

## **Minutes of the Cabinet**

**21 November 2023**

**-: Present :-**

Councillor David Thomas (Chairman)

Councillors Bye, Chris Lewis and Tyerman

(Also in attendance: Councillors Amil, Cowell, Mandy Darling (virtual), Steve Darling, Douglas-Dunbar (virtual), Fellows (virtual), Harvey, Joyce, Long, Maddison, Spacagna (virtual), Stevens (virtual), Jacqueline Thomas (virtual), Tolchard (virtual) and Twelves (virtual))

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### **44. Opening of the Meeting and Apologies**

The Leader of the Council, Councillor David Thomas advised that at the Cabinet meeting on 17 October 2023, Cabinet agreed to enter into arrangements to develop a Regeneration Partnership. Councillor Thomas confirmed that Torbay Council will be working with development partners Willmott Dixon and Milligan to help it drive forward ambitious plans for key sites within Torbay.

An apology for absence was received from Councillor Tranter.

### **45. Minutes**

The Minutes of the meeting of the Cabinet held on 17 October 2023 were confirmed as a correct record and signed by the Chairman.

### **46. 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.

### **47. Community and Corporate Plan 2023 - 2043**

### **48. Housing Strategy 2023 - 2030**

This item was withdrawn from the agenda.

### **49. Resource and Waste Management Strategy**

### **50. Torbay Housing Assistance Policy 2023 - 2028**

### **51. Licensing Act 2003 - Cumulative Impact Assessment 2024 - 2027**

- 52. Coroners Service - Re-organisation**
- 53. Revenue and Capital Budget Monitoring Quarter 2**
- 54. Fuel and Electric Charging Cards**
- 55. Contract Award in respect of Cyber Insurance**
- 56. Contract Award in respect of Insurance for Investment Properties**
- 57. Local Government Association Coastal Special Interest Group - Pledge for the Coast**

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Chairman/woman

## Record of Decisions

### Community and Corporate Plan 2023-2043

#### Decision Taker

Cabinet on 21 November 2023.

#### Decision

That the Council be recommended to approve the Community and Corporate Plan 2023-2043 subject to the following amendment, the sentence 'we will build strong working relationships with our community police' under the community and people theme, be moved to the bottom of the summary section of the community and people theme.

#### Reason for the Decision

The Community and Corporate Plan is the overarching document within the Council's Policy Framework setting out the Council's vision and priorities for the next twenty years. Having considered the feedback received during the consultation, the Cabinet recommended that the Council approves the Community and Corporate Plan 2023-2043.

#### Implementation

The recommendation of the Cabinet will be considered by Council in due course.

#### Information

Following the Local Elections in May 2023, a draft Community and Corporate Plan was prepared which set out the vision of a healthy, happy and prosperous Torbay. The Plan set out with the priorities of the Council for the next twenty years and the approach the Council would take in delivering against the vision.

The Plan had been prepared taking into account the results from the Residents Satisfaction Survey which was carried out during the summer of 2023 and updated following the feedback received during the consultation period.

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 Community and Corporate Plan 2023-2043 has been developed based on the evidence in the Torbay Profile, the results of the Residents Satisfaction Survey and the feedback received during the consultation period.

#### 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.

**Published**

24 November 2023

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

## Record of Decisions

### Resource and Waste Management Strategy

#### Decision Taker

Cabinet on 21 November 2023.

#### Decision

That the Council be recommended to:

1. Amend the sixth paragraph under Action 2 of the Resource and Waste Management Strategy to read:

**“Whilst we will maintain fortnightly residual waste collections, W**we will develop operational waste collection policies. **This will include ing** a robust side waste policy with associated reporting by collection crews, which will help to target support to the correct households. Controls over residual waste delivered to the Household Waste Recycling Centre will also be implemented.”

2. Extend the timeframe for the strategy to 2025 so that work can continue against the Actions within the Strategy.

#### Reason for the Decision

To provide clarity within the Council’s Policy Framework about the future plans for the collection of residual waste.

#### Implementation

The recommendation of the Cabinet will be considered by Council in due course.

#### Information

The Resource and Waste Management Strategy 2020 – 2023 was approved by Council in February 2021. Amendments were agreed to the Strategy in August 2022 to remove reference to undertake a trial of a reduction in the frequency of residual waste collections. The Members of the Cabinet expressed a wish to make a further amendment to the Strategy to include a positive statement that fortnightly residual waste collections would continue.

At the meeting Councillor Billings proposed and Councillor David Thomas seconded the motion that was agreed unanimously by the Cabinet, as set out above.

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

The alternative option would be to make no changes to the Resource and Waste Management Strategy. However, it was felt that the amendment in relation to the frequency of collection of residual waste provides clarity of the Council’s future plans in this regard.

#### 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.

**Published**

24 November 2023

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

## Record of Decisions

### Housing Assistance Policy

#### Decision Taker

Cabinet on 21 November 2023.

#### Decision

1. That the Housing Assistance Policy 2023 - 2028 as set out in Appendix 1 to the submitted report be approved; and
2. That delegated authority be given to the Director of Adult and Community and Customer Services, in consultation with the Cabinet Member for Adult and Community Services, Public Health and Inequalities, to make any minor amendments to the Housing Assistance Policy 2023 - 2028.

#### Reason for the Decision

The Council was required by law to adopt and publish a Housing Assistance Policy detailing any assistance it wishes to offer which exceeds the mandatory disabled facilities grant that individuals can receive.

#### Implementation

This decision will come into force and may be implemented on 4 December 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

Local Authorities administer the Disabled Facilities Grant (DFG). This funding was used to pay for housing adaptations to enable children and adults with care and support needs to stay in their own homes.

The Service has operated in accordance with the Housing Grants, Construction and Regeneration Act 1996, and the grants are paid in accordance with legislation. The increasing costs of materials and labour have created challenges for the service in providing more complex adaptations within the DFG maximum statutory threshold of £30,000.

In addition, the Council has a general power to assist households with the improvement of living conditions using the powers set out in the Regulatory Reform Order 2002 (RRO). This allows for more flexibility in the use of the DFG. In order to, take advantage of these flexibilities, the Council must publish a policy to exercise those powers which then allows the Council to designate grants and other services.

The Housing Assistance Policy set out the mandatory and discretionary assistance that the council will offer including the conditions and eligibility criteria.

At the meeting Councillor Tranter 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 were:

- Approve the Housing Assistance Policy, thereby providing flexibility and support people to maintain their independence for longer and support better outcomes for safe, independent living.
- Do not approve the policy, if a new policy is not adopted the flexibilities within the Regulatory Reform Order 2002 would not possible and the authority would be at risk of not meeting the adaptation needs of disabled adults and children and older people in an efficient and effective way. Therefore this option was discounted.

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

Yes

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

Yes

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

None.

### **Published**

24 November 2023

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



## Record of Decisions

### Licensing Act 2003 - Cumulative Impact Assessment 2024 - 2027

#### Decision Taker

Cabinet on 21 November 2023.

#### Decision

That Cabinet recommend to Council:

1. that the Cumulative Impact Assessment is maintained, and the revised assessment contained in Appendix 1 to the submitted report is adopted and published and will come into effect from 7 January 2024; and
2. that the Licensing Committee be authorised to approve future reviews and adoption of the Cumulative Impact Assessment. Since the introduction of section 5A of the Licensing Act 2003, all matters regarding Cumulative Impact Assessments are now the responsibility of the statutory Licensing Committee, by virtue of section 7(1), as it is no longer part of the Licensing Act 2003 Statement of Policy.

#### Reason for the Decision

After publishing a Cumulative Impact Assessment the Licensing Authority must, within three years, consider whether it remains of the opinion set out in the assessment as detailed in the section 182 guidance and republish the final version after consideration of the responses received as part of the consultation process.

#### Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 7 December 2023.

#### Information

Cumulative Impact Assessments were introduced formally in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. After publishing a Cumulative Impact Assessment the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment as detailed in the section 182 guidance.

Cumulative impact means the potential impact that a significant number of licensed premises in one area can have based on the following four licensing objectives:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

There are currently two designated cumulative impact areas in Torquay, The Strand and Castle Circus. The recent Cumulative Impact Assessment 2024-2027 proposed that the Cumulative Impact Assessment continues to cover these two areas.

At the meeting, Councillor Tranter 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 review of a Cumulative Impact Assessment is a statutory requirement therefore no other options have been 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**

24 November 2023

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

## Record of Decisions

### Coroners Service - Re-organisation

#### Decision Taker

Cabinet on 21 November 2023.

#### Decision

1. That Cabinet approve in principle the merger proposals, to the extent that the proposed changes are cost efficient and will not result in any increase in costs to the authority by way of its recharges; and
2. That the Director of Corporate Services be given delegated authority to progress re-organisation of the new combined service subject to 1. above.

#### Reason for the Decision

There are opportunities for economies with the merger (in our capacity as a recharge authority for the cost of the service affecting Torbay). The arrangements as to coroner posts and remuneration would be simplified as well as the potential for simplified contractual arrangements with suppliers and Service Level Agreements between the authorities in the delivery of the function. Furthermore, the bereaved in Torbay would also have the option to travel to Exeter rather than Plymouth to attend inquests.

#### Implementation

This decision will come into force and may be implemented on 4 December 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

Torbay Council, as a partner authority with Devon County Council and Plymouth City Council, intend to re-organise the Coroner's Service following the retirement of the Senior Coroner in March 2023, to the extent that the proposed changes are cost efficient and will not result in any increase in costs to the authority by way of its recharges. The re-organisation will also result in a new lead authority responsible for delivering the Coroners Service that affect Torbay and a new combined Coroner area for the County of Devon.

At the meeting Councillor Tyerman proposed and Councillor Billings 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 retain the current service arrangements. Whilst this option would result in no impact on or work required to alter the Coroner area, this would be contrary to the guidance of the Ministry of Justice to merge Coroner areas where this may be applicable. This option would not take advantage of potential efficiencies / economies that may also arise from a merger. 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)

None.

**Published**

24 November 2023

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

## Record of Decisions

### Budget Monitoring 2023/24 - April to Sept 2023 Revenue and Capital Outturn Forecast

#### Decision Taker

Cabinet on 21 November 2023.

#### Decision

That the Cabinet notes the forecasted revenue outturn position and recommends that Council approves:

1. The addition of the following new projects (full details in para 8.4) to the current capital programme:
  - Paignton Academy STEPS Relocation – project totalling £1,250,000.
  - EPIC Centre X-Ray equipment –A new project totalling £150,000.
2. The provision of a £60,000 grant to the Shoalstone Seawater Pool Community Interest Company, subject to them being successful in their funding bid to the Community Ownership Fund (COF). This match funding (from reserves) will provide support towards the costs of major repairs required to the pool.

#### Reason for the Decision

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

#### Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 7 December 2023.

#### Information

The Budget Monitoring 2023/24 report set out a high-level budget summary of the Council's revenue and capital position for the financial year 2023/24, comparing budgets with year-end forecasts.

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?

No

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

None.

**Published**

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Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Fuel and Electric Charging Cards

#### Decision Taker

Cabinet on 21 November 2023.

#### Decision

That delegated authority be given to the Director of Finance to award the contract for fuel and electric vehicle charging cards following completion of the CCS RM6186 Framework process for a contract duration of two years and an extension of up to two years (four years in totality).

#### Reason for the Decision

The continuation of provision of fuel and electric vehicle charging cards required for Council and wholly owned companies staff travel needs provides:

- Savings on fuel reflected in a reduction (pence per litre) off pump price.
- Allocation of charging cards to vehicles and drivers means that employees will not need to make expense claims for fuel or electric charging.
- Managers are able to control costs.
- Carbon emissions reports are also available to help with the development of a carbon reduction plan.

#### Implementation

This decision will come into force and may be implemented on 4 December 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The provision of fuel cards and associated services contract with the current supplier, procured via CCS Framework RM6000, is due to expire on the 22 March 2024. Therefore, approval was sought for the direct award of contract utilising the CCS RM6186 framework which allows all public sector organisations to buy vehicle fuel/electric charging from service stations and fuel stations using a fuel/electric charging card.

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?**

Yes

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

None.

**Published**

24 November 2023

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Leader of Torbay Council on behalf of the Cabinet



## Record of Decisions

### Contract Award in respect of Cyber Insurance

#### Decision Taker

Cabinet on 21 November 2023.

#### Decision

That the Director of Corporate Services be given delegated authority to enter into a contract with the preferred bidder that provides the most suitable terms and conditions of insurance in the event of a cyber attack.

#### Reason for the Decision

Insuring the Council against possible losses following a cyber attack ensures that the Council has adequate provision for incident response costs:- Legal and Regulatory Costs, IT Security and Forensic costs, Crisis Communication costs, Privacy Breach Management costs, System and Damage Rectification costs, Direct Loss of Profits and Increased Cost of Working, Network Security & Privacy Liability, Management Liability, Regulatory Fines, PCI Fines, Penalties and Assessments, Media Liability, Intellectual Property Rights Infringement and Court Attendance Costs.

#### Implementation

This decision will come into force and may be implemented on 4 December 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Cabinet's approval was sought for delegated approval to award the contract for the purchase of suitable insurance cover that would cover Cyber attacks against the Council. The Council following competitive market testing via our Insurance Brokers needs to negotiate and agree terms and conditions to insure the Council for Incident Response Costs following a Cyber attack. The terms of possible insurance cover are still being negotiated hence the request for Cabinet to delegate 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

An alternative option would have been to not award a contract to the preferred supplier. However this option was discounted as the Council would be uninsured in the event of a cyber attack which could leave the Council exposed to considerable financial and reputational risk.

#### 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**

24 November 2023

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Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Contract Award in respect of Insurance for Investment Properties

#### Decision Taker

Cabinet on 21 November 2023.

#### Decision

That the Director of Pride in Place be given delegated authority to enter into a contract with the preferred bidder that provides the most suitable terms and conditions of insurance.

#### Reason for the Decision

Insuring the Council's Investment Properties ensures that the Council is protected from material damage to the properties, loss of rental income, Landlord's Legal Liability and to ensure the money borrowed to purchase such properties is not adversely affected by an insurable event should something happen that could result in loss of property/income to cover the borrowing.

#### Implementation

This decision will come into force and may be implemented on 4 December 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Cabinet's approval was sought to delegate approval to award the contract for the purchase of insurance premiums to provide the most appropriate, cost effective sustainable insurance cover to protect the Council's financial risk exposure (material damage and legal liability) for the Investment Property Portfolio. The terms of the insurance premium were still being negotiated hence the request for Cabinet to delegate authority to the Director of Corporate Services to award the contract to the preferred insurance supplier.

At the meeting Councillor Chris Lewis 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

An alternative option would be to not award to the preferred supplier. The Council would have a significant investment property portfolio uninsured which would fiscally be very damaging.

#### 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**

24 November 2023

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

## Record of Decisions

### Local Government Association Coastal Special Interest Group - Pledge for the Coast

#### Decision Taker

Cabinet on 21 November 2023.

#### Decision

1. That the Cabinet on behalf of the Council sign up to the Pledge for the Coast, and joins the call for a dedicated Minister for the Coast who can bring together governmental departments to focus on the needs of coastal communities;
2. That Cabinet encourages all Members to pledge one thing that they will do to support our coast and support the pathway to making them resilient into the future; and
3. That the Chief Executive be requested to explore with Human Resources the ways in which staff can undertake volunteering opportunities that support our coastline

#### Reason for the Decision

To recognise the vital contribution to the economy, leisure and enjoyment for residents and visitors that our coast offers and commit to pledging support for and making our coast more resilient into the future.

#### Implementation

This decision will come into force and may be implemented on 4 December 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Chair of the All-Party Parliamentary Committee for Coastal Communities, Sally Ann Hart MP, on behalf of the LGA Coastal Special Interest Group, launched a campaign for a “Pledge for the Coast” – encouraging MPs, Businesses, Organisations, Communities, Partnerships and Local Authorities to make their Pledge to support our coasts and our coastal communities. Our coastline holds an emotional connection with many of our residents and visitors, however, like many other coastal areas, our residents are some of the most deprived.

The ‘Pledge for the Coast’ asks for organisations and communities to pledge one thing that they will do to support our coasts and support the pathway to making them resilient into the future.

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

An alternative option would have been to not sign up to the ‘Pledge for the Coast’ – this option was discounted as raising the challenges faced by coastal communities is important in order that we do not get overlooked in favour of bigger towns and cities.

**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**

24 November 2023

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