



Minutes of the Cabinet

1 October 2019

-: Present :-

Steve Darling (Chairman)

Councillors Long, Morey, Carter and Law

(Also in attendance: Councillors Barrand, Bye, Douglas-Dunbar, Ellery, Kennedy and Loxton)

30. Apologies

Apologies for absence were received from Councillors Cowell and Stockman.

31. Minutes

The Minutes of the meeting of the Cabinet held on 17 September 2019 were confirmed as a correct record and signed by the Chairman.

32. Communications

The Leader of the Council provided a verbal update on a coffee morning and afternoon held with foster carers on 30 September 2019. Positive feedback had been received from the event which would be evaluated to see what improvements the Council could put in place to help support foster carers.

33. 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.

33.1 Land Release Fund

33.2 Torbay Economic Growth Fund Criteria

33.3 Budget Monitoring 2019/020 - Quarter One

The Cabinet noted the contents of the submitted report which provided a high level budget summary of the Council's revenue and capital income and expenditure for 2019/2020 as at quarter one. The report had also been discussed at the Overview and Scrutiny Board on 19 September 2019.

The Deputy Head of Finance outlined the salient points within the report and advised that as a consequence of quarter one performance a moratorium on spend was introduced but this has not had as much of an impact as it did on last year. The report predicted an overspend up to £4.2m by the end of the financial year and highlighted mitigating actions taken by the Senior Leadership Team, which included bringing forward savings and use of reserves. Members noted that, whilst the net balanced budget had not improved the changes coming forward for quarter two provided greater assurance that the Council would deliver a balanced budget.

(Note: Councillor Barrand arrived during discussion of this item.)

33.4 Exclusion of Press and Public

Councillor Steve Darling proposed and Councillor Morey seconded the motion, which was agreed by the Cabinet unanimously, as set out below:

that the press and public be excluded from the meeting prior to consideration of the item 11 on the agenda on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.

Prior to consideration of the item in Minute 33.5, the press and public were formally excluded from the meeting.

33.5 CSW Group Ltd: Reforming Group Governance and Operations to Meet Future Need

(Note: Councillor Douglas-Dunbar arrived during discussion of this item.)

33.6 New Investment Opportunities

There were no new investment opportunities.

33.7 Update on Existing Investments

There was nothing new to update at this time.

Chairman

Record of Decision

Land Release Fund Recommendations from the Overview and Scrutiny Board

Decision Taker

Cabinet on 01 October 2019

Decision

- (i) that Council Directors ensure that all bids submitted for their portfolio are checked by them for accuracy;
- (ii) significant decisions made by Officers, such as the acceptance of the Land Release Fund (LRF) Grant, should have formal Record of Decisions, irrespective of whether or not the legal test for their preparation is met;
- (iii) meetings such as the one where the Mayor and Group Leaders were consulted on the LRF, should be minuted in the future;
- (iv) any information requested by Councillors for consideration by committees must be produced as requested and in a timely manner;
- (v) there is a need for clear and transparent reports. All reports must include background information and context to items for which there is a need for a decision by either Cabinet or Full Council;
- (vi) all future bids for Government money must be made and submitted in accordance with the Constitution; and
- (vii) that Officers ensure that the submission of all future bids are in accordance with Council Policies.

Reason for the Decision

To respond to the recommendations of the Overview and Scrutiny to improve governance around decision-making.

Implementation

The decision will come into force and may be implemented on Monday, 14 October 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

At its meeting on 19 September 2019, Torbay Council's Overview and Scrutiny Board considered a report prepared by the Interim Director of Place, the purpose of which was to remind and advise the Overview and Scrutiny Board of the background to and progress on the use of the Land Release Fund (LRF) money awarded to the Council. The Overview and Scrutiny Board were also in receipt of a report compiled by fellow Board Member, Councillor Kennedy.

The Board made seven recommendations to the Cabinet in respect of governance and internal processes in connection with funding bids; provision of background information for reports to Council and Cabinet; and information being provided to Members in a timely manner.

The Cabinet welcomed the report of the Overview and Scrutiny Board and thanked Councillor Kennedy for her work in preparing her report to the Board.

Councillor Carter proposed and Councillor Long seconded a motion to support the seven recommendations from the Overview and Scrutiny Board which 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

4 October 2019

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

Date: 4 October 2019

Record of Decision

Torbay Economic Growth Fund Criteria

Decision Taker

Cabinet on 01 October 2019

Decision

- (i) that, subject to the penultimate sentence of paragraph (f) being amended as shown in bold below, the Torbay Economic Growth Fund Criteria set out at Appendix 1 to the submitted report be approved:

The rate of interest on the loan would be consistent with the Council's Investment & Regeneration Fund i.e. **typically 2%** minimum return over borrowing costs and other relevant operating costs **in respect of borrowing for third parties.**; and

- (ii) that the Cabinet review the Torbay Economic Growth Fund Criteria in three to six months time.

Reason for the Decision

To enable the Cabinet to make decisions to release funding from the Economic Growth Fund, for the benefit of Torbay's economy.

Implementation

The decision will come into force and may be implemented on Monday, 14 October 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

At the Council meeting held on 18 July 2019, the Council agreed to establish a Torbay Economic Growth Fund of up to £100 million of prudential funding for the progress of a range of capital projects for economic growth and regeneration within Torbay and, to be funded from the future income from those projects. Approval of the criteria and for each project was delegated to the Cabinet (Minute 41/7/19 refers). The submitted report sets out the criteria which the Cabinet would use to assess investments under the Torbay Economic Growth Fund.

Councillor Long proposed and Councillor Steve Darling seconded a motion which 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 but not discussed at the meeting.

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

4 October 2019

Signed: _____ Date: 4 October 2019
Leader of Torbay Council on behalf of the Cabinet

Record of Decision

Careers South West Group Ltd Reforming Group Governance and Operations to Meet Future Need

Decision Taker

Cabinet on 01 October 2019

Decision

- (i) that the proposed governance and operational changes outlined in the submitted report for Careers South West Group Ltd, seeking to achieve Teckal compliant status for the Company from July 2020 be approved; and
- (ii) that the Director of Corporate Services be given delegated authority to agree associated changes to the company, in conjunction with partner authorities within the Peninsula Council group.

Reason for the Decision

The Transitions Contract is currently due to expire in July 2020, having been extended as far as legally permissible. Given the value of the Contract involved, Commissioners would be required to openly re-procure the Contract over the Autumn. Career South West (CSW) would be able to compete alongside all other parties for the Contract, but there can be no guarantees over their success.

Implementation

The decision will come into force and may be implemented on Monday, 14 October 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

Career South West (CSW_ Group Ltd ('CSW / The Company') is a wholly owned company of the Peninsula Group of Councils (Devon, Plymouth, Torbay and Cornwall). It currently provides the authorities' shared Post 16 Transition Service, as well as a range of other education, careers and community services. The company operates principally within the Peninsula area, though over recent years has developed a more diverse presence across the wider region / UK. The submitted exempt report provided details of proposed changes to the governance and operating arrangements in order to secure longer term sustainability of The Company.

Councillor Carter proposed and Councillor Law seconded a motion which 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

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4 October 2019

Signed: _____ Date: 4 October 2019
Leader of Torbay Council on behalf of the Cabinet