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Date: Monday, 02 December 2024

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Dear Member

COUNCIL - THURSDAY, 5 DECEMBER 2024

I am now able to enclose, for consideration at the Thursday, 5 December 2024 meeting of the Council, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
10.	Review of Council Tax Support Scheme 2025/26	(Pages 3 - 6)
12.	Budget Monitoring 2024/25 - April to September 2024 Revenue and Capital Outturn Forecast	(Pages 7 - 8)
13.	Paignton Picture House	(Pages 9 - 14)
15.	Strand Redevelopment - Land Assembly	(Pages 15 - 18)
16.	Homelessness and Rough Sleeping Strategy	(Pages 19 - 20)
17.	Gambling Act 2005 - Statement of Principles (Gambling Policy) 2025 - 2028	(Pages 21 - 22)
19.	Review of Parliamentary Polling Districts, Polling Places and Polling Stations 2024	(Pages 23 - 24)

Yours sincerely

June Gurry
Clerk

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Record of Decisions

Review of Council Tax Support Scheme 2025/26

Decision Taker

Cabinet on 26 November 2024.

Decision

That the Council be recommended to amend the Council Tax Support Scheme for 2025/26 as follows:

1. the self-employed minimum income floor calculation for households that are not receiving Universal Credit and have a disability, or caring responsibility is removed and is based on the actual income received;
2. discounting any compensation payments made by the Post Office in connection with the failings of the Horizon system;
3. discounting any additional settlement payments resulting from the ongoing Grenfell Tower related civil litigation;
4. discounting any payments for the Vaccine Damage Payment Scheme;
5. discounting payments for Victims of Terrorist Attacks Abroad; and
6. the income band with the highest level of discount is increased by the September 2024 Consumer Price Index rate, at 1.7%.

That subject to 1. to 6. above the Cabinet:

7. notes that the amendments in 1 to 6 above will affect all working age households in Torbay that will receive a Council Tax Reduction from 1 April 2025;

(Pension Age households will not be affected as they are part of the national scheme, set by the Government.)

8. notes that the Exceptional Hardship Fund will continue at £100,000;
9. that delegated authority be given to the Director of Finance, in consultation with the Cabinet Member for Housing and Finance, to make any further adjustments required to the Exceptional Hardship Policy and Fund and the Vulnerable policy; and
10. notes that when deciding claims for Council Tax Support and Housing Benefit, the Social Security Administration Act 1992 section 134(8)(b) and 139(6)(b) provides Local Authorities with the discretion to increase the amount of war pension it disregards. Local Authorities can introduce a local scheme to fully disregard War Widow's/Widower's Pension or War Disablement Pension remaining after the mandatory disregards have been applied.

Torbay has fully disregarded this type of income and military compensation payments for

many years and for that reason would like to remind Members of this arrangement when considering the renewal of the 2025/26 Council Tax Support scheme.

It also provides clarity that Members will continue to support this arrangement, should it be required for the annual Housing Benefit audit certification process.

Reason for the Decision

The Local Government Finance Act 2012 requires that the Council Tax Support scheme is reviewed annually and where a Council proposes changes to its scheme it must consult on the changes. The Council must approve the scheme for the financial year 2025/26, before 11 March 2025.

Implementation

The decisions in respect of 1 to 6 above will be considered at the Council meeting on 5 December 2024. The decision in respect of 9 above will come into force and may be implemented on 9 December 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Council Tax Support is a discount that reduces the amount of Council Tax to pay for households that have a low income. The Local Government Finance Act 2012 requires that the Council Tax Support scheme is reviewed annually and where a Council proposes changes to its scheme it must consult on the changes.

The Council must approve the scheme for the financial year 2025/26, before 11 March 2025.

At the meeting Councillor Tyerman proposed and Councillor David Thomas seconded a motion that 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 leave the current scheme unchanged which would have resulted in a lower level of discount.

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

29 November 2024

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

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Record of Decisions

Budget Monitoring 2024/25 - April to September 2024 Revenue and Capital Outturn Forecast

Decision Taker

Cabinet on 26 November 2024.

Decision

That the Cabinet notes the forecasted revenue outturn position and amendments made to the published 2024/25 Capital Investment Plan; and recommends to Council:

1. that Council approves the revisions to the Capital Investment Plan, as set out in Appendix 1 to the submitted report;
2. that Council delegates authority to approve capital budget increases which are in respect of the drawdown of specific grant to the Director of Finance (S151 Officer) in consultation with the Cabinet Member for Housing and Finance; and

(This delegation applies to using grant funding where there is no direct financial impact or future liability to the Council.)

3. that the Monitoring Officer be requested to update the Officer Scheme of Delegation to reflect the delegation in 2 above.

Reason for the Decision

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

Implementation

The Cabinet's recommendations will be considered at the Council meeting on 5 December 2024.

Information

The Budget Monitoring 2024/25 report set out a high-level budget summary of the Council's revenue and capital position for the financial year 2024/25, reviewing budgets and considering year-end forecasts. These forecasts were based upon the levels of spend and financial information at the end of quarter two (up to 30 September 2024).

At the meeting, Councillor Tyerman 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

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

Appendix 4 - Future High Street Fund Current Allocations 28/11/24

	Spend To Date	Remaining	Total FHSF Allocation
Victoria Centre	£ 1,630,089	£ 2,402,018	£ 4,032,107
Flood Defences	£ 571,334	£ -	£ 571,334
Station Square	£ 347,388	£ 2,611,633	£ 2,959,021
Torbay Road Public Realm	£ 99,643	£ 150,000	£ 249,643
Crossways	£ 2,765,897		£ 2,765,897
Paignton Picture House	£ 1,885,246	£ 900,000	£ 2,785,246
	£ 7,299,597	£ 6,063,651	£ 13,363,248

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Record of Decisions

Paignton Picture House

Decision Taker

Cabinet on 26 November 2024.

Decision

1. That, subject to Council approval of recommendation 2. below, Cabinet approves:
 - (i) the Council enters into the tripartite agreement with the Arts Council England and the Paignton Picture House Trust, in accordance with the draft agreement as set out at Appendix 2 and subject to (vi) below;
 - (ii) the Council acts as the accountable body for the Delivery Partnership;
 - (iii) the Council indemnifies the Paignton Picture House Trust that the project will be delivered with reasonable skill and care and provides a clear and agreed mechanism for the Paignton Picture House Trust to have oversight of any decision the Council makes in executing the project including the right to dispute decisions through a defined escalation process of adjudication and arbitration;
 - (iv) the Council requires a charge to be made on the freehold title of the Paignton Picture House under the same terms as that required by the Art Council England but for a period of 20 years;
 - (v) the formalisation of the Delivery Partnership by the creation of a Project Delivery Board with Terms of Reference negotiated with the Paignton Picture House Trust and the Arts Council England that reflects the delivery requirements of (i, ii, iii); and

The Project Governance Structure under the Project Delivery Board to include:

- a) Ensure the Council has oversight of all expenditure associated with the project where the Council's underwriting risk is exposed.
 - b) That the Council has the ultimate authority to approve, review and reject payments to all contractors, suppliers and the Trust, necessary to deliver the project.
 - (vi) that the actions necessary to facilitate the agreements in (i, ii, iii, iv, v) through negotiation with the Paignton Picture House Trust and the Arts Council, and the wider supply chain, are delegated to the Director of Regeneration, in consultation with the Cabinet Member for Place Development and Economic Growth, the Director of Finance and the Monitoring Officer, and signed/in consultation with the Council's Statutory Officers as the nature of each agreement or action requires by the Council's Constitution.
2. That Cabinet recommend to Council the following:
 - (i) that an additional £900,000 be allocated from the Future High Street Fund to delivery of the Paignton Picture House project and

- (ii) that the Council underwrites the delivery of the project up to a maximum of £1.6m, to be funded from unsupported borrowing, if required. The Council will limit the financial liability through robust cost oversight of the project and seek to secure any other applicable funding sources.

Reason for the Decision

The proposals ensured that the project was developed in order to contribute towards meeting the objectives of the Paignton Town Centre Masterplan.

Implementation

The decision in respect of 2 above will be considered at the Council meeting on 5 December 2024. The decision in respect of 1 above will come into force and may be implemented on 9 December 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The freehold of the building was acquired by the Paignton Picture House Trust in 2015 with the intent to regenerate the site and put it back into operation as a film and arts centre.

The surrounding area has seen falling property values in immediate and adjacent areas that have been recorded since 2008 and change was required to reuse the buildings to provide catalytic regeneration to the centre part of Paignton along with Station Square and Crossways redevelopment.

To deliver the full restoration of the Paignton Picture House as part of the regeneration of Paignton Town Centre, a tripartite partnership between Torbay Council, the Arts Council England and the Paignton Picture House Trust was required.

At the meeting Councillor David Thomas 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

- To do nothing; this option was discounted due to the risk that the grant funding already secured was time limited and without it the building would remain unrestored and continue to be listed on Historic England's, Heritage at Risk Register.
- For the Council to grant fund only, this option was discounted as the Arts Council England required evidence that the whole scheme was funded including the currently pledged but unsecured funding contributions.
- To underwrite the costs of the scheme and for the Council to take the Capital Cost Risk, this was the preferred option and was considered the best option that would give security to all funders that the scheme would be delivered as required by the Listing Building Consent. This option would also ensure that £5m of external grant funding was secured for the Project and the regeneration of Paignton Town Centre.

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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Record of Decisions

Strand Redevelopment - Land Assembly

Decision Taker

Cabinet on 26 November 2024.

Decision

1. That Cabinet recommend to Council the following:
 - (i) that delegated authority be given to the Director of Regeneration to continue negotiations with the owners of the various properties previously noted fronting The Strand and The Terrace, Torquay and their tenants as edged red in Appendix 1 to the submitted report, and any other land, interests or rights subsequently required in consultation with the Cabinet Member for Place Development and Economic Growth and Section 151 Officer on any Heads of Terms to enable the redevelopment and regeneration of The Strand and The Terrace;
 - (ii) that, having taken into account the options to acquire the various properties fronting The Strand and The Terrace, Torquay, the making of the Compulsory Purchase Order (CPO) for the site be approved in principle under section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 , as outlined below, for land (as shown edged in red at Appendix 1 to the submitted report) and any other land, interests or rights subsequently required to deliver the redevelopment. The Director of Regeneration, in consultation with the Cabinet Member for Place Development and Economic Growth, be given delegated authority to give effect to this decision, including:
 - (a) the taking of all necessary steps required to secure the making of the CPO and for the subsequent confirmation and implementation of the CPO including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry, if necessary, to secure confirmation of the Compulsory Purchase Order by the Secretary of State;
 - (b) to carry out any surveys on the Order Land and enter as may be required in order to deliver the proposed development by Compulsory Purchase Order(s) which the Council is authorised to carry out either by consent of the relevant landowner or under section 172 to 179 of the Housing and Planning Act 2016;
 - (c) to enter into agreement(s) with any person or body to secure the withdrawal of objections to the Compulsory Purchase Order(s) and/or to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for the scheme; and
 - (d) to pay all necessary compensation either as agreed or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and other interests or for the overriding or acquisition of rights; and
 - (iii) that Council delegate to the Chief Finance Officer, in consultation with the Cabinet Member for Housing and Finance, the approval of the expenditure of monies (including by prudential borrowing if necessary) required to cover the acquisition of the

land at various properties fronting The Strand and The Terrace identified red on the plan attached at Appendix 1 to the submitted report, and any land, interests or rights as may be required for the scheme, either by agreement or by CPO, on the basis that there continues to be a clear business case for the redevelopment of the area, which demonstrates how the monies are to be used, and how any prudential borrowing (if necessary) is to be repaid.

Reason for the Decision

Change was required to repurpose the land and buildings to provide catalytic regeneration to the Harbour area of Torquay Town Centre. Whilst every effort would be made to conclude the acquisition of the various properties by negotiation, the success of the negotiation process was not guaranteed and therefore a backstop position of a Compulsory Purchase Order (CPO) was needed to ensure that the properties could be acquired.

Implementation

The Cabinet's recommendation will be considered at the Council meeting on 5 December 2024.

Information

As a part of delivering against the Torquay Town Centre Masterplan a Business Case for the redevelopment of Debenhams (12-14 The Strand) was recommended at Cabinet in May 2022 to be progressed to a Planning Application/Consent. The current feasibility proposals required the acquisition of various properties fronting The Strand in addition to 10a,10, 12-14 The Strand (which was acquired in 2020). Negotiation with the owners of these various properties for their purchase were ongoing and at varying stages of progress. Every effort would be made to conclude the acquisition of the various properties by negotiation, but the success of the negotiation process is not guaranteed and therefore a backstop position of a Compulsory Purchase Order (CPO) was needed to ensure that the properties could be acquired.

At the meeting Councillor David Thomas 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 option to acquire the identified land necessary for the redevelopment by negotiation was being pursued. However not pursuing acquisition via CPO if necessary, could result in non-viability and hence non-delivery of the preferred scheme.

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

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Record of Decisions

Homelessness and Rough Sleeping Strategy

Decision Taker

Cabinet on 26 November 2024.

Decision

That the Cabinet recommends to Council:

That following the results of the consultation, the Torbay Homelessness and Rough Strategy 2024-2030, as set out in Appendix 1 to the submitted report, be approved.

Reason for the Decision

The Strategy was a legal requirement for the Council to publish a strategy informed by a homeless review of its area, at least every 5 years. Furthermore, the Strategy would better inform our communities, stakeholders and Members about what the Council and its partners were doing about local homelessness priorities and issues.

Implementation

The Cabinet's recommendation will be considered at the Council meeting on 5 December 2024.

Information

The Homelessness and Rough Sleeping Strategy was the over-arching strategy that focused on the activities to address homeless in Torbay. It provided the context for other plans, policies and strategies, such as the Housing Strategy and the Domestic Abuse and Sexual Violence Strategy.

The current Strategy was produced before the pandemic, there had since been significant changes within the landscape of housing and homelessness. As such the document reflects the current needs within Torbay and the housing market.

An evidence review was undertaken to support the development of the Strategy resulting in the Strategy being more focused and succinct.

At the meeting Councillor David Thomas proposed and Councillor Tyerman 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

As a result of consultation with the public, partners and stakeholders the Council had taken on a number of comments and suggestions, amending the Strategy accordingly.

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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Record of Decisions

Statement of Principles (Gambling Policy) 2025-2028

Decision Taker

Cabinet on 26 November 2024.

Decision

That Cabinet recommends to Council:

That the Gambling Statement of Principles 2025 to 2028, as set out in Appendix 2 to the submitted report be adopted with effect from 31 January 2025.

Reason for the Decision

It is a statutory requirement, as prescribed under Section 349 of the Gambling Act 2005, for the Licensing Authority to publish a Statement of Gambling Principles and to review and re-publish the same, every three years.

Implementation

The Cabinet's recommendation will be considered at the Council meeting on 5 December 2024.

Information

Torbay Council has a statutory responsibility under Section 349 of the Gambling Act 2005 (the Act) to review, consult and to re-publish its Licensing Statement of Principles (Gambling Policy) before each successive three-year period. The published document provides the framework for all decisions on applications relating to the Gambling Act 2005 and the way the Council carries out its functions in relation to the legislation.

At the meeting Councillor David Thomas 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 considered, as the review of the Statement of Principles was a statutory requirement under the Gambling Act 2005 and the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006/636).

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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Record of Decisions

Review of Parliamentary Polling Districts, Polling Places and Polling Stations 2024

Decision Taker

Cabinet on 26 November 2024.

Decision

That Cabinet recommends to Council:

1. that the revised polling district and polling station scheme, as set out at Appendix 1 to the submitted report, be approved; and
2. that delegation be given to the Returning Officer to make any amendments to the scheme which may be required to facilitate the running of elections.

Reason for the Decision

Under the Representation of the People Act 1983, the Council has a duty to conduct a review of its Parliamentary polling districts, polling places and polling stations at least once every five years.

Implementation

The Cabinet's recommendation will be considered at the Council meeting on 5 December 2024.

Information

Under the Representation of the People Act 1983, Torbay Council ("the Council") has a duty to divide its area into polling districts and to designate a polling place for each district. The Electoral Administration Act 2006, as amended, introduced a duty on all local authorities in Great Britain to review their polling districts and polling places at least once every five years. The Council's compulsory review must be undertaken within a 16-month window between 1 October 2023 and 31 January 2025. Whilst there were minimal changes to the existing scheme, changes had been made to existing polling stations as a result of consultation feedback, where they were no longer available, or a more suitable location had been identified.

At the meeting Councillor Jackie Thomas proposed and Councillor Tyerman 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 considered were:

- Consider the Returning Officer's recommendations for polling districts, polling places and polling stations – the preferred option.
- Identify alternative polling places and polling stations – this option was not recommended as alternative venues need to be fully assessed for accessibility and suitability.

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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