

## **Minutes of the Cabinet**

**17 October 2023**

**-: Present :-**

Councillor David Thomas (Chairman)

Councillors Billings, Bye, Chris Lewis, Tranter and Tyerman

(Also in attendance: Councillors Brook, Steve Darling, Barbara Lewis (virtual), Long and Twelves)

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### **37. Minutes**

The Minutes of the meeting of the Cabinet held on 19 September 2023 were confirmed as a correct record and signed by the Chairman.

### **38. 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.

### **39. Regeneration Partnership and appointment of Development Partner**

### **40. Cornwall Council to join Adopt South West**

### **41. Local Authority Designated Officer Annual Report 2022-23**

### **42. Independent Reviewing Officer (IRO) Annual Report 2022-23**

### **43. Approval to award Agency Framework Agreement**

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Chairman/woman

## Record of Decisions

### Regeneration Partnership and appointment of preferred Partner

#### Decision Taker

Cabinet on 17 October 2023.

#### Decision

1. That proposal A (as set out at exempt Appendix 1 to this report) is approved be appointed as the Council's Regeneration Partner, as the preferred way forward for the delivery of strategically important growth and regeneration projects in Torbay for a period of at least five years which could be extended, against performance criteria yet to be established;
2. That the Director of Pride in Place, in consultation with the Cabinet Member for Place Development and Economic Growth and the Director of Finance, be given delegated authority to establish the Partnership and to include additional projects for delivery by the Regeneration Partner which will further facilitate the growth and regeneration of Torbay; and
3. That the Overview and Scrutiny Board be requested to include in their work programme six monthly updates (as a minimum or as projects require) on delivery with the Regeneration Partner as to progress.

#### Reason for the Decision

Having reviewed its approach to delivery of the Town Deal for Torquay and the Future High Street Fund programme for Paignton, in late 2022 the Council attended the UK Real Estate Investment and Infrastructure Forum (UKREiIF) in order to raise the profile of the opportunities that exist in Torbay.

The positive reception translated into receiving proposals over the summer from two prospective partners in the delivery of relevant Towns Fund regeneration projects. These proposals have been assessed and Cabinet was asked to agree the appointment of a preferred Regeneration Partner.

#### Implementation

This decision will come into force and may be implemented on 30 October 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

Following the approval of the Towns Centres Regeneration Strategy in 2017 and the award of funding, delivery has been slower than desired. The Council has worked with partners and government officials to explore how a Regeneration Partner could help accelerate the successful delivery.

The proposal for a whole place approach to growth and regeneration had found interest from the developer market with several developers demonstrating active interest in a long-term

commitment to development across Torbay.

The Council received two proposals in respect of the Towns Fund programme delivery, with both proposals being the product of several meetings and visits from each of the parties. Each proposal provided distinct benefits to the Council with both party's being recognised in their fields at a national level, being credible developers with a strong track record of delivering complex strategic developments in towns and cities elsewhere within the UK. Their engagement has demonstrated their commitment to the Torbay Story and their formal submissions clearly states this.

At the meeting Councillor Chris Lewis 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**

The alternative options were:

- **Do nothing:**

A do-nothing option would see the status quo persist with progress potentially limited. There are procurement compliant routes that would enable appointment of developers or contractors to deliver the Towns Fund schemes but the challenges that are being experienced around cost, viability and funding of the scheme would be considered without the benefit of market expertise. The likelihood is that this will prolong the project development stage and delay starts on site. This would in turn increase the risk that the projects would lose their grant funding leading to a lack of delivery and the various negative outcomes of that. This option was therefore not recommended.

- **Run a more formal competitive procurement process:**

The Council has the option to conduct a competitive procurement to seek a development partner to deliver the projects or become the development partner.

A competitive process would allow the Council more control over the procurement and the future development and delivery of the projects when compared to the preferred option in that it has clarity over the individual delivery routes. It is a safe and recognised route to delivering complex capital projects and programmes in a procurement compliant manner reducing the likelihood of any challenges for non-compliance.

However Government requires that all Towns Fund grants are spent by March 2026 and in Torbay's case the agreed position with Government is currently March 2024 meaning that the urgency is pressing. This immediacy of the Towns Fund deadlines and the need to accelerate delivery makes a time-consuming option impractical and this option would likely result in the loss of the Towns Fund. Therefore, this option was not recommended.

- **Appoint the preferred delivery partner set out in Exempt Appendix 1:**

Not to follow this option would secure the negative outcomes referenced above. In accepting this recommendation, the prospects for successful delivery of the changes desired in the town centres will be significantly enhanced. The presence of a credible recognised regeneration partner in Torbay will assist the Council in negotiations with Government, reassure the community that the regeneration plans they wish to see delivered are viable and provide confidence to funders and occupiers.

**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**

20 October 2023

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

## Record of Decisions

### Cornwall Council to join Adopt South West

#### Decision Taker

Cabinet on 17 October 2023.

#### Decision

1. That the integration of Cornwall and the Isles of Scilly's adoption services into Adopt South West be approved; and
2. That, to facilitate 1. above the Director of Children's Services be given delegated authority to enter into a 'deed of variation' with the other existing partners to amend the current Inter Authority Agreement to the extent necessary to admit Cornwall Council as a full partner.

#### Reason for the Decision

To enable Cornwall and the Isles of Scilly Adoption Service to join Adopt South West as a full member. Becoming a full member would lead to Cornwall joining the existing partners and sharing equal influence and accountability to further develop and improve the service. All core functions, pre and post adoption order, of Cornwall and the Isles of Scilly adoption agency would be delegated to Adopt South West.

#### Implementation

This decision will come into force and may be implemented on 30 October 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

In June 2015, the Department of Education (DfE) asked all adoption agencies in England to consider how to work much more closely together on a regional basis. The Education and Adoption Act 2016 (s15) gave the Secretary of State a new power to direct one or more named local authorities to make arrangements for any or all of their adoption functions to be carried out on their behalf by one of the local authorities named, or by another agency.

Cornwall and the Isles of Scilly Adoption Service did not join a regional adoption agency at this time and as such are one of only two local authorities nationally not yet part of a Regional Adoption Agency. The DfE have given a clear message to Cornwall that they are expected to join a regional adoption agency. If they fail to do so the Secretary of State can direct that this happens.

As a result, the proposal is for Cornwall and the Isles of Scilly Adoption Service to join Adopt South West as a full member. As such, Cornwall Council have developed a Business Case setting out the proposals, the benefits to them, the key outcomes, the financial and legal implications, the suggested timeline and risks.

At the meeting Councillor Bye proposed and Councillor Tranter 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**

20 October 2023

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

## Record of Decisions

### Local Authority Designated Officer (LADO) Annual Report 2022-23

#### Decision Taker

Cabinet on 17 October 2023.

#### Decision

The Local Authority Designated Officer Annual Report 2022-23 set out in Appendix 1 to the submitted report be approved to enable the Local Authority Designated Officer Annual Report 2022-23 to be published in accordance with Council's requirements.

#### Reason for the Decision

Whilst there was not a statutory requirement for each Local Authority to produce and publish an Annual Report in respect of the work of the LADO, there was an expectation that one was completed to inform both the local authority and partner agencies of the number and nature of contacts over the period and to identify trends and learning from the data to inform any local action plans.

#### Implementation

This decision will come into force and may be implemented on 30 October 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The LADO Annual Report provided an overview of allegations referred to the LADO regarding people in a position of trust working or volunteering with children in the Torbay locality. The Annual Report summarises the statutory role of the LADO and both the national and regional context of the role, the number of consultations and referrals, a breakdown of the types of allegations and the profile of the LADO's work from 1 April 2022 to 31 March 2023.

At the meeting Councillor Bye 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

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.

**Published**

20 October 2023

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

## Record of Decisions

### Independent Reviewing Officer (IRO) Annual Report 2022-23

#### Decision Taker

Cabinet on 17 October 2023.

#### Decision

That the Independent Reviewing Officer Annual Report 2022-23 as set out in Appendix 1 to the submitted report be approved to enable the Independent Reviewing Officer Annual Report 2022-23 to be published in accordance with the legislative requirements.

#### Reason for the Decision

To ensure that the Council upholds its responsibility as Corporate Parents and complies with legislation.

#### Implementation

This decision will come into force and may be implemented on 30 October 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The IRO Annual Report sets out an overview of the activity of the Independent Reviewing Officer Service, the staffing structure, developments within the service and the key improvement objectives for the service moving forward.

The Annual Report highlighted the enhanced stability of the service and how this had contributed to continued progress and development. In particular, there was significant evidence on continued improvement in terms of achieving permanence for cared for children, with a high number of cared for children leaving care as a result of adoption or becoming subject to a Special Guardianship Order in 2022-23.

At the meeting, Councillor Bye 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

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**

20 October 2023

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

## Record of Decisions

### Approval to award Agency Framework Agreement

#### Decision Taker

Cabinet on 17 October 2023.

#### Decision

That the Director of Corporate Services be given delegated authority to appoint the successful bidders identified through the Procurement process to the Framework for a 4-year period as preferred suppliers to the Council and SWISCo for interim workers.

#### Reason for the Decision

If the Council does not have an Agency Framework Agreement in place, the Council will not be able to source interim workers at short notice which will impact on service delivery and discharging some of its statutory functions.

#### Implementation

This decision will come into force and may be implemented on 30 October 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Cabinets approval was sought to award the Agency Framework Agreement for Torbay Council and SWISCo thereby appointing a number of successful suppliers following a procurement exercise.

The current framework would come to an end on 2 January 2024. It was critical for service delivery that the Council and SWISCo had appropriate suppliers in place to deliver agency worker requirements, which have been appropriately procured.

The intended outcome was that the Council and SWISCo would have a new Agency Framework Agreement with a number of preferred Recruitment partners for interim workers who were able to meet the Council's organisational requirements.

At the meeting Councillor Tyerman proposed and Councillor Billings seconded a motion that was agreed unanimously but the Cabinet, as set out above.

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

No other options had been considered, the Council and SWISCo need to ensure that there was an Agency Framework Agreement in place so that when needed interim workers could be hired to ensure that service delivery and statutory functions were discharged appropriately.

A Framework Agreement was the best option as it allowed the Council and SWISCo to use several approved suppliers to meet the needs to the services. In a challenging Recruitment market, the Council had to reach far in order to secure workers in some cases.

**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**

20 October 2023

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