

Minutes of the Cabinet

22 September 2020

-: Present :-

Councillor Steve Darling (Chairman)

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

(Also in attendance: Councillors Barnby, Barrand, Brooks, Bye, Mandy Darling, Douglas-Dunbar, Dudley, Foster, Howgate, Kennedy, Chris Lewis, Loxton, Manning, Mills, David Thomas and Jacqueline Thomas)

116. Communications

The Cabinet Member for Children's Services, Councillor Law, informed the Cabinet that the Children's Improvement Board had been advised that there were indications that the Rag Rating for Children's Services improvements may have improved from red to a cautious Amber, which whilst good news, there was still considerable progress to be made.

The Cabinet Member for Economic Regeneration, Housing and Tourism, Councillor Long, informed Members that he was pleased to see progress being made in developing the site at Claylands Business Park.

The Leader of the Council, Councillor Steve Darling, informed Members that he had attended a meeting and made representations at the All Party Parliamentary Group (APPG) for the South West, lobbying for a bespoke, tailored furlough scheme to help the tourism, leisure and hospitality sectors.

117. Urgent Items

The Chairman advised that the report of the Overview and Scrutiny Board on Climate Change Community Engagement be considered at the Adjourned Cabinet meeting on 29 September 2020, the Chairman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arising since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

118. 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.

118.1 Adult Care Strategic Agreement between Torbay Council, Devon Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust

118.2 Draft Community Engagement and Empowerment Strategy

118.3 Waste Management Strategy for consultation

118.4 Introduction of Permit Scheme for Street Works in Torbay

118.5 Anti-Poverty Task and Finish Group - Report of the Overview and Scrutiny Board

118.6 Proposed disposal of Council owned land at Hatchcombe

118.7 Exclusion of Press and Public

Councillor Steve Darling proposed and Councillor Cowell 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 118h 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)) was likely to be disclosed.

Prior to consideration of the item in Minute 118h, the press and public were formally excluded from the meeting.

118.8 Transfer of Council Services to SWISCo Ltd

119. Adjournment

At this juncture the Cabinet adjourned until 5.30 pm on Tuesday, 29 September 2020.

Chairman/woman

Record of Decisions

Strategic Agreement between Torbay and South Devon NHS Foundation Trust and Torbay Council/NHS Devon Clinical Commissioning Group

Decision Taker

Cabinet on 22 September 2020.

Decision

That the Cabinet recommend to the Council:

- i) that the Adult Care Strategic Agreement between Torbay Council, Devon Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust set out at Appendix 1 to the submitted report be approved; and
- ii) that in the event there are minor changes requested by the Board of the Torbay and South Devon NHS Foundation Trust which meets subsequent to the decision of the Council, the agreement or negotiation of the minor changes be delegated to the Director of Adult Social Services, in consultation with the Cabinet Member for Adults and Public Health.

Reason for the Decision

The Adult Care Strategic Agreement sets out the strategic direction for services that is designed to maximise choice and independence for those requiring adult social care and support. It sets out the objectives which the Council and the CCG require the Trust to meet and forms the basis on which performance can be monitored and managed.

Implementation

The recommendations of the Cabinet will be considered at the Council meeting on 24 September 2020.

Information

The Adult Care Strategic Agreement (ACSA) sets out the way in which Torbay Council and Devon Clinical Commissioning Group (the CCG) will commission services from Torbay and South Devon NHS Foundation Trust (the Trust). The present agreement covers a three year period starting April 2020.

The ACSA replaces the Annual Strategic Agreement (ASA) and is in line with the Risk Share Agreement that has been signed by the Council, CCG and the Trust covering the same period.

Councillor Stockman proposed and Councillor Long seconded a motion that was unanimously agreed by the Cabinet as set out above.

Alternative Options considered and rejected at the time of the decision

None.

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 September 2020

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

Record of Decisions

Engagement and Empowerment Strategy

Decision Taker

Cabinet on 22 September 2020.

Decision

That the draft Community Engagement and Empowerment Strategy be published and that the views of the community be sought on how the Council can best engage with and empower its communities.

Reason for the Decision

The Council's current Consultation, Engagement and Communication Strategy is out of date. At the first Community Conference, a commitment was made that the Strategy would be reviewed, based on the feedback we received at the Conference.

As part of the Council's ongoing commitment to engage with our residents and communities, feedback needs to be sought as the Strategy develops. The Strategy also forms part of the Council's Policy Framework and therefore a period of consultation is also required by the Constitution.

Implementation

This decision will come into force immediately in order to commence the formal consultation process.

Information

The Council has made a strong commitment to improving partnership working and community based action within Torbay. At the Community Conference in September 2019 conversations began about how and what this might look like in Torbay. The report from the Community Conference recommended that one of the elements required to translate the Council's determination to engage with communities more effectively into real change "on the ground" was a community engagement strategy that could become embedded in the work of all the Council's directorates and departments. It was felt that this (alongside other recommendations) would support the strong desire voiced by conference participants for a change in culture and mind-set within the Council.

The draft strategy sets out to our members, staff and community not only our plan of how the Council will address some of the key themes emerging from the conference but also clear statements about what our offers, commitments and actions will be. It also makes clear what we are asking the community to support this improvement and build more positive, trusted relationships.

The strategy outlines how the Council intends to meet its mission to be a Council that works in partnership with its residents, communities and partnerships.

Councillor Carter proposed and Councillor Cowell seconded a motion that was unanimously

agreed 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?

Yes

Does the call-in procedure apply?

No

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

None.

Published

29 September 2020

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

Record of Decisions

Resources and Waste Strategy

Decision Taker

Cabinet on 22 September 2020.

Decision

That the draft Resources and Waste Management Strategy be released for consultation by council so that it can be adopted as the document that can take Torbay forward to achieve a balanced budget, higher recycling rates and at the same time make improvements with regard to the Climate Emergency.

Reason for the Decision

To enable the draft Resources and Waste Management Strategy to be released for consultation. If ultimately the changes in approach are not made, Torbay Council will struggle to increase its household waste recycling percentage and proposed budget savings from waste and recycling will not be achievable, leaving the authority with a budget deficit.

Implementation

This decision will come into force immediately so as to commence the formal consultation process.

Information

The proposed strategy will assist Torbay Council to achieve its Climate Emergency targets with significant Carbon gains achieved from both more efficient plant and vehicles and a reduction of the use of source materials through increased recycling. Waste and recycling has also been tasked to achieve budget savings for the financial year 2020/21 and future years.

Councillor Morey 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

Alternative options were set out in the submitted report.

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

29 September 2020

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Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Introduction of Permit Scheme for Street Works in Torbay

Decision Taker

Cabinet on 22 September 2020.

Decision

- (i) That the implementation of a Permit scheme to manage road and street works in Torbay as set out in the submitted report be supported, and:
- (ii) That the proposed Policy for Torbay Council's Permit Scheme for Road and Street Works, as set out in the Appendix 1 to the submitted report and the proposed Fee Structure as set out in Appendix 2 to the submitted report to manage the Highway Permit scheme, be approved, and:
- (iii) That Cabinet instructs the Director of Corporate Services to make the Legal Order under Part 3 of the Traffic Management Act 2004 to provide the required legal powers for Torbay Council to operate a Highway Permit Scheme.

Reason for the Decision

In July 2018 the Secretary of State for Transport wrote to all South West Highway Authorities to request that serious consideration was given to the introduction of Highways Permit Schemes in their respective areas, stating that he may consider using his powers to direct authorities to introduce such a scheme.

Implementation

This decision will come into force and may be implemented on 5 October 2020 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

It is proposed that Torbay Council as the Local Highway Authority introduces a Street Works Permit Scheme to replace the existing Noticing process. The benefits of such a scheme would be to provide Highways Officers with increased control over works undertaken on its highway network, with the potential to reduce disruption to road users and residents.

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

There is no statutory requirement to implement a Permit Scheme, however a clear directive from the former Secretary of State for Transport suggests that there is an expectation that all LHA's will operate a permit scheme. There is a case to argue that the current Noticing scheme in Torbay has worked well to date and may choose not to implement a Permit scheme. The directive has indicated that such a stance may not be accepted by the Department for

Transport and the Secretary of State may consider instructing the implementation of a Permit Scheme. In view of this, retaining the current process is not recommended.

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

29 September 2020

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

Record of Decisions

Anti-Poverty Task and Finish Group - Report of the Overview and Scrutiny Board

Decision Taker

Cabinet on 22 September 2020.

Decision

- i) that the Cabinet's action plan prepared in response to the Anti-Poverty Review conducted by the Overview and Scrutiny Board be approved as published; and
- ii) that the Overview and Scrutiny Board, be requested to monitor the implementation of the Cabinet's action plan prepared in response to the Anti-Poverty Review.

Reason for the Decision

The Cabinet are required to respond to the findings of the review undertaken by the Overview and Scrutiny Board.

Implementation

This decision will come into force and may be implemented on 5 October 2020 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 report of the Overview and Scrutiny Board on the review undertaken by the Anti-Poverty Task and Finish Group. In accordance with section D7 of Standing Orders – Overview and Scrutiny as set out in the Constitution, the Cabinet were required to respond to the recommendations of the Overview and Scrutiny Board within two months.

Subsequently the Cabinet prepared an action plan which was proposed by Councillor Steve Darling and seconded by Councillor Cowell and agreed unanimously by the Cabinet.

Alternative Options considered and rejected at the time of the decision

No alternative options were 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

29 September 2020

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

Record of Decisions

Proposed disposal of Council owned land at Hatchcombe

Decision Taker

Cabinet on 22 September 2020.

Decision

That Cabinet recommends to Council:

- i) To authorise the disposal of the land shaded yellow on the plan at Appendix 1 to a Housing Association in return for nomination rights into 100% of the properties in perpetuity under the Local Government Act 1972: General Disposal Consent Order 2003.
- ii) To delegate authority to the Chief Executive in consultation with the Portfolio holder to agree the detailed terms of any transfer including agreed timescales for the development.

Reason for the Decision

By transferring this piece of land it will enable the development to come forward and maximise the site density.

Implementation

The recommendations of the Cabinet will be considered at the Council meeting on 24 September 2020.

Information

Hatchcombe Nurseries is a housing development site jointly owned by Torbay Council and Sanctuary Housing. In order to unlock the site and improve the access arrangements to the proposed new development Sanctuary are requesting that the piece of land located at the lower end of the site to be transferred to them. The land would be disposed of with certain conditions and will ensure the site will be used for affordable housing in perpetuity unless otherwise agreed by the Council.

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

Option 1 to dispose of the land for affordable housing.

Option 2 to do nothing and allow the site to remain empty or for a less desirable scheme to be delivered.

Option 3 sell the site on the open market.

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 September 2020

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

Record of Decisions

Transfer of Council Services to SWISCo Ltd

Decision Taker

Cabinet on 22 September 2020.

Decision

That the recommendations, as set out in the Exempt Cabinet Minute 118h , be approved.

Reason for the Decision

To build strong working relationships amongst colleagues who share a similar remit. A key requirement of success, when delivering Place based services, is to have the right people, in the right roles and working within the same part of the organisation and this will be fundamental to the on-going success of the Council.

Implementation

This decision will come into force and may be implemented on 5 October 2020 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

As of 1 July 2020, the Council has commissioned SWISCo Limited, which is a wholly owned company of the Council, to take over the running of those services previously provided by the joint venture company known as TOR2. The Cabinet were asked to approve the transfer of two Council services into SWISCo Limited in order to streamline current processes and increase the opportunity for efficiency savings.

Councillor Morey proposed and Councillor Carter seconded a motion that was unanimously agreed 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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29 September 2020

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Leader of Torbay Council on behalf of the Cabinet