified by land edged red in Appendix 2 to the submitted report) be approved and the Chief Executive be given delegated authority to agree and finalise the detailed disposal terms in consultation with the Leader and Cabinet Member for Finance. That the Council encourages the developer to engage with the community over the future development of this site at an early stage.

During the debate Councillor David Thomas proposed and Councillor John Thomas seconded an amendment to the motion as follows:

- (i) that the decision of the Council on 18 July 2019 as set out in minute 46/7/19 (i) to (iv) be rescinded;
- (ii) that the freehold interest of land at Preston Down Road (edged red at Appendix 3) and Collaton St Mary (edged red at Appendix 2) be dealt with in the following manner:
 - a) the sites be disposed of to TorVista Homes, or another company wholly owned by the Council; and
 - b) the Council enter into a Development Agreement with TorVista Homes, or another company wholly owned by the Council with delegated authority given to the Chief Executive in consultation with the Group Leaders and the Head of Finance to agree the finalised terms ensuring that best value is achieved and to include obligations to:
 - obtain an outline planning permission for the whole site and a detailed application on an initial phase, with the land split into smaller parcels/phases and these to be offered to the marketplace/local developers/SME's;

- construct the access arrangements and any site wide infrastructure works required along with meeting any planning obligations required to be undertaken at that time including any work necessary to satisfy the Land Release Fund requirements within the prescribed time; and
 - to dispose of the remaining phases that include contractual arrangements to clawback a pro rata financial contribution for any site wide works undertaken with the net receipts paid to Torbay Council; and
- c) that subject to a business case being produced Members authorise a loan via prudential borrowing or provide a guarantee to TorVista homes or a company owned by the Council of funds sufficient, to facilitate the delivery of the initial phase and any site wide works required, and that the Chief Executive be given delegated authority to agree the provision of the loan or provision of a guarantee in consultation with Group Leaders and the Head of Finance.

The amendment was put to the vote and declared lost.

Councillor Long's and Councillor Cowell's original motion was then considered by the Council. During the debate on the original motion, a procedural motion (in accordance with Standing Order A15.11(ii)) to move to the vote was proposed by Councillor Morey and seconded by Councillor Cowell and was declared carried. Accordingly, the original motion was put to the vote, which was agreed, as set out below:

- (i) that the decision of the Council on 18 July 2019 as set out in minute 46/7/19 (i) to (iv) be rescinded;**
- (ii) that the disposal of the freehold interest of the land at Preston Down Road ensuring best value, edged red at Appendix 3 to the submitted report, to TorVista Homes or a company wholly owned by the Council, be approved and that the Chief Executive be given delegated authority to agree and finalise the terms of the disposal, in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing and the Head of Finance;**
- (iii) that subject to a business case being produced Members authorise a loan via prudential borrowing or provide a guarantee of up to £23 million to TorVista homes or a company owned by the Council, to facilitate the delivery of the site, and that the Chief Executive be given delegated authority to agree the provision of the loan or provision of a guarantee in consultation with the Cabinet Member for Finance and the Head of Finance; and**

- (iv) that the open market disposal of the freehold interest at Collaton St Mary (identified by land edged red in Appendix 2 to the submitted report) be approved and the Chief Executive be given delegated authority to agree and finalise the detailed disposal terms in consultation with the Leader and Cabinet Member for Finance. That the Council encourages the developer to engage with the community over the future development of this site at an early stage.**

160 Review of Political Balance

The Council considered a report on a review of political balance on committees and working parties following Councillors Kennedy and Mills becoming members of the Independent Group on Torbay Council.

Councillor Steve Darling proposed and Councillor Cowell seconded a motion, which was agreed (unanimously) by the Council as set out below:

- (i) that the Community Governance Review Working Party be disbanded following the Council's determination of the review on 9 January 2020;**
- (ii) that the overall political balance of the committees as set out at Appendix 1 to the submitted report be approved; and**
- (iii) that, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 to the submitted report be approved.**

(Note: prior to the vote Councillor Kavanagh lost connection.)