

Minutes of the Cabinet

14 December 2021

-: Present :-

Councillor Steve Darling (Chairman)

Councillors Carter, Cowell, Law, Long and Morey

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

282. Apologies

An apology for absence was received from Councillor Stockman.

283. Minutes

The Minutes of the meeting of the Cabinet held on 16 November 2021 were confirmed as a correct record and signed by the Chairman.

284. Communications

The Cabinet Member for Children's Services, Councillor Law thanked all staff within Children's Services and local businesses for supporting our cared for and care experienced children and young people through a challenging year. Councillor Law also thanked the wider Council staff for working throughout the pandemic and was disappointed that the Council was in the position of having to hold face to face decision making meetings, due to the Government not extending the Covid Regulations that would have permitted the Council to hold these meetings remotely.

The Leader of the Council, Councillor Steve Darling, provided an update on the levels of vaccination within Torbay and praised those volunteering at the vaccination centre and encouraged people to volunteer when they could.

285. Matters for Consideration

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions) are set out in the Record of Decisions appended to these Minutes.

286. Redevelopment of Former WCs - Corbyn Head and Preston (North)

287. Domestic Abuse Safe Accommodation Strategy

- 288. Introduction of Updated Transport Asset Management Policy and the publishing of related updated Highway Policies**
- 289. Local Government Association and Local Partnerships : Review of Wholly Owned Companies 2021 - Torbay Economic Development Company Ltd (TDA): Report and Action Plan**
- 290. Foster Carers Member Champion - Annual Report 2021**
- 291. Climate Change Member Champion - Annual Report 2021**
- 292. Report of the Overview and Scrutiny Board on the Local Environmental Quality Outline Plan**
- 293. Report of the Overview and Scrutiny Board on the Draft Asset Management Plan**

Chairman

Record of Decisions

Redevelopment of Former WCs - Corbyn Head and Preston (North)

Decision Taker

Cabinet on 14 December 2021.

Decision

That the use of the Growth Fund is approved to fund up to £1,250,000 for the redevelopment of former public toilets at Corbyn Head and up to £717,500 to fund the redevelopment of former public toilets at Preston, identified by the land edged red at Appendix 1, having demonstrated that the potential rental stream is sufficient to meet the terms of the Growth fund as set out in exempt Appendix 2; with due diligence to be delegated to the Director of Finance, and the Director of Asset Management, Investment and Housing in consultation with the Cabinet Member for Housing, Regeneration and Tourism, to

- i) Agree and finalise the detailed lease terms and to enter into a 25 year lease with the preferred bidders; and
- ii) Ensure that the Growth Fund criteria are met as a consequence of the lease terms, including ensuring that the business case meets borrowing costs.

Reason for the Decision

The proposals would create in the region of 40 jobs, with established employers who offer training opportunities and have links with local colleges. The proposals would also raise the profile of the area and encourage inward investment from other businesses.

Implementation

This decision will come into force and may be implemented on 29 December 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The former WCs at Corbyn Head and Preston (North) are closed to the public and not fit for purpose. Both buildings were in a reasonable condition, but it was anticipated that they would fall further into disrepair. This may encourage anti-social behaviour and would not foster the impression of Torbay being a thriving place to live and visit if buildings in such prominent positions are empty and unused.

Following a marketing exercise in late 2020, the preferred bidders selected for Corbyn Head were WeSup Limited, and for Preston (North), Pierhead Cafes & Bars Limited. However, if final terms could not be agreed with the selected bidders, then alternative bidders would be considered.

The proposal would remove the ongoing maintenance liability of these buildings and represents an opportunity to:

- Create new jobs with training opportunities.
- Design good quality energy efficient buildings and require the operator to adopt environmentally friendly initiatives which may encourage others to follow suit.
- Generate a rental income and revenue from business rates. Once the Growth Fund finance is repaid, the asset will be purely income generating.

At the meeting Councillor Long proposed and Councillor Cowell 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 included refurbishing the buildings and leasing them at a peppercorn rate or use only as WCs. This would create a revenue pressure on the Council with no identified funding source. This route would also forgo the opportunity to maximise the potential from these spaces and generate income from the buildings and may otherwise result in an ongoing maintenance liability for the Council.

Is this a Key Decision?

No – Reference Number: I086720

Does the call-in procedure apply?

Yes

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

None.

Published

December 2021

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

Record of Decisions

Domestic Abuse Safe Accommodation Strategy

Decision Taker

Cabinet on 14 December 2021.

Decision

That the Safe Accommodation Strategy and action plan is approved.

Reason for the Decision

The approval of the Domestic Abuse Safe Accommodation Strategy ensures that victims of domestic abuse and their children can access and receive appropriate support in safe accommodation. The strategy also meets the requirements of the Domestic Abuse Act 2021.

Implementation

This decision will come into force and may be implemented on 29 December 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Domestic Abuse Act 2021 required Tier 1 Authorities to undertake an assessment of the support needs of victims of domestic violence and their children in safe accommodation; and to produce a Safe Accommodation Strategy to meet the needs identified. The Department of Levelling Up, Housing and Communities (DLUHC) requires the final Strategy to be submitted to them on 5th January 2022.

At the meeting Councillor Carter proposed and Councillor Cowell 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

17 December 2021

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

Record of Decisions

Introduction of Updated Transport Asset Management Policy and the publishing of related updated Highway Policies.

Decision Taker

Cabinet on 14 December 2021.

Decision

That the implementation and publishing of the Infrastructure Asset Management Policy and Asset Management Strategy, as set out in Appendices 1 and 2 to the submitted report be approved.

Reason for the Decision

The Infrastructure Asset Management Strategy and Infrastructure Asset Management Policy are a requirement of the Department for Transport to demonstrate the Council's commitment to maintain the highway infrastructure in a responsible and considered manner.

Implementation

This decision will come into force and may be implemented on 29 December 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The effective and efficient management of the existing highway infrastructure is a key factor in the ability of the Council to deliver its services. The "Highway" which is managed by SWISCo on behalf of Torbay Council, as the local highway authority (LHA), forms the largest and most valuable public asset within Torbay Councils control, with a gross value in excess of £0.7 billion.

The Department for Transport requires local highway authorities to demonstrate their commitment to meeting the aims and requirements of the principles of asset management practices. Part of this process involved an authority scoring itself on a series of related practices. The indicative capital funding allocation for highway maintenance was top sliced and authorities were then required to claim and defend their right to a scoring band between 1 to 3. Failure to reach and retain the higher overall scoring band results in a loss of part, or all of the subsequent 'incentive fund'. Torbay Council had consistently scored as a high Band 3 authority and thus avoided the potential loss of funding. However the Council is, required to demonstrate its ongoing commitment in adopting the best practices hence the need to formally adopt the Infrastructure Asset Management Strategy and Infrastructure Asset Management Policy.

At the meeting Councillor Morey proposed and Councillor Steve Darling 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 as the Infrastructure Asset Management Strategy and Infrastructure Asset Management Policy are an essential part of the DfT Self-Assessment and as such, are required to maintain the Council's status as a level 3 authority and to secure the yearly additional funding.

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

Local Government Association (LGA) and Local Partnerships (LP) : Review of Wholly Owned Companies 2021 - Report and Action Plan

Decision Taker

Cabinet on 14 December 2021.

Decision

1. That the Local Government Association and Local Partnership be thanked for undertaking their review of the Council's Wholly Owned Companies with primary focus on the TDA and their resulting Report (as set out at Appendix 1) be accepted.
2. That the LGA and LP Wholly Owned Companies Review 2021 Action Plan (as set out at Appendix 2) be approved.
3. That the Audit Committee be requested to monitor the implementation of the action plan.

Reason for the Decision

The reasons for the decision are to ensure an action plan is in place to embrace the recommendations of the LGA and LP.

Implementation

This decision will come into force and may be implemented on 29 December 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

During the summer 2021, the LGA and LP undertook a review of the Council's Wholly Owned Companies at the request of the Chief Executive with a primary focus on the TDA. The review focused on whether the work and structure of the Council's companies provided the Council with maximum value in light of lessons learnt from recent public interest reports into corporate failings of other councils and their wholly owned companies.

As a result of the work undertaken, they identified a set of recommendations in order for the Council to improve the control, effectiveness and accountability of its wholly owned companies. There were some strategically significant recommendations for the future relationship between the Council and its wholly owned companies, with the remaining addressing operational effectiveness and accountability.

An action plan had also been prepared to respond to the LGA's and LP's recommendations, to ensure the Council embraces the learning and feedback from the review.

At the meeting Councillor Steve Darling proposed and Councillor Cowell 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

An alternative option would be to not accept the LGA and LP Report and resulting action plan – this was not recommended as implementation of the action plan would enable the Council and its wholly owned companies to continue to improve.

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)

Councillors Law and Long, and Kevin Mowat, Director of Place declared a non-pecuniary interest as the Council’s appointed representatives on the Torbay Economic Development Ltd Group, also known as TDA Group.

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Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Foster Carers Member Champion - Annual Report 2021

Decision Taker

Cabinet on 14 December 2021.

Decision

The cabinet welcomes the aspiration of funding an apprenticeship scheme for a maximum of five care leavers, and will consider this in future budget setting when government funding is known.

Reason for the Decision

To review the previous 12 months activity of the Member Champion for Foster Carers.

Implementation

This decision will come into force and may be implemented on 29 December 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

In 2019 the Cabinet appointed a number of Member Champions. Member champions are elected members who act as an advocate or spokesperson for a specific area of the Council's business. The main responsibility of each member champion is to encourage communication and positive action over the issue they represent. The Member Champion for Foster Carers was requested to provide an update on the activities they have undertaken over the last 12 months.

At the meeting Councillor Steve Darling proposed and Councillor Cowell 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.

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Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Climate Change Member Champion - Annual Report 2021

Decision Taker

Cabinet on 14 December 2021.

Decision

That the report be noted.

Reason for the Decision

To review the previous 12 months activity of the Member Champion for Climate Change.

Implementation

This decision will come into force and may be implemented on 29 December 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

In 2019 the Cabinet appointed a number of Member Champions. Member champions are elected members who act as an advocate or spokesperson for a specific area of the Council's business. The main responsibility of each member champion is to encourage communication and positive action over the issue they represent. The Member Champion for Climate Change was requested to provide an update on the activities they have undertaken over the last 12 months.

At the meeting Councillor Steve Darling proposed and Councillor Cowell 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.

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Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Report of the Overview and Scrutiny Board - Local Environmental Quality Outline Plan

Decision Taker

Cabinet on 14 December 2021.

Decision

That the Cabinet's response to the Overview and Scrutiny Board – Local Environmental Quality Outline Plan be approved, as published.

Reason for the Decision

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

Implementation

This decision will come into force and may be implemented on Wednesday, 29 December 2021 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 Local Environmental Quality Outline Plan. In accordance with section D7 of 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 Steve Darling and seconded by Councillor Cowell and agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

No alternative options were 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.

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Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Report of the Overview and Scrutiny Board - Draft Strategic Asset Management Plan

Decision Taker

Cabinet on 14 December 2021.

Decision

That the Cabinet's response to the Overview and Scrutiny Board – Draft Strategic Asset Management Plan be approved, as published.

Reason for the Decision

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

Implementation

This decision will come into force and may be implemented on Wednesday, 29 December 2021 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 draft Strategic Asset Management Plan. In accordance with section D7 of 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 Steve Darling and seconded by Councillor Cowell and agreed unanimously by the Cabinet, as set out above

Alternative Options considered and rejected at the time of the decision

No alternative options were 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.

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