

Minutes of the Cabinet

30 August 2022

-: Present :-

Councillor Steve Darling (Chairman)

Councillors Carter, Cowell, Law, Long, Morey and Stockman

(Also in attendance: Councillors Atiya-Alla (virtually), Barnby (virtually), Barrand, Brooks (virtually), Brown, Bye, Douglas-Dunbar, Johns (virtually), Chris Lewis, Mills, David Thomas, Jacqueline Thomas (virtually) and John Thomas (virtually))

371. Minutes

The Minutes of the meeting of the Cabinet held on 12 July 2022 were confirmed as a correct record and signed by the Chairman.

372. Communications

The Cabinet Member for Economic Regeneration, Tourism and Housing, Councillor Long, announced that South West Heritage Trust in conjunction with Exeter University have developed and launched an app which guides people along the South West Heritage Trail, at present the app only covers Torbay but will be expanded further.

The Cabinet Member for Children's Services, Councillor Law, congratulated those that had received their GCSE and A-level results, recognising that this group of young people will have been the first cohort to sit formal examinations since the start of the Covid Pandemic. Initial data suggests that Torbay's pupils have gained broadly similar exam results to those who sat exams pre-pandemic.

The Leader of the Council, Councillor Steve Darling, informed Members that the Council had supported a letter, sent to the Government on behalf of small unitary authorities, that set out the challenges faced in trying to finance capital programmes for which grant funding had been secured but was not enough to meet the costs of the project due to high inflation.

373. 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.

374. English Riviera Destination Management Plan Review

- 375. Amendment to Resource and Waste Management Strategy**
- 376. Report of the Torbay Racism Review Panel**
- 377. Fostering Annual Report**
- 378. Local Authority Designated Officer (LADO) Annual Report**
- 379. Leadership and Management Training**
- 380. Cabinet decision to award new contract for the Torbay Joint Community Equipment Service (JCES)**
- 381. Print Services Contract Approval**
- 382. SWISCo Vehicle, Equipment and Building Structure Replacement**
- 383. 2022/23 Target Setting Report - Report of Audit Committee**
- 384. Urgent Decisions taken by the Chief Executive**

The Cabinet noted the report setting out an urgent decision taken by the Chief Executive on behalf of the Cabinet.

Chairman/woman

Record of Decisions

The English Riviera Destination Management Plan (DMP) Review

Decision Taker

Cabinet on 30 August 2022.

Decision

- 1 That the Cabinet recommends to Council that the Destination Management Plan be approved as set out in Appendix 1 to the submitted report; and
- 2 That subject to the above, Cabinet approves the actions set out in the Destination Management Plan (that form an 'action plan') and that implementation of the action plan be monitored and reviewed annually by the Overview and Scrutiny Board.

Reason for the Decision

The Destination Management Plan 2022-2030 sets out the interventions that can help propel the English Riviera forward and ensures there is a planned approach to the recovery and growth of the visitor economy.

Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 15 September 2022.

Information

The new Destination Management Plan 2022-30 sets out the vision and objectives, markets for growth, destination development, management, delivery model and action plan to take the destination forward.

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

An alternative option would be to continue with the existing plan, this option was discounted as the existing plan was no longer appropriate and out of date.

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

2 September 2022

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

Record of Decisions

Amendment to the Resources and Waste Management Strategy 2020-2023

Decision Taker

Cabinet on 30 August 2022.

Decision

That the Cabinet recommends to Council:

1. That within Action 2 of the approved Resources and Waste Management Strategy 2022-2023:
 - a. The sixth paragraph be deleted; and
 - b. The words “To support any changes to the frequency of residual waste collections” be deleted from the start of the seventh paragraph.
2. That within the Regional Context section of the Strategy:
 - a. The first sentence of the final paragraph be deleted; and
 - b. The start of the second sentence of the final paragraph be amended to read “East Devon District Council found...”.

Reason for the Decision

The reason for the decision is 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 at the Council meeting on 15 September 2022.

Information

The Resource and Waste Management Strategy 2020 – 2023 was approved by Council in February 2021. Although the Strategy included a reference to undertaking a trial of a reduction in the frequency of residual waste collections, this was not included within the Action Plan associated with the strategy.

The Council and SWISCo were working hard to increase recycling rates, thereby reducing the amount of residual waste that households generate. However, it was felt that the ongoing inclusion of the potential for this trial could cause a distraction from the important work to improve the levels of household recycling in the Bay.

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

The alternative option would be to make no changes to the Resource and Waste Management

Strategy. However, it is felt that by removing the references to a trial of a reduced frequency of collection of residual waste, the Council was able to provide clarity about its 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

2 September 2022

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

Record of Decisions

Report of the Torbay Racism Review Panel

Decision Taker

Cabinet on 30 August 2022.

Decision

That the Cabinet's response to the Report of the Torbay Racism Review Panel be approved, as published subject to the Cabinet's response to recommendation 1 being amended to:

Cabinet support the principle of this but as there are budgetary implications, this will need to be considered as a part of the budget setting process for 2023/24. In the meantime, the Chief Executive is requested to identify a resource that will be able to progress the development of an action plan. Any consideration of a post will include the possibility of a shared post with ~~health-colleagues~~ **other public sector bodies and/or voluntary organisations.**

Reason for the Decision

To respond to the findings within the report of the Torbay Racism Review Panel.

Implementation

This decision will come into force and may be implemented on 12 September 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Review Panel was established following the awful events that took place in May 2020 in Minneapolis, USA when George Floyd was brutally murdered, and the resulting protests that occurred not only in the USA, but also across the UK. Torbay Council like many organisations and communities reflected on these events and took the decision that it wanted to undertake a meaningful review of racism in the community it serves. The report outlines the interim findings and recommendations of the Torbay Racism Review Panel.

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

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

2 September 2022

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

Record of Decisions

Fostering Annual Report

Decision Taker

Cabinet on 30 August 2022.

Decision

That the Fostering Annual Report 2021-22 be endorsed and published in accordance with Council's requirements, as set out in Appendix 1.

Reason for the Decision

It was a statutory requirement established by the National Minimum Standards for Fostering for each Local Authority to produce and publish an Annual Report. The Annual Report should be considered in conjunction with the Fostering Service Statement of Purpose, required under the Fostering Services (England) Regulations 2011.

Implementation

This decision will come into force and may be implemented on 12 September 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Fostering Annual Report sets out Torbay's vision for the Fostering Service, its core principles, its key aims, main priorities and actions, the role of the Fostering Service and its various functions.

At the meeting Councillor Law proposed and Councillor Stockman 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

2 September 2022

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

Record of Decisions

Local Authority Designated Officer (LADO) Annual Report

Decision Taker

Cabinet on 30 August 2022.

Decision

That the Local Authority Designated Officer Annual Report 2021-22 be endorsed and published in accordance with Council's requirements, as set out in Appendix 1.

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 12 September 2022 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 Cabinet placed on record their gratitude and sincere thanks to the LADO for the significant improvements that had been made and recognised by Ofsted.

At the meeting Councillor Law 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

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

2 September 2022

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

Record of Decisions

Leadership and Management Training

Decision Taker

Cabinet on 30 August 2022.

Decision

That the preferred supplier, as set out in Exempt Appendix 2, be awarded a contract for the delivery of Leadership and Management training from 5 September 2022 until the 4 September 2024. The contract can be renewed for a further 2 years, until September 2026, in 12 month increments.

Reason for the Decision

People management practices and employment legislation change over time and in order for our managers to lead and manage to the best of their ability it was important that their skills and knowledge were invested in and developed. This was beneficial to ensure that employment legislation is adhered to at all times but to also avoid the time and financial costs associated with poor management practices, which can result in complaints to an Employment Tribunal.

Implementation

The decision in respect of the Leadership and Management Training will come into force immediately as the decision maker has decided that any delay likely to be caused by the call-in process would prejudice the Council's interest. The Overview and Scrutiny Co-ordinator was consulted on 25 August 2022.

Information

A full programme of Leadership and Management training has not been in place since April 2020. Prior to this the Council had an external contract in place with a provider to deliver core management and leadership training such as Recruitment and Selection, Managing Equality, Diversity and Inclusion, Performance Management and Leading and Developing Teams.

When the COVID pandemic started, the training was adapted to be delivered online however, the training contract ended shortly after this and there has been no new contract in place to deliver this since.

The Council does not have an in-house training team therefore a core Leadership and Management training package has recently been procured in line with our procurement processes, compliant with the Public Contracts Regulations 2015.

At the meeting Councillor Carter proposed and Councillor Law 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

Torbay Council does not have an in-house training team, therefore, an external service has to be procured to deliver training. The only other alternative was to not provide training to our managers and leaders. To do so risks time and financial costs to the Council as poor

management practices can result in employee relations issues, such as grievances, disciplinaries, absence and attendance issues. There was also a higher risk of complaints to an Employment Tribunal, which would be costly and risk reputational damage to the Council.

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

2 September 2022

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

Record of Decisions

Cabinet decision to award new contract for the Torbay Joint Community Equipment Service (JCES)

Decision Taker

Cabinet on 30 August 2022.

Decision

1. That, subject to ratification by parallel governance processes in Plymouth City Council and the NHS Devon integrated care board, the contract for (Lot 2 Torbay Community Equipment Service) be awarded to the highest scoring tenderer as set out in Exempt Appendix 1 to the submitted report; and
2. The contract be awarded on Torbay Council Services Terms & Conditions, which were published in the invitation to tender documents.

Reason for the Decision

The Council's existing JCES contract ends in February 2023, and therefore the Council needed to undertake an open and transparent procurement process to ensure a new contract/service was in place from March 2023.

Implementation

This decision will come into force and may be implemented on 12 September 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Community equipment includes complex items such as mattresses, lifting equipment and beds, to small products such as commodes. It helps both family and paid carers (such as domiciliary care workers) to support people with complex physical disabilities in their own home, in a safe and effective manner. It enables the safe delivery of a number of services e.g., providing support with personal care, a return home for someone at the end of life, intermediate care and replacement care. Having community equipment in place was an important element in timely hospital discharge, helping to avoid hospital and residential care admissions, preventing falls and supporting reablement. Equipment was needed to maintain independence and reduce risk of injury, which was seen to increase with age.

There were a number of strategic and operational drivers to review the community equipment service, including the increase in demand on services with Torbay's growing and aging population and the increase in number of young people with complex disabilities reaching adulthood and living in the community. In the future more people with increasingly complex needs are likely to need to be enabled to live in their own homes for a longer period of time.

The new contract in Torbay would be for a jointly commissioned service with the NHS Devon integrated care board, with Torbay Council being the contracting authority on behalf of the commissioning organisations. The proposal was to award a contract for three years (2023 to 2026), with three further one-year extension options of 1+1+1 (potentially to 2029).

At the meeting Councillor Stockman proposed and Councillor Long 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 Care Act 2014 states that “local authorities must provide or arrange services, resources or facilities that maximise independence for those already with such needs, for example, interventions such as rehabilitation/reablement services, e.g., community equipment services and adaptations.” In Torbay (as in Devon and Plymouth) the Council has historically chosen to commission this service via a contract with an external provider, who specialise in the management of this function in terms of the procurement, delivery, maintenance and collection of community equipment and minor adaptations.

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

2 September 2022

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

Record of Decisions

Print Services Contract Approval

Decision Taker

Cabinet on 30 August 2022.

Decision

That the preferred supplier be awarded a contract for the delivery of the print services for a fixed five year term from 8 September 2022 until 8 September 2027, with the option to extend for a further two year period at the end of the fixed term, if required, as set out in Exempt Appendix 4.

Reason for the Decision

To ensure the lowest cost to the Council to continue service delivery whilst maintaining flexibility for service demand peaks. Other reasons include safeguarding our reputation as an organisation committed to tackling climate change and exploiting the accelerated digital working opportunities offered by the Covid-19 pandemic.

Implementation

The decision in respect of the Print Services Contract Approval will come into force immediately as the decision maker has decided that any delay likely to be caused by the call-in process would prejudice the Public' and Council's interest. The Overview and Scrutiny Co-ordinator was consulted on 10 August 2022.

Information

Print and Post is a fundamental element of Corporate Services. Through printed media, it enables the Council to stay in touch with residents about the services we deliver and supports revenue collection. By procuring a replacement external supplier with an IT system that will support the new model of outsourcing our reduced print requirements, enables the Council to continue service delivery whilst maintaining flexibility for service demand peaks.

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

This proposal was the outcome of the Print Services options appraisal, other options were considered and discounted.

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

2 September 2022

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

Record of Decisions

SWISCo Vehicle, Equipment and Building Structure Replacement

Decision Taker

Cabinet on 30 August 2022.

Decision

That Cabinet recommends to Council:

1. That a loan for a capital purpose of up to £4m is approved by the Council to fund the replacement of SWISCo vehicles, equipment and building structures over the next three financial years. The loan to be funded from prudential borrowing with SWISCo repaying the loan on an annuity basis over the expected asset life, typically 7 years for a vehicle; and
2. That Council delegate the approval of each drawdown to the Deputy Chief Finance Officer in consultation with the Leader of the Council and Cabinet Member for Finance.

Reason for the Decision

Supporting this loan activity would enable new vehicles and equipment to be purchased by SWISCo when both needed and when best to do so. In addition, over time the premises that SWISCo operate from such as the Waste Transfer Station will need investment in the structure of the buildings.

Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 15 September 2022.

Information

SWISCo inherited most of its vehicles and equipment from TOR2 with the Council purchasing several refuse collection vehicles over the past two years. SWISCo also currently hire several vehicles.

As part of its emerging vehicle replacement strategy SWISCo will need to both replace older vehicles and will also, if financially beneficial, look to purchase vehicles rather than pay hire costs.

It was proposed that a loan for a capital purpose of up to £4m should be made available to SWISCo to fund the replacement of vehicles and equipment over the coming years. The loan would be funded from prudential borrowing with SWISCo repaying the loan on an annuity basis over the expected asset life, typically 7 years for a vehicle.

In addition, the premises that SWISCo operate from such as the Waste Transfer Station also need investment in the buildings to ensure that health and safety, environmental and other legislative requirements are met.

At the meeting Councillor Cowell 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

Alternative options were set out in the submitted report.

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

2 September 2022

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

Record of Decisions

2022/23 Target Setting Report - Report of the Audit Committee

Decision Taker

Cabinet on 30 August 2022.

Decision

That the Cabinet's response to the 2022/23 Target Setting Report – Report of the Audit Committee be approved, as published.

Reason for the Decision

To respond to the recommendations within the report of the Audit Committee.

Implementation

This decision will come into force and may be implemented on 12 September 2022 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 2022/23 Target Setting Report – Report of the Audit Committee and having considered the recommendations of the Audit Committee, the Cabinet have set out their response.

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

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

2 September 2022

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

Date: _____