

## **Minutes of the Cabinet**

**13 May 2025**

**-: Present :-**

Councillor David Thomas (Chairman)

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

(Also in attendance: Councillors Bryant (virtual), Cowell, Douglas-Dunbar (virtual), Law (virtual), Barbara Lewis (virtual), Long (virtual), Spacagna (virtual), Stevens (virtual) and Twelves (virtual))

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### **118. Minutes**

The Minutes of the meeting of the Cabinet held on 15 April 2025 were confirmed as a correct record and signed by the Chairman.

### **119. Disclosure of Interests**

No interests were declared.

### **120. Urgent Items**

The Cabinet considered the item in Minute 128, 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.

### **121. 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.

### **122. Formation of a Social Housing Delivery Programme for Torbay and Associated Financing Proposal**

### **123. Housing Policies**

### **124. Torbay Council Food Action Plan**

### **125. Update on Domestic Abuse Safe Accommodation Needs Assessment Refresh - Report of the Overview and Scrutiny Board**

### **126. Plan for Neighbourhoods**

- 127. Joint Recommissioning of the Local Healthwatch Contract**
- 128. Call-in of the Cabinet's Decision on Brokenbury Solar Farm – Report of the Overview and Scrutiny Board**

Chairman/woman

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## Record of Decisions

### Formation of a Social Housing Delivery Programme for Torbay and Associated Financing Proposal

#### Decision Taker

Cabinet on 13 May 2025.

#### Decision

1. that Cabinet notes that the existing total amount of capital grant funding received to support the project is £5 million, comprising £3 million from The Levelling Up Partnership and £2 million from The Devon and Torbay Devolution Deal, and notes that this grant funding will be used for both interim funding of schemes before Business Cases are finalised, and for part funding of completed schemes;
2. that Cabinet approves the principle of the funding model for the Accommodation Repurposing Project, namely that each scheme is funded by a combination of Homes England grant, an appropriate level of supported prudential borrowing, with any residual funding requirement made up from monies already received from the Levelling-Up Partnership, the Devon and Torbay Devolution Deal (or any other relevant affordable housing subsidy available to Torbay Council at the time);
3. that subject to Full Council approving the £20 million prudential borrowing, Cabinet approves the stated ambition to create an Accommodation Repurposing Programme that is able to deliver an average of 75 units per year and that Full Business Cases for each scheme be presented to Cabinet for approval in due course;
4. that subject to Full Council approving the £20 million prudential borrowing, Cabinet provide delegated authority to the Director of Finance, in consultation with the Cabinet Member for Housing and Finance, to acquire sites for the Accommodation Repurposing Programme, ahead of Cabinet consideration of a Full Business Case (where necessary);
5. that Cabinet requests that Head of Strategic Housing & Delivery prepare an annual report for consideration by the Overview and Scrutiny Board and Cabinet, demonstrating progress against the project; and

That Cabinet recommends to Council:

6. that £20 million of prudential borrowing be approved to part fund individual schemes within the Accommodation Repurposing Programme, subject to repayment of borrowing being supported by rental income from the schemes after deduction of projected management and operating costs and appropriate allowances for future maintenance cost of the properties (taking account of any grant funding that may be available for the individual site).

#### Reason for the Decision

The Housing Delivery Plan was created to bring forward opportunities over the next five years, both for direct Council housing delivery and housing delivery through partners. One of the direct interventions identified was the Accommodation Repurposing Project, incorporating schemes designated under the title of 'Hotels to Homes'. This was designed to respond to

Torbay's characteristics of having large numbers of small urban brown-field sites many of which were unviable leisure and holiday accommodation such as former hotels, bed & breakfasts, and guest houses. Through this initiative, such properties would be purchased by the Council and converted into new homes.

In addition, the Government had asked all local authorities to accelerate house building throughout the United Kingdom. An increase to delivery numbers in the Accommodation Repurposing Scheme would help Torbay towards meeting that requirement. Furthermore, the Council intended to commit to this level of self-delivery through the emerging Torbay Local Plan, as a way of demonstrating how it would achieve its mandatory planning targets and kick-start the local construction sector. With the Local Plan including this as part of the delivery trajectory for housing (and specifically affordable housing), it was necessary to ensure there was appropriate capital funding in place to meet this obligation.

## **Implementation**

The decision in respect of 1. to 5. will come into force and may be implemented on 23 May 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 6. will be considered at the Adjourned Annual Council meeting on 15 May 2025.

## **Information**

An increased and extended social housing grant programme has now been published by Government, with the funding now secure for Brampton Court (and greater understanding on the likely future requirements to secure grant in the coming years) it was now possible to progress decision making for a long term scheme.

A programme and funding proposal had been developed that could sustainably deliver a large number of homes on brownfield sites to help contribute to the requirements of the emerging Torbay Local Plan and the increased housing target that had been given to the Local Planning Authority.

At the meeting Councillor Tyerman 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**

Option 1 – do nothing. This would result in under performance against Local Plan/MHCLG delivery numbers.

Option 2 – proceed with the formation of a Social Housing Delivery Programme and associated financing. This would achieve all the objectives stated in this report and ensure delivery of a large capital housing programme of new homes for the benefit of households with a local connection to Torbay.

Option 3 – partial implementation. This was an option, however, the Council would be more susceptible to market fluctuations in borrowing costs and potentially be unable to upskill and increase capacity to a sufficient level, which would impact upon the Council's ability to deliver. It would also not signal the right level of commitment to the Registered Provider/private sector, which may hinder the Council's ability to get longer-term buy-in or investment for wider growth.

**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 May 2025

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

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## Record of Decisions

### Housing Policies

#### Decision Taker

Cabinet on 13 May 2025.

#### Decision

1. that the Housing Policies set out in Appendices 1 to 8 of the submitted report be adopted by Torbay Council, and the Director of Regeneration be given delegated authority, in consultation with the Cabinet Member for Housing and Finance, to review the policies and make changes as appropriate and in line with any changes to legislation, including consideration around the wording of the definition of 'vulnerable tenants'.
2. that the Monitoring Officer be requested to make a technical amendment to the general limitations within the Officer Scheme of Delegation in relation to property disposals not applying in relation to the Right to Buy Policy and the Director of Finance be given delegated authority to dispose of property in accordance with the Right to Buy Policy.

#### Reason for the Decision

The various housing policies would provide a robust governance framework around the management of the Councils housing stock following the transfer of housing from TorVista Homes to Torbay Council. To also respond to the recommendation from the Overview and Scrutiny Board.

#### Implementation

This decision will come into force and may be implemented on 23 May 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

Following the transfer of housing stock from TorVista to Torbay Council, the Council needed to have in place a robust governance framework which incorporated all legislative and compliance requirements around the management of the Councils housing stock. Therefore, the following policies had been developed:

- Tenancy Policy
- Damp and Mould Policy
- Complaints Policy
- Lettings Policy
- Tenant Involvement Policy
- Rent arrears and debt recovery Policy
- Right to Buy Policy
- Minimum lettable Standard

The Cabinet also had before them a report from the Overview and Scrutiny Board which recommended 'including consideration around the wording of the definition of 'vulnerable tenants' to the delegation in 2 above.

At the meeting Councillor Tyerman 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**

15 May 2025

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



## Record of Decisions

### Torbay Council Food Action Plan

#### Decision Taker

Cabinet on 13 May 2025.

#### Decision

That the Torbay Food Action Plan be approved.

#### Reason for the Decision

To ensure a coordinated and focused approach to promoting positive change within Torbay's food system locally and support the future resilience of Torbay's communities.

#### Implementation

This decision will come into force and may be implemented on 23 May 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

In 2025, the Torbay Food Strategy was published. It set out the blueprint for the approach to sustainable food systems change in Torbay. The subsequent development of a Council Food Action Plan was the next step in supporting food systems change in Torbay. It aimed to set out some of the actions that the Council could take to deliver the Torbay Food Strategy.

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

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

15 May 2025

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

## Record of Decisions

### **Update on Domestic Abuse Safe Accommodation Needs Assessment Refresh – Report of the Overview and Scrutiny Board**

#### **Decision Taker**

Cabinet on 13 May 2025.

#### **Decision**

That the Cabinet's response to the Update on Domestic Abuse Safe Accommodation Needs Assessment Refresh – Report of the Overview and Scrutiny be approved as published.

#### **Reason for the Decision**

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

#### **Implementation**

This decision will come into force and may be implemented on 23 May 2025 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 report of the Overview and Scrutiny Board on the update on Domestic Abuse Safe Accommodation Needs Assessment Refresh. In accordance with section D7 of the 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 Tranter, seconded by Councillor Billings 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

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Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Plan for Neighbourhoods

#### Decision Taker

Cabinet on 13 May 2025.

#### Decision

1. that governance arrangements for the Torquay Place Leadership Board, as set out at Appendix 1 to this report and as submitted to the Ministry for Housing, Communities and Local Government (MHCLG), be ratified by Torbay Council;
2. that the Director of Finance be given delegated authority, in consultation with the Cabinet Member for Place Development and Economic Growth, to ratify the Torquay Place Leadership Board's decisions on approved grant allocation business cases and to approve the draw down of the Grant Funding from the MHCLG Grant Pot for those grant allocations; and
3. that the Council's thanks be placed on record to the members of the Torbay Place Leadership Board in improving outcomes for residents in Torbay and its continued work alongside the newly established Torquay Place Leadership Board.

#### Reason for the Decision

Ratification of the partnership will support the Torquay Place Leadership's Board. The Board will act as the accountable body for £19,537,000 of interventions to Torquay over the next 10 years.

#### Implementation

This decision will come into force and may be implemented on 23 May 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

During October 2023, the previous Government launched the Long-Term Plan for Towns (LTPFT) initiative. Some fifty-five towns were selected, including Torquay. The new Government had since confirmed that Torquay had been allocated £19,537,000 of funding (75% capital, 25% revenue) over 10 years as part of seventy-five areas. Alongside the reconfirmation of funding came new guidelines, deadlines, requirements, and opportunities.

In Spring 2024 The Torbay Place Leadership Board agreed to fulfil the role of the 'Neighbourhood Board' (was town board) under the name The Torquay Place Leadership Board.

New guidance stated that a Neighbourhood Board should bring together those with a deep connection to Torquay such as local businesses, grassroots campaigners, workplace representatives, faith and community leaders and any other relevant organisations. Furthermore the guidance set out that all members of the Board had an equal right to vote on Board issues and that the Board would work as partners with Torbay Council to develop a plan for their local area and distribute funding to the projects to deliver on this vision.

Government guidance stated the new Neighbourhood Board needed to have convened by 22 April 2025 to confirm membership, elect an independent Chairperson and discuss any proposals to alter the Torquay boundary suggested by the Ministry of Housing, Communities and Local Government. The Torquay Place Leadership Board met on 9 April 2025 in order to comply with this requirement.

By 'Winter 2025' the Torquay Place Leadership Board is required to have developed a Regeneration Plan, setting out a vision for the next decade. It would also need to set out an Investment Plan for the first four years of the programme. Torbay Council would support the Board to develop and deliver the Plan. Money for those interventions would be released yearly from April 2026.

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**

The options were:

Ratify the role and strategic vision of the Torquay Place Leadership Board. This option presented a unified approach to Torbay Council's partnership with the Board which would be fed back to MHCLG. This was the preferred option.

Not to ratify the role of the Torquay Place Leadership Board. This decision would be fed back to MHCLG and would undermine the partnership, releasing of funds and delivery timetable. This option was therefore 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**

15 May 2025

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

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

## Record of Decisions

### Joint Recommissioning of the Local Healthwatch Contract

#### Decision Taker

Cabinet on 13 May 2025.

#### Decision

- (i) that the Director of Adults and Community Services be instructed to commence the procurement process in accordance with Contract Standing Orders and Procurement Policy;
- (ii) that the local Healthwatch organisation continues to be commissioned jointly with Devon, Plymouth, and Torbay under a joint contract with Devon County Council and Plymouth City Council; with Devon County Council being the Lead Commissioner; and
- (iii) that the Director of Adults and Community Services, in consultation with the Cabinet Member Adult and Community Services, Public Health, and Inequalities, be delegated authority to award the Healthwatch contract to the preferred bidder.

#### Reason for the Decision

The Health and Social Care Act 2012 requires every local authority in England with adult social care responsibility to have a local Healthwatch organisation in place, acting as a consumer voice for the health and social care system. Therefore, by law, Torbay Council must commission a suitable service.

#### Implementation

This decision will come into force and may be implemented on 23 May 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Local Government and Public Involvement in Health Act 2007, as amended by the Health and Social Care Act 2012, mandated that local authorities commission local Healthwatch organisations. These organisations were designed to give citizens and communities a stronger voice to influence and challenge how health and social care services were provided in their area.

Since 2020 the local Healthwatch organisation had been jointly commissioned by Devon County Council, Plymouth City Council and Torbay Council; with Devon being the Lead Commissioner. This had enabled a single provider to support consumer voice activities which covered the whole Integrated Care System the three local authorities are part of.

This joint arrangement had enabled the local Healthwatch organisation to work more efficiently across the system and enabled local authorities to benefit from economies of scale which would not have been possible if each Council commissioned a separate consumer voice organisation.

At the meeting Councillor Tranter proposed and Councillor David Thomas seconded a motion which was agreed unanimously, as set out above.

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

The options available for recommissioning in Devon were:

- i. to recommission jointly with Devon, Plymouth and Torbay Councils again (the status quo)
- ii. commission separate local Healthwatch organisations for Devon, Plymouth, and Torbay
- iii. to commission on a larger scale in collaboration with either Cornwall or Somerset.

The third option would mean that the consumer voice organisation would have to span more than one Integrated Care System, an unrealistic challenge in terms of governance or effective public profile. This option was therefore discounted.

The three local authorities considered whether to recommission their local Healthwatch organisation on an individual basis, as they did originally in 2013, or to continue with the joint arrangements which have been in place since 2020. This consideration took account of the forthcoming local government re-organisation facing the three local authorities and the ongoing development of the Integrated Care System for the area covered by Devon, Plymouth, and Torbay Councils.

Commissioners agreed that continuing to base the local Healthwatch organisation area on the Integrated Care System footprint was the most sustainable and strategically effective way forward. This was because all the proposed local authority boundary change options followed the Devon Integrated Care System area and did not change the boundaries with Cornwall or Somerset.

Commissioners also agreed that recommissioning local Healthwatch on a three-authority basis would enable them to maintain the economy of scale (around 8% savings on the nationally recommended funding level) achieved by having one rather than three organisations in place. The recommended option was therefore to jointly recommission the local Healthwatch organisation for Devon, Plymouth and Torbay, with a requirement that the provider was able to maintain a structure which covered the integrated care system regardless of the outcome of local government re-organisation and the resulting local authorities covering the system area.

### **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 May 2025



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

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## Record of Decisions

### Brokenbury Solar Farm - Cabinet's Response to Call-in

#### Decision Taker

Cabinet on 13 May 2025.

#### Decision

That the Cabinet reconfirms the following decision made on 15 April 2025:

That the following decision of Cabinet made on 11 June 2024 be rescinded:

‘that the Chief Executive in consultation with the Leader of the Council, Finance Director and Cabinet Member for Finance should review and agree the final business plan after the EPC tender and Power Purchase Agreement (PPA) stage are complete and subject to that agreement is then authorised to agree and finalise the detailed terms and enter into contract with South West Water (SWW) or another purchaser of the electricity.’; and

That subject to the above, authority be delegated to the Director of Finance, in consultation with the Cabinet Member for Place Development and Economic Growth, to agree and finalise the detailed lease terms, in line with an independent market valuation, and enter into a long lease for the land edged red as set out in Appendix 1 to the submitted report.

And modifies the following:

That the decision of the Cabinet to recommend the following to Council be rescinded (Minute 116 refers) and that the report be withdrawn from the Adjourned Annual Council Meeting on 15 May 2025:

“That Cabinet recommends to Council:

That the following decision of Council made on 18 July 2024 be rescinded:

‘that up to £2,750,000 of prudential borrowing be approved subject to securing a unit rate per MWh that exceeds the loan repayments, covers projected maintenance and other operational and equipment replacement costs and provides an appropriate surplus per annum over the life of the scheme commensurate with level of risk.’”

#### Reason for the Decision

The Cabinet was required to respond to the findings of the Overview and Scrutiny Board within ten working days.

#### Implementation

This decision will be implemented immediately in accordance with Standing Order D9.5.

## Information

On 15 April 2025 the Cabinet considered a report on the Brokenbury Solar Farm and determined:

1. That Cabinet recommends to Council:

That the following decision of Council made on 18 July 2024 be rescinded:

‘that up to £2,750,000 of prudential borrowing be approved subject to securing a unit rate per MWh that exceeds the loan repayments, covers projected maintenance and other operational and equipment replacement costs and provides an appropriate surplus per annum over the life of the scheme commensurate with level of risk.’

2. That the following decision of Cabinet made on 11 June 2024 be rescinded:

‘that the Chief Executive in consultation with the Leader of the Council, Finance Director and Cabinet Member for Finance should review and agree the final business plan after the EPC tender and Power Purchase Agreement (PPA) stage are complete and subject to that agreement is then authorised to agree and finalise the detailed terms and enter into contract with South West Water (SWW) or another purchaser of the electricity.’; and

3. That subject to 2. above authority be delegated to the Director of Finance, in consultation with the Cabinet Member for Place Development and Economic Growth, to agree and finalise the detailed lease terms, in line with an independent market valuation, and enter into a long lease for the land edged red as set out in Appendix 1 to the submitted report.

The decision was subsequently Called-in and the Overview and Scrutiny Board met on 7 May 2025 to consider details of a call-in by five Members of the Council. The Overview and Scrutiny Board made the following recommendation:

‘That the decision be referred back to the Cabinet for reconsideration, on the grounds that Board considers that there was insufficient evidence available to the Cabinet at the time it made its decision and recommends in reconsidering the decision, that Cabinet receives a detailed business case which sets out all of the risks and mitigations of delivering the solar farm in-house for transparency of the decision.’

The Cabinet have considered the recommendation of the Overview and Scrutiny Board and have determined that, in their opinion, they had sufficient evidence available at the time the decision was made, and reconfirmed with modification the decision they made on 15 April 2025, as set out above.

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

The Cabinet had the following options to respond to the recommendations of the Overview and Scrutiny Board as set out in Standing Orders – Overview and Scrutiny:

- (i) confirm the decision without modification; or
- (ii) confirm the decision with modification; or
- (iii) rescind the decision.

**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**

15 May 2025

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

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