

Minutes of the Cabinet

14 July 2025

-: Present :-

Councillor David Thomas (Chairman)

Councillors Billings, Bye, Chris Lewis, Jacqueline Thomas, Tranter and Tyerman

(Also in attendance: Councillors Amil (virtual), Foster, Fox, Law (virtual), Barbara Lewis (virtual) and Long)

6. Minutes

The Minutes of the meeting of the Cabinet held on 9 June 2025 were confirmed as a correct record and signed by the Chairman.

7. Disclosure of Interests

Councillor Bye declared non-pecuniary interests in minute 10 and 12, further details are set out in the Record of Decisions appended to these minutes.

8. Urgent Items

The Cabinet considered the item in Minute ??, and not included on the agenda, the Chairman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arising since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

9. 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.

- 10. Former Police Station at Bolton Cross, Brixham (now Brixham Museum) - Relisting of Asset of Community Value**
- 11. Acquisition of four properties to deliver Local Authority Housing Fund Round 3**
- 12. Housing Standards Civil Penalty Policy & HMO Licence Conditions Review**
- 13. Adult Social Care Self-Assessment**
- 14. Adult Social Care Market Position Statement**

15. **Licensing Act 2003 - Draft Licensing Statement of Principles (Licensing Policy) 2026 - 2031**
16. **SWISCo Annual Report**
17. **Council Business Plan 2023-2027 - Refresh 2025**
18. **Torbay Council Pensions Discretions**

Chairman

Record of Decisions

Former Police Station at Bolton Cross, Brixham (now Brixham Museum) - Relisting of Asset of Community Value

Decision Taker

Cabinet on 14 July 2025.

Decision

That the listing of the Former Police Station, Brixham as an Asset of Community Value be renewed for a further period of five years, in accordance with the Localism Act 2011.

Reason for the Decision

The previous listing expired on 31 March 2025; a new nomination had been submitted to maintain the asset's protected status. The asset continued to serve as a cultural and educational resource for residents and visitors, justifying its re-listing. The nomination reflected ongoing community interest and support in the museum, which was led by a local charitable organisation and run by dedicated volunteers.

Implementation

This decision will come into force and may be implemented on 28 July 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

An application to nominate the Former Police Station at Bolton Cross, Brixham (now Brixham Heritage Museum) as an Asset of Community Value had been received from Brixham Museum Trust (a Charitable Incorporated Organisation).

The property was previously included on the Council's list of successful nominations; however, that listing expired on 31 March 2025. The new nomination sought to re-list the asset for a further five years.

At the meeting Councillor Jackie Thomas proposed and Councillor Chris Lewis 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 have been to refuse the nomination, despite the asset meeting the statutory criteria for listing under the Localism Act 2011, such a decision could be subject to legal challenge. In accordance with the legislation, a written statement outlining the reasons for refusal must be provided to the nominating party.

In light of the above, the preferred option was to list the Former Police Station at Bolton Cross, Brixham on the Council's register of Assets of Community Value for a further period of five years. This would ensure the asset retained its ACV status and continued to be protected for community use.

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)

Councillor Bye declared a non-pecuniary interest as an honorary member of the Brixham Museum.

Published

18 July 2025

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

Record of Decisions

Acquisition of four properties to deliver Local Authority Housing Fund Round 3

Decision Taker

Cabinet on 14 July 2025.

Decision

1. that the acquisition of four residential properties in Torbay, supported by £551,500 of Local Authority Housing Fund Round 3 (LAHF3) grant awarded by the Ministry of Housing, Communities and Local Government (MHCLG) be approved;
2. that the specific acquisition of the first three identified units, being three 3-bedroom houses as outlined in Exempt Appendix 1 (subject to the satisfactory conclusion of all necessary due diligence). Such properties to be used as either Temporary Accommodation, or for families that would otherwise be living in Temporary Accommodation that have a local connection to Torbay and require this type of assistance, be approved;
3. that authority be delegated to the Director of Finance, in consultation with the Cabinet Member for Housing and Finance, to identify a suitable 4-bedroom home, and to approve the purchase of such a property (subject to the satisfactory conclusion of all necessary due diligence) to support the Afghan Resettlement Programme (ARP), as outlined in Exempt Appendix 1 (and as a condition of the LAHF3 grant);
4. that authority be delegated to the Head of Strategic Housing and Delivery, in consultation with the Cabinet Member for Housing and Finance to agree and finalise the terms to acquire all of the homes and procure all necessary support services to facilitate the acquisitions, including any necessary legal and financial arrangements; and
5. that Council be recommended that:

The Capital Programme be uplifted by a maximum of £1,301,500 to acquire the four properties, part-funded by a grant of £551,500 from the Ministry of Housing, Communities and Local Government. The remaining balance of £750,000 to be funded by a combination of: prudential borrowing; revenue savings from existing Temporary Accommodation budgets; or any other relevant internal subsidy or receipts that may be appropriate. With delegated authority to the Director of Finance, in consultation with the Cabinet Member for Housing and Finance to agree the precise balance of funding sources to be deployed.

Reason for the Decision

The acquisition of additional homes would directly contribute to achieving the Council's goal of increasing emergency housing placements within the Bay, reducing reliance on costly and less suitable out-of-area or hotel accommodation. It would also help reduce the occurrence of families with children being forced to live in unsuitable bed and breakfast style accommodation, which was not suitable for long-term occupation. The first three homes proposed for purchase were modern, well-insulated and efficient – providing a stepping stone for vulnerable families on a pathway towards settled housing.

Implementation

The decision in respect of 1. to 4. will come into force and may be implemented on 28 July 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny). The decision in respect of 5. will be considered at the Council meeting on 24 July 2025.

Information

The Council has secured grant funding from the Ministry of Housing, Communities and Local Government (MHCLG) Local Authority Housing Fund Three (LAHF3) for the acquisition of four residential properties.

Of these, three homes must be used to support families that require (or would otherwise require) temporary accommodation, that have a local connection to Torbay.

A condition of the grant was that the Council must also purchase a single-family home for a household accepted on to the government's Afghan Resettlement Programme. In order to provide support for families that assisted the UK's Armed Forces in Afghanistan prior to military withdrawal in 2021.

The proposed acquisitions would directly support the Council's strategic aims to increase the supply of social housing in Torbay. Torbay continued to experience acute pressures on its housing system, including:

- a notable increase in homelessness presentations;
- consistently high numbers of households in temporary accommodation;
- a growing need for more social housing in Torbay by local families, through Devon Home Choice;
- ongoing need to support Afghan families under the government's resettlement programme, with Torbay having committed to helping a family in need of secure and stable accommodation.

At the meeting Councillor Tyerman proposed and Councillor Billings 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

In developing the proposal, the Council had considered two principal options:

Option 1 - proceed with the purchase of four homes, including the first three identified in Exempt Appendix 1, prioritising new build homes where possible. In the longer term, these homes would be retained as part of the social housing stock and let through Devon Home Choice to eligible local households. It would also meet LAHF3 grant conditions and secure £551,500 of external investment that would otherwise be lost. This option would also provide immediate and long-term benefits, with permanent use as social rented homes once temporary accommodation need subsided.

Option 2 - not to proceed with the purchase. This option would involve returning the LAHF3 grant and continuing to manage housing need through existing arrangements, including temporary accommodation placements in hotels and bed and breakfast. Whilst this option would avoid capital outlay and associated financial risk. It would not support additional households, and no revenue savings would be derived. As such, the Council would continue to

rely upon high-cost, often inappropriate nightly lets, leading to worsening budget pressures. It would also be reputationally damaging for the authority and mean Torbay misses an opportunity to increase its temporary accommodation provision and social housing stock, through a significant subsidy allocation.

On the balance of considerations, the preferred option was Option 1.

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

18 July 2025

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

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Record of Decisions

Housing Standards Civil Penalty Policy & HMO Licence Conditions Review

Decision Taker

Cabinet on 14 July 2025.

Decision

1. that the Housing Standards Civil Penalty Policy as set out in Appendix 1 of the submitted report be approved;
2. that the amended House In Multiple Occupation (HMO) Licence Conditions as set out in Appendix 2 to 4 of the submitted report be approved; and
3. that delegated authority be given to the Director of Adults and Community Services, in consultation with the Cabinet Member for Adult and Community Services, Public Health and Inequalities, to make further updates to the Housing Standards Civil Penalty Policy and House In Multiple Occupation Licence Conditions following Royal Ascent of the Renters Rights Bill.

Reason for the Decision

The adoption of the amended Housing Standards Civil Penalty Policy would ensure that the Council were compliant with current legislative developments to ensure that when landlords breach legislation to the degree that action was justified, the Council were able to apply the appropriate sanctions. In addition, the adoption of the amended HMO licence conditions ensured that the Council were able to apply the relevant conditions without the need to clarify poorly drafted legislation making it easier for HMO licensee's to understand the requirements and making any review more efficient.

Implementation

This decision will come into force and may be implemented on 28 July 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Following the commencement of the Housing and Planning Act 2016, Torbay Council adopted a Housing Standards Civil Penalty Policy. The Policy deliberately mirrored the Statutory guidance and was tested at First-tier Tribunal (FtT). In 2023 an appeal (Leicester vs Morjariato) to the FtT resulted in a decision that was a catalyst for Housing Standards Civil Penalty policies to be reviewed

Following the case, government set aside a small fund for a 3rd sector organisation to organise procurement of legal support to update policy, including Housing Standards Civil Penalty Policies whilst keeping abreast of the policy demands of the Renters Rights Bill (RRB).

Torbay Council accessed these funds early and received £5,000 for policy drafting support, legal support and training. The outcome was confirmation that a number of Torbay Council Housing Standards Policies were suitable, with drafting of a new Housing Standards Civil Penalty Policy and a review of the House-in-Multiple Occupation licence conditions being

required.

At the meeting Councillor Tranter proposed and Councillor Bye 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 options were:

Option 1 – Adopt both policies and delegate authority to make adjustments following forthcoming legislation. The updated policies would ensure that the Council was legislatively compliant, able to action requirements efficiently and effectively, able to direct landlords and licensees to clear and understandable requirements. By delegating authority, it would enable updates of any new requirements promptly. This was the preferred option.

Option 2 – Refuse to adopt the new Housing Standards Civil Penalty Policy. The way the current policy was drafted was not in line with the most recent case law. Whilst this would not impact the Council's ability to seek action at the First-tier Tribunal, it undermines the Council's ability to set the fine levels resulting in the possibility of escalation to the Upper tribunal and the associated resources for Torbay Council and landlords.

Option 3 – Refuse to adopt the HMO licence condition amendments. There would be no fundamental problem other than inefficiency in managing the HMO licensing and a missed opportunity to provide a clearer set of conditions for licensees to follow.

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)

Councillor Bye declared a non-pecuniary interest as a landlord who owns properties within Torbay.

Published

18 July 2025

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

Date: _____

Record of Decisions

Adult Social Care Self-Assessment

Decision Taker

Cabinet on 14 July 2025.

Decision

That the contents of the Torbay Council Adult Social Care Self-Assessment Report (as set out in Appendix to the submitted report) and the requirement for the Torbay Council Adult Social Care Self-Assessment Report to be published on the Council's website be noted.

Reason for the Decision

To provide information on the findings of the self-assessment for Adult Social Care as part of the readiness and preparation for the CQC inspection.

Implementation

This decision will come into force and may be implemented on 28 July 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

As part of the Health and Care Act 2022, the Care Quality Commission (CQC) had been given additional responsibilities and powers to review, assess and report on Council regulated adult social care functions under Part One of the 2014 Care Act, such as prevention, information and advice, market shaping and support services. As part of the preparation work a self-assessment had been completed using the Local Government Association Workbook. Information had been gathered and refined over the last 8 months. There was a review of the safeguarding section by Partners in Health and Care in March 2023. It had also been tested by staff and commissioners in Adult Social Care (ASC) as well as through the South West Association of Adult Social Services CQC peer support. The document was written over Quarter 3 of 2023/24.

This self-assessment had been updated in 2025 as part of the information return that was required by them, when the Council received the first notice of inspection.

At the meeting Councillor Tranter proposed and Councillor David Thomas 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

18 July 2025

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

Record of Decisions

Adult Social Care, Market Position Statement

Decision Taker

Cabinet on 14 July 2025.

Decision

That the Cabinet endorse the Market Position Statement (MPS) 2025 – 2029 as set out in Appendix 1 to the submitted report.

Reason for the Decision

The Care Act 2014 places a duty on Local Authorities to facilitate and shape Torbay's care and support market, to ensure sustainability, diversity, and to be continuously improving and innovating services. The Council had statutory duties to meet the care and support needs of adults who had an assessed need under the Care Act 2014, the MPS highlights the opportunities to align resources to support all ages.

Implementation

This decision will come into force and may be implemented on 25 July 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The updated Market Position Statement for Adult Social Care 2025 - 2029 set out how Torbay Council will work and shape the care market to manage demand and capacity. It also set out the Council's intentions for early interventions to enable working age adults and older people to remain well and as independent as possible.

At the meeting Councillor Tranter proposed and Councillor Chris Lewis 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

17 July 2025

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

Record of Decisions

Licensing Act 2003, Draft Licensing Statement of Principles (Licensing Policy) 2026-2031

Decision Taker

Cabinet on 14 July 2025.

Decision

That the draft Licensing Act Statement of Policy 2026 to 2031 be approved for public consultation.

Reason for the Decision

To meet the statutory requirement, as prescribed under section 5 of the Licensing Act 2003, which requires the Licensing Authority to prepare and publish a statement of its Licensing Policy at least every five years.

Implementation

This decision will be implemented immediately.

Information

The Licensing Act 2003 requires Torbay Council, under its role as Licensing Authority, to review and publish a 'Statement of Licensing Principles' (the Licensing Policy), every five years. The Statement of Principles outlined how the Council would administer applications and regulate licensable activities. It also specified under what circumstances applications may be successful and the measures necessary to promote the licensing objectives.

At the meeting Councillor Tranter proposed and Councillor Jackie Thomas 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 other options available, as the review of the Statement of Principles was a statutory requirement under the Licensing Act 2003.

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

18 July 2025

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

Record of Decisions

SWISCo Annual Report

Decision Taker

Cabinet on 14 July 2025.

Decision

That the SWISCo Annual Report be approved.

Reason for the Decision

The aim of the annual review was to provide the Council with assurance and confidence, both as client and sole shareholder, that SWISCo was operating in a safe and efficient manner, was delivering the services that it was commissioned to do so by the Council and was offering the Council value for money.

To respond to the recommendations of the Overview and Scrutiny Board regarding resources to support the activity of developing the Play Park Strategy and Open spaces strategy.

Implementation

This decision will come into force and may be implemented on 28 July 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The SWISCo Annual Report reviewed the operation and performance of the Councils wholly owned and controlled company SWISCo.

The Overview and Scrutiny Board considered the SWISCo Annual Report on 14 July 2025 and made recommendations to Cabinet. At the meeting Councillor Billings proposed and Councillor David Thomas 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

18 July 2025

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

Record of Decisions

Council Business Plan 2023-2027 - Refresh 2025

Decision Taker

Cabinet on 14 July 2025.

Decision

That the Council Business Plan 2023-2027 - Refresh 2025 be approved.

Reason for the Decision

To ensure that direction is provided to the organisation on the priorities for the remainder of the administrative period.

Implementation

This decision will come into force and may be implemented on 28 July 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Following the Local Elections in May 2023, the Community and Corporate Plan was agreed by the Council. This set out the priorities of the Council for the next twenty years and the approach the Council was taking in delivering against the vision.

In order to provide focus for delivery over the administration period, the Cabinet developed a Council Business Plan. This provided details of the specific actions being taken to deliver the priorities within the Community and Corporate Plan together with milestones and/or targets. The Council Business Plan was a living document, as such was reviewed and refreshed annually to take into account progress on delivery against the plan and make any changes required from factors arising since the last review. This was the first annual review, further details have been added to areas that were only broadly defined on initial publication.

At the meeting Councillor David Thomas proposed and Councillor Chris Lewis 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 have been wide ranging discussions between members of the Cabinet and Directors about the priority actions that could be reasonably taken over the coming years to meet the ambitions of the Community and Corporate Plan. Those discussions included the milestones that needed to be set and the performance indicators that would be used to measure progress.

It was felt that the proposed Council Business Plan was achievable whilst seeking to secure continuous improvement as an organisation.

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

18 July 2025

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

Record of Decisions

Torbay Council Pensions Discretions

Decision Taker

Cabinet on 14 July 2025.

Decision

That Cabinet recommends to Council:

That the amended Employers Pensions Discretions as set out in Appendix 1, to the submitted report, which now include the Shared Cost Additional Voluntary Contribution Scheme be approved.

Reason for the Decision

To encourage employees to save more for their pension and thereby the Council would pay less National Insurance and the employee would pay less in Tax and National Insurance contributions.

Implementation

The Cabinet's recommendations will be considered at the Council meeting on 24 July 2025.

Information

Under the current Local Government Pension Scheme Regulations, Torbay Council can exercise a range of pension discretionary policies which apply to its employees who are members of the scheme. The current discretions were agreed at Council in February 2025.

There was a requirement to amend the current discretions to introduce a Shared Cost Additional Voluntary Contribution arrangement (SCAVC). An employer can choose to contribute towards a member's Additional Voluntary Contribution (AVC) via a shared cost arrangement (SCAVC) where an employee had elected to pay AVC's by salary sacrifice. The amount of these employer shared cost AVC's would not exceed the amount of salary sacrificed by the employee.

At the meeting Councillor Tyerman proposed and Councillor Jackie Thomas 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 are no other options under consideration.

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

18 July 2025

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