



Minutes of the Cabinet

15 October 2019

-: Present :-

Councillor Steve Darling (Chairman)

Councillors Long, Morey, Carter, Law and Cowell

(Also in attendance: Councillors Barrand, Douglas-Dunbar, Ellery, Chris Lewis, David Thomas and Loxton)

34. Apologies

An apology for absence was received from Councillor Stockman.

35. Minutes

The Minutes of the meeting of the Cabinet held on 26 September 2019 and 1 October 2019 were confirmed as a correct record and signed by the Chairman.

36. Communications

The Leader of the Council welcomed the launch of the CCTV hub, a network of new surveillance cameras that provide live feed back to the central hub. More than 80 cameras had been upgraded and were monitoring public spaces improving the safety of those in our towns.

37. 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.

38. Adult Social Care Risk Share April 2020 - March 2023

39. Development or disposal of land at Garfield Road (part Victoria Centre), Paignton

40. De-Registration of Land at Preston Down Road, Paignton

41. Port Masterplan (Addendum)

42. Exclusion of Press and Public

Councillor Cowell proposed and Councillor Steve Darling 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 the item 44 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 44, the press and public were formally excluded from the meeting.

43. Adjournment

At this juncture the meeting was adjourned until 7.15 pm.

44. New Investment Opportunities

(Note: Councillors Ellery, Barrand, David Thomas and Chris Lewis left the meeting prior to consideration of this item.)

45. New Economic Growth Fund Opportunities

There were no new Economic Growth Fund Opportunities.

46. Update on Existing Investments

There was nothing new to update at this time.

Record of Decisions

Five Year Risk Share Agreement between Torbay Council, the Clinical Commissioning Group (CCG) and Integrated Care Organisation (ICO) for delivery of adult social care

Decision Taker

Cabinet on 15 October 2019

Decision

That Cabinet recommend to Council:

- (i) that the continued integration of Torbay's Adult Social Care with Torbay and South Devon NHS Foundation Trust and Devon Clinical Commissioning Group be approved for the period 1 April 2020 to 31 March 2023 and that the Chief Executive be given delegated authority to finalise the arrangements for the same in consultation with the Leader of the Council and Cabinet Member for Adult Social Care on the following basis:
 - (a) the Torbay Adult Social Care Risk Share 2020 to 2023 agreement will be under the powers outlined in S.75 NHS Act 2006. Under these arrangements, the Council retains legal responsibilities for the provision of Adult Social Care in accordance with the Care Act 2014, the Mental Capacity Act 2005 and the Mental Health Act 1983, but these be delegated to Torbay and South Devon NHS Foundation Trust; and
 - (b) the agreement to be based upon the following conditions:
 - A capped financial commitment from Torbay Council per year of £45 million for core spend, plus £2 million additional funding to acknowledge the spend is currently unacceptably over this level for the period of the agreement;
 - A non-recurrent additional payment of £1 million in 2020/2021;
 - An acknowledgement that all parties need to work together to deliver savings of £2 million per year in respect of the costs of Adult Social Care; and
 - That partners prioritise working together on an Adult Social Care Improvement Plan, and that the same is overseen by senior officers from all partners, which includes a review of governance so as to ensure the Council's appropriate involvement, and includes a joint approach to maximising estates and economic development opportunities in Torbay.

Reason for the Decision

The proposed arrangements build on the well-established and successful shared services with Torbay and South Devon NHS Foundation Trust, acknowledging increasing need and demand for all partners. Practically, this means that Torbay and South Devon NHS Foundation Trust will continue to provide Adult Social Care for Torbay Council, via integrated locality community teams and, in the case of Mental Health via the Devon Partnership Trust.

Implementation

The Cabinet recommendations will be considered at the Council meeting on 24 October 2019.

Information

The Council seeks to deliver adult social care which is affordable to the Council, protects the integrated arrangements and maintains our focus on high quality and joined up, services for the most vulnerable Torbay residents.

The proposals are to continue the joint arrangements for a further three years, commencing 1st April 2020. This will build on the successful shared services with Torbay and South Devon NHS Foundation Trust, acknowledging increasing cost, while delivering Torbay Council's continued commitment to vulnerable adults in Torbay.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the submitted report but not discussed at the meeting.

Is this a Key Decision?

Yes – Reference Number: I054898

Does the call-in procedure apply?

No

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

None

Published

18 October 2019

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

Record of Decisions

Development or disposal of land at Garfield Road (part Victoria Centre), Paignton

Decision Taker

Cabinet on 15 October 2019

Decision

That the Cabinet recommend to Council:

- (i) that the disposal of the freehold interest of land at Garfield Road, Paignton (identified in Appendix 1 to the submitted report), be approved and the Chief Executive be given delegated authority to agree and finalise any Heads of Terms in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing and the Section 151 Officer;
- (ii) that delegated authority be given to the Chief Executive to select and then enter into a development agreement with a development partner for the effective delivery of the Scheme; and
- (iii) alternatively if (i) above is not achieved within timescales required for the Land Release Fund, the Chief Executive be given delegated authority to dispose of the site at Garfield Road on the open market, as a straightforward freehold sale.

Reason for the Decision

The site is identified in the Paignton Town Centre Masterplan and development of the site is supported by the Torbay Local Plan. The Council identified, in its Transformation Strategy for Torbay's Town Centres, that various options were being considered for Victoria Centre, including re-use of the site of the older of the two car parks and demolition of older car park, to be replaced by a residential development. The Paignton Neighbourhood Plan provides qualified support for development.

Torbay Council was awarded £900,000 of (Land Release Fund (LRF) grant aid by the Ministry of Housing, Communities and Local Government for the purposes of securing early release of the land at Garfield Road for residential development. The LRF requires that the sites are 'released' for development.

Implementation

The Cabinet recommendations will be considered at the Council meeting on 24 October 2019.

Information

Approval is sought for release of the site to, and delivery of a scheme by, a development partner. It is proposed that the Council will dispose of its freehold interest in the land at Garfield Road by way of entering into a development agreement with a housing delivery partner.

The redevelopment of land on Garfield Road, currently occupied by one of the two multi-storey car parks at Victoria Centre, is supported by the Local Plan, Neighbourhood Plan, Paignton Town Centre Masterplan and Council's Transformation Strategy for Torbay's Town Centres.

Land Release Funding (LRF) has been secured and is being used to unlock the site for housing related development, with a target 'release' date of 31 March 2020.

Alternative Options considered and rejected at the time of the decision

The development and disposal options available to the Council have been identified as:

Disposal Options

- Option 1: Direct Development by Torbay Council
- Option 2: Delivery by the Council's Housing Company
- Option 3: Public Private Partnership (Development Agreement)
- Option 4: Straightforward Freehold Sale

Development Options

- Option A: Student accommodation
- Option B: Care home, sheltered accommodation, extra care
- Option C: 15 Town houses
- Option D: 70 – 100 Apartments

An analysis of these options are set out in Appendix 2 to the submitted report.

Is this a Key Decision?

Yes – Reference Number: I062941

Does the call-in procedure apply?

No

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

None

Published

18 October 2019

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

Record of Decisions

De-Registration of Land at Preston Down Road, Paignton

Decision Taker

Cabinet on 15 October 2019

Decision

That the land at Preston Down Road, shown on Plan EM3172 attached at Appendix 1 to the submitted report, be de-registered as a Local Nature Reserve (LNR) as the land no longer meets the requirements to be designated as a LNR and to enable housing to be developed on the site.

Reason for the Decision

Preston Down Road was designated as a LNR at the request of TCCT in order to support it in applying for additional grant funding to improve the site. Consent to designation of Preston Down Road as a LNR was granted on the basis that there would be no financial or conservation burden on the Council and that TCCT would be responsible for its management. This situation has now changed, as from 31 March 2020 the Council will be responsible for management of the site.

The ecological surveys has evidenced that none of the species or habitats present at the site warrant its designation on ecological grounds as a LNR. The de-registration of the site is required to bring the site forward for residential development and will ensure the Council complies with the terms of the Land Release Fund grant received from the Ministry of Housing, Communities and Local Government.

Implementation

This decision will come into force and may be implemented on 28 October 2019 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Preston Down Road was designated as part of the Occombe Farm Local Nature Reserve (LNR) at the request of the then tenants, Torbay Coast and Countryside Trust (TCCT). At the time the Executive consented to TCCT's request on the basis that the designations would not add any additional conservation burden on the Council and the TCCT would remain entirely responsible for their management. TCCT's lease was terminated on 28 February 2019 and they currently occupy the land under a licence which expires on, or before 31 March 2020.

A suite of ecological surveys has been undertaken by the Council's advisors, Tor Ecology, whom have confirmed that in their opinion none of the habitats or species present at the site warrant categorisation as a LNR.

Alternative Options considered and rejected at the time of the decision

An alternative option would be for Preston Down Road to remain designated as a LNR. If the LNR were to remain the Council may be in breach of the terms of the LRF grant and would

struggle to achieve the National Planning Policy Framework targets putting the Council at risk of unfavourable developments on alternative sites.

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 October 2019

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

Record of Decisions

Port Masterplan (Addendum)

Decision Taker

Cabinet on 15 October 2019

Decision

That the Cabinet recommend to Council:

That the Port Masterplan (Addendum) set out at Appendix 1 to the submitted report be approved.

Reason for the Decision

The Port Masterplan was designed as a 'living' document which was to be the subject of periodic update to remain aligned with the evolving needs and wishes of the Harbour Users, reinforce and build on achieved successes and to identify and react to new challenges and opportunities.

Implementation

The Cabinet recommendations will be considered at the Council meeting on 24 October 2019.

Information

Tor Bay Harbour published its Port Masterplan in 2013 which for the first time set out a practical and long-term strategy for the future of Tor Bay Harbour for 20-25 years.

Given that over 5 years had passed, and following a number of public consultation events that took place throughout 2018. It was decided that the overall Port Masterplan had stood the test of time and required only an addendum to provide, in greater detail, the plans and intentions for the next 5 years between 2019-2024.

Alternative Options considered and rejected at the time of the decision

An alternative option would be to continue with the original Port Masterplan and accept that it would become more out dated with time.

Is this a Key Decision?

Yes – Reference Number: I062974

Does the call-in procedure apply?

No

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

None

Published

18 October 2019

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

Record of Decisions

Investment Opportunity 7/10/19

Decision Taker

Cabinet on 15 October 2019

Decision

That Investment Opportunity 7/10/19 as set out in the Exempt Cabinet Minute 42.15/10/19, be approved.

Reason for the Decision

To enable the Council to purchase a new investment from the Council's Investment and Regeneration Fund in order to generate additional revenue for the Council.

Implementation

The decision in respect of Investment Opportunity 7/10/19 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 14 October 2019.

Information

The Cabinet considered the submitted Exempt Report on the proposed purchase of one investment on behalf of the Council in line with the Investment and Regeneration Strategy. The decision has been made, taking account of the current investment criteria.

Councillor Long proposed and Councillor Steve Darling seconded a motion which was agreed 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

Published

18 October 2019

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