

Record of Decisions

Governance and Commissioning Review of Local Authority Company - SWISCo

Decision Taker

Cabinet on 25 April 2024.

Decision

1. That the Cabinet approves the adoption and implementation with immediate effect of the recommendations as set out in Appendix 1 of the Governance and Commissioning Review of SWISCo (Section 7, 1-12.);
2. That the Cabinet approves the extension of the commissioning of SWISCo, as a wholly owned company of the Council to carry out the works specified in SWISCo Commissioning Agreements for a further 5 year period between 1st April 2025 and 31st March 2030; and
3. That the Director of Pride in Place in consultation with the Director of Finance and Cabinet Member for Pride in Place, Culture & Events and Parking be delegated authority to approve any revisions to the Councils commissioning agreement with SWISCo to the 31st March 2030.

Reason for the Decision

The commissioning agreement of SWISCo spanning the five-year period 2020 to 2025 sets out that both parties shall undertake a review at the end of years 2, 5 and 10 of this agreement to ensure that governance arrangements and commissioning processes were robust and effective and provide sufficient direction for the management of SWISCo.

The commissioning agreement also specifies that a review must be carried out on or before 31 March 2024 to inform any extension of the agreement for a further 5 years.

Implementation

This decision will come into force and may be implemented on 8 May 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Torbay Council established SWISCo in 2020 as a wholly owned company of Torbay Council. The commissioning agreement of SWISCo sets out that both parties shall undertake a review at the end of years 2, 5 and 10 to ensure that governance arrangements and commissioning processes were robust and effective and provide sufficient direction for the management of SWISCo.

The purpose of the review was to provide recommendations relating to the Governance and Commissioning of SWISCo as a wholly owned company of the Council and to make a recommendation on any extension to the commissioning agreement from 1st April 2025 for a further 5 years.

At the meeting Councillor Billings 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

Appendix 1 to the submitted report sets out a range of findings and recommendations in relation to how the council governs and commissions SWISCo. The recommendations were based on best practise guidance and take into account consequences of not adopting these recommendations.

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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29 April 2024

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