

## **Minutes of the Cabinet**

**13 December 2022**

**-: Present :-**

Councillor Steve Darling (Chairman)

Councillors Carter, Cowell, Law, Long and Morey

(Also in attendance: Councillors Stockman, Amil (virtually), Barrand, Brooks (virtually), Bye, Mandy Darling (virtually), Foster, Hill (virtually), Chris Lewis and David Thomas)

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### **416. Apologies**

An apology for absence was received from Councillor Stockman (who observed the meeting remotely).

### **417. Minutes**

The Minutes of the meeting of the Cabinet held on 15 November 2022 were confirmed as a correct record and signed by the Chairman.

### **418. Communications**

The Leader of the Council, Councillor Steve Darling welcomed Sarah Pengelly who gave an overview of the Holiday Activities and Food (HAF) programme. The core aims of the HAF programme was to ensure that children and young people who were eligible for income-based free school meals have access to food, physical activities and enrichment activities during the longest holiday periods when their school was closed. The programme is delivered by local providers from the Voluntary and Community Sector and private partners and overseen by a multi-sector Steering Group. The programme is delivered from a mix of school-based and community-based venues with a range of activities. The HAF programme was in its second year of delivery and to date had provided 78 holiday clubs, funded 3,240 individual placements with a total reach of over 7,000. During the Christmas period there will be 12 holiday clubs with 516 spaces. With the cost of living increases the activities have been expanded to include activity hampers and packs that the children and young people could take home. Further details of the HAF programme and booking arrangements could be found at <https://www.torbay.gov.uk/children-and-families/early-years/christmas-healthy-holidays-programme/>.

Councillor Steve Darling thanked Ms Pengelly for her presentation and her attendance.

**419. Matters for Consideration**

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions) are set out in the Record of Decisions appended to these Minutes.

**420. Childcare Sufficiency Duty Report 2022**

**421. Corporate Parenting Strategy 2022-25**

**422. Paignton and Preston Community Seafront Masterplan**

This item was withdrawn.

**423. Leasehold disposal of Parkfield House and Grounds - Outcome of Procurement Process**

**424. Devon Carbon Plan**

**425. Planning Contributions and Affordable Housing Supplementary Planning Document**

**426. Community Infrastructure Levy Funds - Administration and Governance of Neighbourhood Proportion**

**427. Budget Monitoring Quarter 2 2022/2023**

The submitted report was noted.

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Chairman/woman

## Record of Decisions

### Childcare Sufficiency Duty Report 2022

#### Decision Taker

Cabinet on 13 December 2022.

#### Decision

That the Childcare Sufficiency Report for 2022, as set out in Appendix 1 to the submitted report be approved.

#### Reason for the Decision

The Childcare Act 2006 requires Torbay Council to report annually to Elected Members on the local arrangements to ensure those duties are met and a report is available and accessible for parents.

#### Implementation

This decision will come into force and may be implemented on 28 December 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Childcare Act 2006 placed a duty on local authorities to secure, so far as was reasonably practicable, sufficient childcare for working parents, or parents who were studying or training for employment, for children aged 0 – 14 years (or up to 18 years for disabled children).

At the time of submission, the report established that there were sufficient early years childcare places to meet the requirements for funded children in Torbay. There was a potential oversupply in relation to funded places, meaning that there was sufficient capacity to accommodate children aged under 2 and children from outside of the Torbay area.

The report was presented to the Children and Young People Overview and Scrutiny Sub-Board on 21 November 2022. The Sub-Board recommended that the Cabinet approve the submitted Childcare Duty Sufficiency Report subject to inclusion of the national average of women smoking during pregnancy and consideration being given to future reports including statistics around women vaping during pregnancy. Prior to consideration by the Cabinet, the Childcare Duty Sufficiency Report had been updated to include the national averages and the Cabinet were advised work will be conducted to assess the viability of collecting data on vaping for the 2023 sufficiency report.

At the meeting, Councillor Law 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

There were no alternative options considered.

**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**

16 December 2022

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

## Record of Decisions

### Corporate Parenting Strategy 2022-25

#### Decision Taker

Cabinet on 13 December 2022.

#### Decision

To formally launch the Corporate Parenting Strategy 2022-25 as a Policy Framework document and as set out at Appendix 1 to the submitted report, for public consultation.

#### Reason for the Decision

Under the Children and Social Work Act 2017, the legislative responsibility for local authorities in respect of their corporate parenting duties was outlined. In February 2019, the Department for Education published Statutory Guidance for local authorities and outlined the key principles of Corporate Parenting. In addition, under the Children Act 2004, it was highlighted that local authorities have a duty to promote co-operation between their relevant partners and the Act also highlights that corporate parenting is a task which should be shared Council-wide and across the partnership.

#### Implementation

This decision will be implemented immediately.

#### Information

The Corporate Parenting Strategy outlines the aspirations as to the kind of corporate parent Torbay wants to be and how the local authority will work alongside its partners, including education, police and health services, to achieve this ambition. This requires everyone, from officers to elected Members to GPs to teachers, not only recognising their role as corporate parents but also understanding how they can support us to be the best possible corporate parents we can be.

The Strategy sets out the commitment of the Partnership to these objectives, and achieving the ambitions through strong strategic, corporate and political leadership and meaningful performance management, a commitment to the ongoing engagement and involvement of children and young people in the development and implementation of the strategy and associated action plans and effective working together with partners across Torbay.

At the meeting Councillor Law 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

There were no alternative options 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**

16 December 2022

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Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Leasehold Disposal of Parkfield House and Grounds – Outcome of Procurement process

#### Decision Taker

Cabinet on 13 December 2022.

#### Decision

Subject to there being no formal objection from the National Trust or the Big Lottery (parties to the title deed) to the proposed disposal; the Chief Executive be authorised, in consultation with the Director of Place, to agree the terms and grant a lease of Parkfield House and grounds to the Preferred Bidder named in Exempt Appendix 4 to the submitted report.

#### Reason for the Decision

Providing the Preferred Bidder can deliver upon their proposals, the disposal will provide increased opportunities to improve the wellbeing outcomes of Torbay residents, in particular Children and Young People, as outlined in the Framework for Community Development of Parkfield.

#### Implementation

This decision will come into force and may be implemented on 28 December 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

A formal procurement process had been undertaken to identify a community partner (or group of partners) to whom Parkfield House and grounds could be disposed of on a leasehold basis. The process was open for application to any partners in the Voluntary, Community, and Social Enterprise sector.

The process identified the top scoring community partner and as such was the Preferred Bidder based on the evaluation of all submissions in line with the published evaluation criteria.

At the meeting Councillor Long proposed and Councillor Cowell seconded a motion that was unanimously agreed by the Cabinet, as set out above.

#### Alternative Options considered and rejected at the time of the decision

There no alternative options considered.

#### Is this a Key Decision?

Yes

#### 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

### Devon Carbon Plan

#### Decision Taker

Cabinet on 13 December 2022.

#### Decision

That the Devon Carbon Plan, as set out at Appendix 1 to the submitted report, be approved.

#### Reason for the Decision

A range of actions to tackle climate change were most effective if delivered at a county-level, these included projects to support the decarbonisation of housing, transport, business sectors and in bidding for government funding. There was also additional capacity at a Devon-level that could support climate action locally in Torbay. Torbay had therefore been working with the Devon Climate Emergency Partnership to oversee the development of a Devon Carbon Plan.

#### Implementation

This decision will come into force and may be implemented on 28 December 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

Torbay Council declared a Climate Emergency in June 2019. A range of actions were already being taken to work towards tackling the Climate Emergency and Torbay becoming carbon neutral by 2030. In addition, Officers had been working with the Devon Climate Emergency Response Group to oversee the development of a Devon Carbon Plan.

The Devon Carbon Plan sets out an ambition to tackle climate change across all of Devon, including those people who live, work in and visit our county, and those businesses who are based or operate here.

The Plan was a roadmap for how Devon would reach net-zero emissions by 2050 (at the latest) with an interim target of 50% reduction by 2030, and how each partner organisation could help to achieve this.

At the meeting Councillor Morey proposed and Councillor Steve Darling seconded a motion that was unanimously agreed by the Cabinet, as set out above.

#### Alternative Options considered and rejected at the time of the decision

The alternative options were:

- (i) Not to endorse the Devon Carbon Plan; or
- (ii) Endorse the Devon Carbon Plan

Option (i) above would result in some actions within the Devon Carbon Plan not being delivered across Devon and in Torbay. This may slow progress towards Torbay's 2030 target and

Devon's 2050 target. This option was therefore not recommended.

Option (ii) was the preferred, recommended option. It would provide the Council with the best chance of significant progress towards tackling the Climate Emergency, meeting the 2030 target and meeting the Community and Corporate Plan's ambition by working with partners across Devon. It would also support Devon to deliver on its ambitious plans and meet its 2030 and 2050 targets.

**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**

16 December 2022

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Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Planning Contributions and Affordable Housing Supplementary Planning Document

#### Decision Taker

Cabinet on 13 December 2022.

#### Decision

1. That the Planning Contributions and Affordable Housing Supplementary Planning Document as set out in Appendix 1 to the submitted report be approved by Cabinet for adoption. Planning applications received after 1 January 2023 will be assessed in terms of this updated SPD.
2. That the Divisional Director for Planning, Housing and Climate Emergency be authorised to make minor editorial amendments to the Planning Contributions and Affordable Housing Supplementary Planning Document in consultation with the Cabinet Member for Infrastructure, Environment and Culture.
3. That the Divisional Director for Planning, Housing and Climate Emergency be authorised to update the planning contributions sought in line with inflation on an annual basis in consultation with the Cabinet Member for Infrastructure, Environment and Culture.
4. That the Divisional Director for Planning, Housing and Climate Emergency in consultation with the Cabinet Member for Infrastructure, Environment and Culture be authorised to update the 'CIL Accompanying Policies' document to maintain consistency with the Planning Contributions and Affordable Housing Supplementary Planning Document.
5. That the Local Development Scheme be updated to reflect the adoption of the Planning Contributions and Affordable Housing Supplementary Planning Document as set out in Appendix 1 to the submitted report.

#### Reason for the Decision

The reasons for this decision were:

- To ensure that new development in Torbay contributes fairly towards the provision of infrastructure and other matters that development creates a need for;
- To provide affordable housing;
- To update guidance on tackling climate change, reducing poverty and improving education outcomes; and
- To update guidance on key ecological sites in Torbay.

#### Implementation

This decision will come into force and may be implemented on 28 December 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and

Scrutiny).

## **Information**

The Planning Contributions and Affordable Housing Supplementary Planning Document sets out how Section 106 planning obligations are to be used in Torbay to meet the infrastructure needs created by developments, including providing affordable housing. The Supplementary Planning Document provides guidance on (amongst other things) the kinds of planning obligations sought, the circumstances in which they are to be sought, how financial contributions are calculated, and the relevant Local Plan and Neighbourhood Plan policies which provide the basis for seeking planning obligations. The main purpose of this update is to ensure that planning obligations adequately cover the costs of infrastructure at 2022 prices (which rose by 25.6% between 2017 and May 2022).

During the Cabinet meeting and prior to Members considering the submitted report, the Chief Executive informed Members of correspondence that had been received on the afternoon of 13 December 2022 from solicitors acting on behalf of Devon and Cornwall Police. The correspondence requested that the Planning Contributions and Affordable Housing Supplementary Planning Document include the collection of developer contributions to mitigate the increased demand that housing development and the associated population growth would place on policing resources. The Chief Executive reported that the Council's Monitoring Officer had reviewed the position (as set out in paragraph 2.10 of the submitted report) and advised that the Planning Contributions and Affordable Housing Supplementary Planning Document had to be in accordance with the approved Local Development Plan. The Local Development Plan was part of the Council's Policy Framework, therefore the Planning Contributions and Affordable Housing Supplementary Planning Document could not go beyond that within the Local Development Plan. Concluding that the outcome Devon and Cornwall Police seek was beyond that tiered approach. The Monitoring Officer was satisfied that the Cabinet could proceed and approve the Planning Contributions and Affordable Housing Supplementary Planning Document if they were minded to do so.

At the meeting 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 alternative option would be to not update the Supplementary Planning Document and to continue using the adopted 2017 version. This would result in planning contributions being sought at 2017 prices rather than at 2022 prices. Uncertainty would remain from the (2017) Supplementary Planning Document being inconsistent with new national planning policy and guidance. The 2017 Supplementary Planning Document also restricts the pooling of no more than 5 obligations towards the same item of infrastructure, when this restriction is no longer required by planning legislation. Therefore, this option was discounted.

## **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**

16 December 2022

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

## Record of Decisions

### Community Infrastructure Levy Funds - Administration and Governance of Neighbourhood Proportion

#### Decision Taker

Cabinet on 13 December 2022.

#### Decision

1. That the neighbourhood proportion collected in respect of development located within the Brixham Neighbourhood Plan area shall be passed directly to the Brixham Town Council to administer. With the spend of any funds received by the Brixham Town Council in respect of development located outside of the administrative area of the town council, (but located within the neighbourhood development plan area), shall be in consultation with the relevant Torbay Council members for the wards concerned. Regular reviews of the neighbourhood proportion monies spend, will be undertaken, through liaison with the Town Council.
2. That, the Divisional Director of Planning, Housing and Climate Emergency be given delegated authority to determine submissions from community groups, in consultation with a newly established CiL Spend Panel, which are endorsed by the Neighbourhood Forums or an agreed alternative. The membership of the Panel to include the Leader of the Council, the Cabinet Member for Finance, the Cabinet Member for Infrastructure, Environment and Culture and representatives of the Neighbourhood Forums, (or if not available from the Neighbourhood Forums) representatives from the Local Community Partnerships and the Torbay Community Development Trust, with terms of reference for the Panel, as set out in Appendix 3 to the submitted report, be approved.
3. The new CiL Spend Panel be established with quarterly meetings, the first meeting to take place by the end of February 2023.

#### Reason for the Decision

There were two considerable amounts of collected CiL Neighbourhood Proportion monies for both the Torquay and Paignton Neighbourhood Forum Areas. There was a need to establish a more streamlined process to agree new proposals coming forward for funding.

#### Implementation

This decision will come into force and may be implemented on 28 December 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Cabinet at its meeting in August 2020 established the CiL Spend Board, this decision was subsequently rescinded at Cabinet on 15 November 2022 in response to the need for a less onerous process that could meet more regularly and prevent any backlog of cases coming forward, being considered.

Whilst the law does not prescribe a specific process for agreeing how the neighbourhood portion should be spent, the guidance indicates that the Council should identify a suitable

administration process in order to ensure that CIL is spent appropriately. The proposed new process will involve the Leader of the Council, the Cabinet Member for Infrastructure, Environment and Culture, the Cabinet Member for Finance, the Director of Finance and the Divisional Director for Planning, Housing and Climate Emergency as well as representatives of the Neighbourhood Forums (or if not available from the Neighbourhood Forums) representatives from the local Community Partnerships and Torbay Community Development Trust.

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**

An initial proposal involved the suggestion of a simple sign off process from the Section 151 Officer, along with the Divisional Director for Planning, Housing and Climate Emergency, the Cabinet Member for Infrastructure, Environment and Culture and the Cabinet Member for Finance. Following initial assessment through the Neighbourhood Panel this would have been an easy sign off for such projects. However, with the current dormancy of the Paignton Forum and the issues of favoured schemes perceived to be filtered positively by the Forum, the establishment of the Cil panel was seen as the most accountable route.

**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

Date: \_\_\_\_\_