

## **Minutes of the Cabinet**

**12 July 2022**

**-: Present :-**

Councillor Steve Darling (Chairman)

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

(Also in attendance: Councillors Barnby, Barrand, Brooks (virtually), Bye, Foster, Kennedy, Barbara Lewis (virtually), Chris Lewis (virtually), David Thomas and Jacqueline Thomas(virtually))

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### **361. Minutes**

The Minutes of the meeting of the Cabinet held on 14 June 2022 were confirmed as a correct record and signed by the Chairman.

### **362. Communications**

The Cabinet Member for Children's Services, Councillor Law advised Members that 11 July 2022, marked the 27<sup>th</sup> Anniversary of the Srebrenica genocide and led a minute silence as a mark of respect.

The Cabinet Member for Economic Regeneration, Tourism and Housing, Councillor Long advised Members that the Cabinet were aware of representations in respect of the condition of the building at 62-70 Victoria Street, Paignton and that officers were in discussion with the owners with regards to its condition. However, Councillor Long wanted to reassure Members and the public that should these discussions not result in a positive outcome the Cabinet would request officers explore other options including a Compulsory Purchase Order.

The Cabinet Member for Infrastructure, Environment and Culture, Councillor Morey informed Members that officers had submitted a bid to the Levelling Up Fund Round 2 for a cycleway between Lowes Bridge and Newton Abbot.

### **363. 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.

### **364. Torbay Local Plan Update**

### **365. Kerbside Green Waste Collection Service**

- 366. Torbay Economic Growth Strategy and Action Plan**
- 367. Turning The Tide on Poverty Update - Report of the Overview and Scrutiny Board**
- 368. Joint Health and Wellbeing Strategy**
- 369. Adult Social Care - Annual Local Account 2021/22**
- 370. Final Budget Monitoring 2021/22 (April 2021 - March 2022)**

Chairman/woman

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## Record of Decisions

### Torbay Local Plan Update - Housing Growth Scenarios

#### Decision Taker

Cabinet on 12 July 2022.

#### Decision

1. That, based on Torbay's exceptional circumstances, an alternative approach to the Government's "standard method" calculation of housing need should be carried out based on current and future demographic trends and market signals;
2. That members approve a draft "Regulation 18" consultation on site options to commence in September 2022 based on the contents of this report;
3. That the scope of the Local Plan Update also be expanded to update policies on Climate Emergency, infrastructure, employment and the Strategic ("SS") policies in the Local Plan;
4. That the plan period is extended to 2040 "and beyond" in recognition of the urban regeneration opportunities and requirements of national planning policy to have a minimum of 15 years for strategic policies;
5. That the Local Development Scheme is updated according to the content of this report and be published accordingly;
6. That the Divisional Director of Planning, Housing and Climate Emergency, in liaison with the Cabinet Member for Infrastructure, Environment and Culture continues "Duty to Cooperate" discussions with neighbouring authorities, based on Officers' current advice that Torbay does not have the environmental capacity and there is insufficient viability to deliver the Government's "Standard Method" local housing need figure, despite the pressing need for affordable housing.

#### Reason for the Decision

Due to the extent of issues under consideration, it was recommended that a consultation was carried out under Regulation 18 "Issue and Options". This would enable greater latitude to consider options than a "Regulation 19" Preferred Option consultation.

#### Implementation

This decision will be implemented immediately.

#### Information

During January 2022 and February 2022, a consultation on 'Growth Options' was undertaken, the Cabinet considered a report that recommended the next steps of an updated Local Plan. Due to the extent of issues under consideration, it was recommended that a consultation was carried out under Regulation 18 "Issue and Options". Enabling greater latitude to consider options than a "Regulation 19" Preferred Option consultation. The consultation would seek

views on which of the sites or clusters of sites were acceptable to bring forward for development.

It was recommended that the Local Plan Update focussed on brownfield regeneration sites and promoted development in town centre and waterfront locations.

At the meeting Councillor Morey proposed and Councillor Steve Darling 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**

15 July 2022

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Kerbside Green Waste Collection Service

#### Decision Taker

Cabinet on 12 July 2022.

#### Decision

That:

1. SWISCo are instructed to deliver an opt in, paid for kerbside garden waste collection service as soon as possible;
2. The Director of Finance be requested to use his delegated authority to introduce a new charge for the service to be fortnightly, all year round and charged at £50 p/a (£40 for CTSS) per 240 litre bin, in accordance with Financial Regulation, paragraph 5.10 (in consultation with the Leader of the Council, Cabinet Member for Finance and Chief Executive); and

That Council be recommended:

3. That the Director of Finance be delegated authority, in consultation with the Leader of the Council and Cabinet Member for Finance, to provide Council funding by prudential borrowing for the Council to purchase the bins for garden waste or provide a loan to SWISCo for their purchase.

#### Reason for the Decision

Torbay Council's recycling rate is currently 37% and below the target of 50%. A key element to increasing the recycling rate is to increase opportunities for the recycling of garden waste.

#### Implementation

Decision 1 and 2 will come into force and may be implemented on 25 July 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny). Decision 3, will be considered by the Council on 21 July 2022.

#### Information

The only green waste recycling option (other than in garden composting) currently available to Torbay residents is the Household Waste and Recycling Centre in Paignton or seasonal remote collection points in Torquay and Brixham. Torbay's waste flow data shows approx. 1500 tonne of garden waste is disposed of in the residual stream every year. Collecting and recycling this garden waste offers potential for improvements of Torbay's recycling rate by up to 6%, therefore making an important contribution towards the Council's climate emergency commitments.

A charged garden waste collection was identified in the Resource and Waste Strategy for Torbay, by the target date of 2023. The Resource and Waste Strategy sets out that this collection will reduce the amount of green waste that is put into the residual bin and will lead to an improvement in Torbay's recycling rates.

At the meeting Councillor Morey proposed and Councillor Law 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 alternative option to an opt in charged for service would have been to offer a free service to all households with a garden (approximately 45,000 properties).

Although this was promoted as the preferred option of Central Government, on the basis of new burdens funding this being a net nil cost to local authorities, DEFRA has not confirmed any further details. The results of the Government consultation were due to be published in July 2022, delayed from Autumn 2021, however any changes will then have to be included in new legislation relating to the Environment Bill, as is in reality a number of years away. At the current time a free service would cost Torbay Council approx. £1.2 m per annum plus capital costs of approximately £1.6m

### **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**

15 July 2022

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Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Torbay Economic Growth Strategy and Action Plan 2022-2030

#### Decision Taker

Cabinet on 12 July 2022.

#### Decision

That the draft Torbay Economic Growth Strategy and Action Plan 2022-2030 be approved for public consultation.

#### Reason for the Decision

The Torbay Economic Growth Strategy underpins the Council's focus on delivering its corporate priorities and better outcomes for the community with a longer-term plan to address key issues and opportunities and build upon recent successes.

#### Implementation

This decision will be implemented immediately.

#### Information

The Torbay Economic Growth Strategy 2022 - 2030 provided direction for Torbay Council and its partners responsible for championing Torbay and delivering with its communities in respect of the economic development of the place. The extent of the challenges facing Torbay's economy, suggest that there was a compelling argument for economic growth to be the strategic priority for the Council in the coming years given the risk that a failing economy presents for education, health and other outcomes.

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

An alternative option would be to continue with the existing strategy, this option was discounted as the existing strategy did not take into account the impact and response to the Covid-19 pandemic.

#### 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

### Turning The Tide on Poverty Update - Report of the Overview and Scrutiny Board

#### Decision Taker

Cabinet on 12 July 2022.

#### Decision

That the Cabinet's response to the Turning the Tide on Poverty Update – Report of the Overview and Scrutiny Board be approved, as published.

#### Reason for the Decision

The Cabinet was required to respond to the findings within the report of the Overview and Scrutiny Board.

#### Implementation

This decision will come into force and may be implemented on 25 July 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Cabinet received the update report of the Overview and Scrutiny Board on Turning the Tide on Poverty. In accordance with section D7 of Standing Orders in relation to Overview and Scrutiny as set out in the Constitution, the Cabinet was required to respond to the recommendations of the Overview and Scrutiny Board within two months. Subsequently the Cabinet prepared a response to the recommendations of the Overview and Scrutiny Board which was proposed by Councillor Stockman and seconded by Councillor Long and 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?

Yes

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

None.

**Published**

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Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Joint Health and Wellbeing Strategy 2022 - 2026

#### Decision Taker

Cabinet on 12 July 2022.

#### Decision

That Cabinet recommends to Council:

That the Joint Health and Wellbeing Strategy 2022-26 as set out in Appendix 1 to the submitted report be approved.

#### Reason for the Decision

To ensure that the Council complies with the statutory requirement for all upper tier local authorities to have in place a Joint Health and Wellbeing Strategy.

#### Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 21 July 2022.

#### Information

Local Authorities have a duty to produce, through the Health and Wellbeing Board, a Joint Health and Wellbeing Strategy setting out priorities to address the needs of the population.

The Joint Health and Wellbeing Strategy 2022-2026 sets out areas of focus and key actions to improve lives in Torbay over the next four years. The strategy was prepared in collaboration with Health and Wellbeing Board partners over several months and the areas of focus and cross-cutting areas represent priorities for agencies working across Torbay to improve the health and wellbeing of residents.

At the meeting Councillor Stockman 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 Joint Health and Wellbeing Strategy was a partnership document setting out priorities for strategic activity and therefore alternative options were not 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.

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Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Adult Social Care - Annual Local Account 2021/22

#### Decision Taker

Cabinet on 12 July 2022.

#### Decision

That;

- (i) the Local Account set out in Appendix 1 to the submitted report be approved; and
- (ii) the Local Account to be published in accordance with Government requirements.

#### Reason for the Decision

The Annual Local Account is a statutory reporting requirement that reflects how Adult Social Care, delegated to Torbay and South Devon Foundation Trust, has performed against national and local performance indicators.

#### Implementation

This decision will come into force and may be implemented on 25 July 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Local Account for Adult Social Care sets out what has been achieved for local people in relation to adult social care by outlining the level of performance for the last financial year and the Council's commitment to future service delivery.

At the meeting Councillor Stockman 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

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.

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Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Final Budget Monitoring 2021/22 (April 2021 – March 2022)

#### Decision Taker

Cabinet on 12 July 2022.

#### Decision

That Cabinet notes the report and recommends to Council:

That the Council notes that the following revenue outturn actions were agreed as a part of the March 2022/23 budget approval;

1. carrying forward £0.57m for Highways; and
2. notes the decision of the Section 151 officer to carry forward of £0.2m to be used as follows:
  - a. £0.1m allocated to support the impact of the 'cost of living' crisis; and
  - b. £0.1m allocated to support the implementation of the new customer relationship management software.

#### Reason for the Decision

To ensure the Council operates in a prudent manner and works to maintain a balanced budget.

#### Implementation

The recommendations of the Cabinet will be considered at Council meeting on 21 July 2022.

#### Information

The Budget Monitoring 2021/22 Quarter Four – Outturn report provided a high-level budget summary of the Council's final revenue and capital position for the financial year 2021/22.

At the meeting Councillor Cowell proposed and Councillor Steve Darling 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?

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