

Minutes of the Council **(Council decisions shown in bold text)**

5 December 2024

-: Present :-

The Worshipful The Mayor of Torbay (Councillor Stevens) (In the Chair)
Deputy Civic Mayor of Torbay (Councillor Barbara Lewis)

Councillors Amil, Atiya-Alla, Billings, Brook, Bryant, Bye, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fellows, Foster, Fox, Hutchings, Johns, Law, Chris Lewis, Long, Maddison, Nicolaou, Penny, Pentney, Spacagna, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves, Tyerman and Virdee

59 Opening of meeting

The meeting was opened with a prayer.

60 Apologies for absence

An apology for absence was received from Councillor Harvey.

61 Minutes

The Worshipful The Mayor of Torbay proposed and Councillor Barbara Lewis seconded a motion, which was agreed (unanimously) by the Council as set out below:

that the Minutes of the meeting of the Council held on 12 September 2024 were confirmed as a correct record and signed by The Worshipful The Mayor of Torbay.

62 Declarations of interests

Councillors Atiya-Alla and Nicolaou declared Section 106 of the Local Government Finance Act 1992 applied to them in respect of Minutes 69 and 72.

63 Communications

The Worshipful The Mayor of Torbay and Director of Corporate Services presented long service certificates to officers. The following officers received certificates in recognition of their dedication to public service in Torbay:

Susan Clarke;

Lorraine Layne; and
Laura Wright.

The Worshipful The Mayor of Torbay advised that she had opened the Bay of Lights Illumination Trail, which was free and taking place throughout Torquay, Paignton and Brixham in December 2024. The trail included a new Christmas Market and 'Torre Abbey: Alive with Light' projection show, which celebrated 800 years of Christmas traditions at the Abbey. The Worshipful The Mayor of Torbay also encouraged Members to purchase an LED flower, which was part of the trail, as 50% of the proceeds would be donated to The Worshipful The Mayor of Torbay's charities.

64 Petitions

In accordance with Standing Order A23, the Council received a petition requesting that the Council suspend the plan to close the pitch and putt course and cede the land to Torre Abbey, until a public consultation and vote of the full Council was completed (approximately 794 paper signatures and 189 e-signatures, which qualified under the Council's Petition Scheme).

At the invitation of the Worshipful The Mayor of Torbay, Gail Hunt addressed the Council in relation to the petition.

It was noted that the petition would be referred to the Interim Director of Pride in Place, Anthony Payne, for consideration in consultation with the Cabinet Member for Tourism, Culture & Events and Corporate Services, Councillor Jacqueline Thomas.

65 Public question time

In accordance with Standing Order A24, the Council heard the following public questions and statements from:

- a) Margaret Forbes-Hamilton in relation to the pitch and putt site in front of Torre Abbey and Scheduled Monument Consent requirements for the works at this site. The Cabinet Member for Tourism, Events & Culture and Corporate Services, Councillor Jacqueline Thomas, responded to the question that had been put forward;
- b) Margaret Forbes-Hamilton in relation to costs for the works at the pitch and putt site in front of Torre Abbey. The Cabinet Member for Tourism, Events & Culture and Corporate Services, Councillor Jacqueline Thomas, responded to the question that had been put forward, plus supplementary questions asked by Margaret Forbes-Hamilton;
- c) Bethan Huntley in respect of the proposed 2-way cycle lane on the Eastern Esplanade, Paignton. The Cabinet Member for Place Development and Economic Growth, Councillor Chris Lewis, responded to the statement and question that had been put forward, plus a supplementary question asked by Bethan Huntley; and

- d) Bethan Huntley in respect of safety of on-road dashed cycle lanes. The Cabinet Member for Pride in Place, Transport and Parking, Councillor Billings, responded to the statement and question that had been put forward, plus a supplementary question asked by Bethan Huntley.

66 Members' questions

Members received a paper detailing questions, notice of which had been given in accordance with Standing Order A12. The paper also contained the answers to the questions which had been prepared by Councillors Billings, Bye, Chris Lewis, David Thomas, Jacqueline Thomas, Tranter and Tyerman and was circulated prior to the meeting.

In the absence of Councillor Harvey, question 12 was withdrawn.

Within the 30-minute timeframe allowed, supplementary questions were put and answered by Councillors Billings, Chris Lewis, David Thomas, Jacqueline Thomas and Tranter, arising from their responses to the questions in respect of questions 1, 2, 3, 4, 5, 6, 7, 10, 11, 13, 14 and 15.

After 30 minutes, the Director of Corporate Services advised that, in accordance with Standing Order A12.7, the remaining questions (questions 16 to 27) were deemed as withdrawn.

67 Notice of Motion - Appointment of Chairs, Overview and Scrutiny Co-ordinator and Scrutiny Leads

The Worshipful The Mayor of Torbay reported that, following publication of the agenda for this meeting, this Notice of Motion had been withdrawn by Councillor Long (with the consent from Councillor Cowell as seconder), as a result of the ongoing cross party working discussions being undertaken with Group Leaders.

68 Notice of Motion - Strengthening of Shadow Cabinet

The Worshipful The Mayor of Torbay reported that, following publication of the agenda for this meeting, this Notice of Motion had been withdrawn by Councillor Cowell (with the consent from Councillor Long as seconder), as a result of the ongoing cross party working discussions being undertaken with Group Leaders.

69 Review of Council Tax Support Scheme 2025/26

The Council considered the recommendations of the Cabinet and the submitted report on a review of the current local Council Tax Support Scheme and recommendations for a replacement Scheme to be introduced for 2025/26, and in accordance with statutory requirements. Members noted that the Council Tax Support Scheme provided financial support to households that were on a low income or were unemployed, to assist them in paying their Council Tax.

Councillor Tyerman proposed and Councillor David Thomas seconded a motion as set out below:

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. all income bands will be increased by the September 2024 Consumer Price Index rate at 1.7%, and the Director of Finance be given delegated authority to make amendments to the table in paragraph 6.2 of the submitted report to reflect that change.

During the debate Councillor Long proposed and Councillor Cowell seconded an amendment to the motion as follows:

1. 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. all income bands will be increased by the September 2024 Consumer Price Index rate at 1.7%, and the Director of Finance be given delegated authority to make amendments to the table in paragraph 6.2 of the submitted report to reflect that change; and
2. that for future reviews of the Council Tax Support Scheme, the Director of Finance be instructed to incorporate the option for increasing the discount that residents receive on Council Tax and the Cabinet take this into consideration when setting the 2026/27 scheme, including any related impact on future budget proposals.

The amendment was put to the vote and declared lost.

Councillor Tyerman's and Councillor David Thomas' original motion was then considered by the Council which was agreed, as set out below:

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. **all income bands will be increased by the September 2024 Consumer Price Index rate at 1.7%, and the Director of Finance be given delegated authority to make amendments to the table in paragraph 6.2 of the submitted report to reflect that change.**

(Note: Councillors Atiya-Alla and Nicolaou did not take part in the debate or vote on the matter due to Section 106 of the Local Government Finance Act 1992 applying to them.)

70 Council Tax Base 2025/26

Members considered the submitted report which set out the Council tax base for Council Tax purposes for 2025/2026.

Councillor Tyerman proposed and Councillor Long seconded a motion, which as agreed (unanimously) by the Council as set out below:

1. **that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as its Council Tax base for the year 2025/26 is 49,254.24 as detailed in Appendix 1 of the submitted report;**
2. **that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as the Council Tax base for Brixham Town Council for the year 2025/26 is 6,670.18 as detailed in Appendix 2 of the submitted report; and**
3. **that, from April 2025 the Council adopts a 100% Council Tax premium in respect of second homes as agreed at Council on 8 December 2022.**

(Note: Councillors Atiya-Alla and Nicolaou did not take part in the debate or vote on the matter due to Section 106 of the Local Government Finance Act 1992 applying to them.)

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

The Council received the Cabinet's recommendations and the submitted report on the high-level budget summary of the Council's revenue and capital income and expenditure for quarter 2 (up to 31 September 2024) of the 2024/2025 financial year. It was noted that the revenue budget was predicting an overspend of £0.292 million.

The submitted report included recommendations for revisions to the Council's Capital Programme, along with changes to delegation arrangements in respect of drawdown of grants.

Councillor Tyerman proposed and Councillor Chris Lewis seconded a motion, which was agreed by the Council as set out below:

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

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

72 Paignton Picture House

The Council received the Cabinet's recommendations and the submitted report on the funding arrangements to support the tripartite partnership between Torbay Council, the Arts Council England and the Paignton Picture House Trust in order to deliver the full restoration of the Paignton Picture House, and as part of the regeneration of Paignton Town Centre.

Councillor Chris Lewis proposed and Councillor Cowell seconded a motion, which was agreed (unanimously) by the Council as set out below:

1. **that an additional £900,000 be allocated from the Future High Street Fund to delivery of the Paignton Picture House project; and**
2. **that the Council underwrites the delivery of the project up to a maximum of £1.6 million, 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.**

(Note: Councillors Atiya-Alla and Nicolaou did not take part in the debate or vote on the matter due to Section 106 of the Local Government Finance Act 1992 applying to them.)

73 Union Square Land Assembly

The Council received the recommendations of the Cabinet and the submitted report on a proposal to acquire land adjacent to Union Square Shopping Centre, Torquay by means of negotiation (or by way of a Compulsory Purchase Order (CPO) if negotiations could not be successfully concluded), to enable the site to be regenerated as a mixed-use development and to improve the upper part of Torquay Town Centre.

Councillor Chris Lewis proposed and Councillor Long seconded a motion, which was agreed (unanimously) by the Council as set out below:

1. **that delegated authority be given to the Chief Executive to continue negotiations with the owners of the various properties fronting Union Street and Market Street, 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 Union Square shopping centre;**

2. **that, having taken into account the options to acquire the various properties fronting Union Street and Market Street, Torquay, the making of the Compulsory Purchase Order 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 Chief Executive 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**
3. **that Council delegate to the Chief Finance Officer the approval of the expenditure of monies required to cover the acquisition of the land at various properties fronting Union Street and Market Street, 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.**

74 Strand Redevelopment - Land Assembly

The Council received the recommendations of the Cabinet and the submitted report on a proposal to acquire various properties fronting The Strand (in addition to 10a,10, 12-24 The Strand, Torquay), by means of negotiation (or by way of a Compulsory Purchase Order (CPO) if negotiations cannot be successfully concluded), in order to progress the Torquay Town Centre Masterplan for the redevelopment of The Strand.

Councillor Chris Lewis proposed and Councillor David Thomas seconded a motion, which was agreed (unanimously) by the Council as set out below:

- 1. 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;**
- 2. 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
3. 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.

75 Homelessness and Rough Sleeping Strategy

The Council considered the recommendations of the Cabinet and the submitted report on the Homelessness and Rough Sleeping Strategy, which provided the overarching strategy on activities to address homelessness in Torbay. The Strategy had been refreshed following an evidence-based review and public consultation resulting in a more focussed and succinct Strategy.

Councillor Tranter proposed and Councillor Tyerman seconded a motion, which was agreed (unanimously) by the Council as set out below:

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.

76 Gambling Act 2005 - Statement of Principles (Gambling Policy) 2025 - 2028

The Council considered the recommendations of the Cabinet and the submitted report on the Licensing Statement of Principles (Gambling Policy) 2025-2028, which provided 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 legislation.

Councillor Tranter proposed and Councillor Cowell seconded a motion, which was agreed (unanimously) by the Council as set out below:

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.

77 Review of Political Balance

The Council considered a report on a review of political balance of committees and working parties following Councillor Maddison joining the Independent Group.

Councillor David Thomas proposed and Councillor Cowell seconded a motion, which was agreed (unanimously) by the Council as set out below:

- 1. that overall political balance of the committees, as set out at option 1 in Appendix 1 of the submitted report, be approved;**
- 2. that it be noted the overall political balance of Council appointed working parties remains the same (as set out in Appendix 2 of the submitted report); and**
- 3. that it be noted that the political balance of the Adult Social Care & Health and Children & Young People's Overview and Scrutiny Sub-Boards of the Overview and Scrutiny Board, and the Harbour Appointments Sub-Committee of the Harbour Committee remain unchanged.**

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

The Council considered the recommendations of the Cabinet and the submitted report on a review of polling districts and polling stations for each district, which had been carried out in accordance with the Representations of the People Act 1983. It was noted there were minimal changes to the existing scheme, and the changes that had been made to existing polling stations were as a result of consultation feedback, availability, or a more suitable location being identified.

Councillor Jacqueline Thomas proposed and Councillor Cowell seconded a motion, which was agreed (unanimously) by the Council as set out below:

- 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.**

79 Statutory Officer Appointment - Director of Adult Social Services (and Community Services)

Councillor David Thomas proposed and Councillor Long seconded a motion, which was agreed (unanimously) by the Council as set out below:

- 1. that Anna Coles be appointed as the Statutory Officer for the Director of Adult Social Services with effect from 1 April 2025; and**
- 2. that the Council convey its thanks to the retiring Director of Adult Social Services, Joanna Williams, for the work and support she has given the Council since her appointment in 2019.**

80 2024/25 Treasury Management Mid-Year Review

The Council noted the review of Treasury Management activities during the first part of 2024/2025, as set out in the submitted report.

The Worshipful The Mayor of Torbay