

## **Minutes of the Cabinet**

**27 September 2022**

**-: Present :-**

Councillor Cowell (Chairman)

Councillors Carter, Law, Long and Morey

(Also in attendance: Councillors Brooks (virtually), Kennedy (virtually), Chris Lewis and Loxton (virtually))

---

### **385. Apologies**

Apologies for absence were received from Councillors Steve Darling and Stockman. Councillor Cowell, Deputy Leader of the Council chaired the meeting in the absence of the Councillor Steve Darling.

### **386. Minutes**

The Minutes of the meeting of the Cabinet held on 30 August 2022 were confirmed as a correct record and signed by the Chairman.

### **387. Communications**

The Deputy Leader and Cabinet Member for Finance, Councillor Cowell invited Reverend Nathan Kiyaga to share with Members the work faith leaders had been undertaking to tackle food poverty and cost of living crisis in Torbay. Reverend Kiyaga informed Members that there were in the region of 14,000 people accessing food banks, the faith community had been using funding to support affordable food clubs and social supermarkets and from October a mobile food bank. It was hoped that wrap around support would also be developed, in order to become a one stop centre, bringing services to people.

Reverend Kiyaga also advised that faith leaders were reviving school pastors who would assist and guide young people. Reverend Kiyaga explained that when young people were coming together, they were not necessarily making the choices you would expect then to make. Therefore, the youth pastors were creating safe spaces with adult guidance to ensure right choices and opportunities are available to young people.

Reverend Kiyaga confirmed that the faith community were committed to working in partnership in order for Torbay to thrive. Members thanked Reverend Kiyaga for attending the meeting and his inspirational approach and commitment to serving the residents of Torbay.

The Deputy Leader and Cabinet Member for Finance informed Members that following the Chancellor of the Exchequers establishment of Investment Zones, the Council would be actively pursuing the opportunity to be selected.

**388. 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.

**389. Torbay Food Strategy and Partnership**

**390. Budget Monitoring 2022/23 - April - July 2022 Revenue Outturn Forecast & April to June 2022 Capital Outturn Forecast**

**391. Lease Surrender & Renewal - Shoalstone Seawater Pool, Brixham**

**392. Lease Extension renewal - Brixham Rugby Club, Astley Park**

**393. Herbicide Use in Torbay**

---

Chairman/woman

## Record of Decisions

### Torbay Food Strategy and Partnership

#### Decision Taker

Cabinet on 27 September 2022.

#### Decision

1. That the longer-term commitment by the Council to the food workstream to 2028, as requested by the Torbay Food Partnership, be approved, namely to host and champion the Partnership, rather than a long term financial commitment.
2. That the Director of Adult Social Services be requested to work with the Torbay Food Partnership to undertake the following actions over the next year:
  - i. Co-produce a Food Strategy for Torbay for 2023 – 2028;
  - ii. Scoping of the creation of a CIC similar to Food Plymouth, which would facilitate and resource the Torbay Food Partnership long-term.
3. That the Vision and Charter and identity “Food for Good Torbay”, which has been co-produced by the multi-sector Partnership, be supported and approved.

#### Reason for the Decision

The development of a 5-year Food Strategy for Torbay, and commitment to the Vision and Charter would help to ensure that the future resilience of our communities and local food system is maximised. The food workstream was also fundamental to delivering priorities within Public Health, Climate, Turning the Tide on Poverty, Family Hubs, and Economic Development.

#### Implementation

This decision will come into force and may be implemented on 10 October 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

Since original intentions were set for the Food Partnership, a series of global events have made the need for systemic change even more important. We are now facing the worst cost of living crisis in decades which has impacted the poorest disproportionately; and has the potential to push many people beyond poverty into destitution.

Issues with global food and fuel supplies have also highlighted the need to reconsider how we get and use our food. These issues are likely to worsen in the long term as the impact of climate change is felt more keenly. Torbay needs to make best use of its assets and resources to mitigate these effects, creating an environment that better supports local food production. Therefore, whilst the Council acts to address the immediate cost of living crisis, it is vital that a longer-term, strategic view was taken to address where possible the significant challenges

ahead. The development of a 5-year Food Strategy for Torbay, and commitment to the Vision and Charter, would help to ensure that the future resilience of Torbay's communities and local food system was maximised.

At the meeting Councillor Cowell proposed and Councillor Law 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 to:

- (i) Continue to operate the Partnership on a year-to-year basis with no long-term strategic planning; or
- (ii) Discontinue the Partnership and assume that food-related issues would be adequately addressed within individual programmes/priorities

Neither of these options were deemed to be a sustainable or suitable option and were discounted. The scale and complexity of challenges within the local and national food system were significant, and therefore required a more strategic, joined-up approach to address them in any meaningful way.

### **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**

30 September 2022

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

## Record of Decisions

### **Budget Monitoring 2022/23 - April to July 2022 Revenue Outturn Forecast and April to June 2022 Capital Outturn Forecast**

#### **Decision Taker**

Cabinet on 27 September 2022.

#### **Decision**

That Cabinet Recommends to Council that:

1. The increase of the capital contingency budget to a total of £12m, with the allocation of the same to be delegated to the Chief Finance Officer in consultation with the Leader of the Council and Cabinet Member for Finance be approved. In increasing the capital contingency budget Council recognise that the increased costs of schemes may mean that the revised total scheme costs would be outside of the thresholds set for the Economic Growth Fund at the time of approval; and
2. the TorVista Homes working capital facility be increased from £1.0m to £1.5m.

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

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

#### **Implementation**

The recommendations of the Cabinet will be considered at the Council meeting on 13 October 2022.

#### **Information**

The Budget Monitoring report 2022/23 set out a high-level budget summary of the Council's revenue (April to July 2022) and capital (April to June 2022) position for the financial year 2022/23. The Council was facing significant external pressure due to the wide-reaching UK implications of the current economic situation. The levels of cost inflation impacting the Council were affecting almost every single service and were expected to be a 'recurring theme' when looking to set the budget for 2023/24 and draft the Medium-Term Resource Plan.

The Cabinet welcomed and supported the establishment of the Overview and Scrutiny 2022/2023 Budget Pressures Review Panel. At the meeting Councillor Cowell proposed and Councillor Long seconded a motion that was agreed unanimously by the Cabinet, as set out above.

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

There were no alternative options considered.

#### **Is this a Key Decision?**

No

**Does the call-in procedure apply?**

No

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

None.

**Published**

30 September 2022

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

## Record of Decisions

### Lease Surrender & Renewal - Shoalstone Seawater Pool, Brixham

#### Decision Taker

Cabinet on 27 September 2022.

#### Decision

That the Chief Executive, in consultation with the Director of Finance and Cabinet Member for Economic Regeneration, Tourism and Housing, be authorised to agree terms and enter into a new lease of 125 years, that will replace the existing agreement and provide the tenant, Brixham Town Council with security of tenure to allow a sub-lease to be granted to Shoalstone Seawater Pool CIO that will facilitate access to funding to undertake immediate repairs and improvement to the facilities.

#### Reason for the Decision

By permitting the current tenant a long leasehold interest in the facility, opportunities to seek major grant funding to undertake immediate repairs will become accessible. In addition, it will allow the tenant to invest in the wider facility in the longer term and be able to grant a legal agreement with Shoalstone Seawater Pool CIO (Community Interest Organisation) to manage and operate the facility.

#### Implementation

This decision will come into force and may be implemented on 10 October 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

Brixham Town Council occupy the premises (Shoalstone Seawater Pool, Brixham) under a 40-year lease granted in April 2015. This tenancy incorporates the seawater pool, car park, former putting green, shelter and the WC block.

In 2020, it became increasingly apparent that the pool and surrounds were gradually deteriorating and without access to substantial funding, the necessary investment needed in the pool would not happen, which would result in the facility not lasting beyond the length of the lease granted.

The current 2014 lease agreement places the repairing and maintenance responsibility of the asset on the tenant, although this is limited by reference to a schedule of condition. The repair and maintenance of the sea wall is retained by the Council. However, other than an obligation to inspect any damage to the sea wall reported by the Tenant, the Council is under no obligation to carry out any repairs. The lease permits the Council to bring the lease to an end at any time, if it considers it is not cost effective to comply with its obligations to maintain the sea wall.

Shoalstone Seawater Pool CIO aims, and objectives are clear in that they wish to repair the damage to ensure longevity in the life of the pool. They are fully aware that any grant funding

they can raise will not be enough and there will be a need for them to crowdfund. They are also aware none of this can be done until they are in possession of a much longer lease beyond the 32 years remaining under the existing lease.

The proposal therefore is to surrender the 2014 lease and, in its place, obtain a new 125-year lease from the Council.

At the meeting Councillor Long proposed and Councillor Morey 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**

#### **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**

30 September 2022

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

## Record of Decisions

### Lease Extension renewal - Brixham Rugby Club, Astley Park.

#### Decision Taker

Cabinet on 27 September 2022.

#### Decision

That the Chief Executive, in consultation with the Director of Finance and the Cabinet Member for Economic Regeneration, Tourism and Housing, be authorised to agree terms and enter into a new lease of 150 years, that will replace the existing agreement and provide the tenant, Brixham Rugby Football Club with security of tenure to permit access to funding to undertake further improvement to the facilities.

#### Reason for the Decision

To enable the tenant to access grants from sports bodies.

#### Implementation

This decision will come into force and may be implemented on 10 October 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

Torbay Council wishes to enter into a new long lease agreement with the existing tenant of Brixham Rugby Club which will permit further investment and access to funding. The new lease will provide additional security of tenure over that already in existence under the current agreement.

At the meeting Councillor Long proposed and Councillor Morey 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 Council was under no obligation to consider a change in the lease arrangement. An alternative option would be for the Council to reject the proposal with the existing arrangements continuing as they have done since 1976. If the status quo were to remain as currently, then there would be a reluctance by the club to invest as heavily as previously, therefore this option was discounted.

#### Is this a Key Decision?

No

#### Does the call-in procedure apply?

Yes

**Declarations of interest** (including details of any relevant dispensations issued by the

Standards Committee)

Councillor Morey declared a non-pecuniary interest as a Member of Brixham Rugby Club.

**Published**

30 September 2022

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

## Record of Decisions

### Herbicide Use in Torbay

#### Decision Taker

Cabinet on 27 September 2022.

#### Decision

That SWISCo on behalf of the Council:

- 1) Commits to minimising the use of all Glyphosate (herbicide), to find a balance between environmental considerations and the statutory responsibilities of the Council and the quality of street scene within the Bay;
- 2) Move to the use of Nomix Dual distributed in a more controlled manner by way of electric utility vehicles fitted with kerbside application units;
- 3) Commits to work in partnership with allotment holders to promote and encourage chemical free management of allotments; and
- 4) Review herbicide use on an annual basis to ensure progress towards minimisation, compliance with best practice and practical herbicide free techniques.

#### Reason for the Decision

To detail the current use of Glyphosate (herbicide), consider alternatives and measures to reduce usage by SWISCo services. Strict controls were applied by the council on the herbicides that were applied to sites, with alternative methods being researched and trialled.

#### Implementation

This decision will come into force and may be implemented on 10 October 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

To provide an update on SWISCo's strategy to minimise the use of Glyphosate (herbicide), and the trialling of any practical implications or alternative methods.

At the meeting Councillor Morey proposed and Councillor Law 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

Alternative options were set out in the submitted report.

#### 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**

30 September 2022

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