

Minutes of the Cabinet

15 June 2021

-: Present :-

Councillor Steve Darling (Chairman)

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

(Also in attendance: Councillors Barnby, Brooks, Bye, Mandy Darling, Douglas-Dunbar, Foster, Hill, Johns, Chris Lewis, Loxton, Manning, Pentney, David Thomas and Jacqueline Thomas)

207. Minutes

The Minutes of the meeting of the Cabinet held on 25 May 2021 were confirmed as a correct record and signed by the Chairman.

208. Communications

The Cabinet Member for Finance, Councillor Cowell advised that due to the Covid-19 Pandemic there was a significant reduction in the number of bus journeys last year, resulting in a £950,000 underspend on the Concessionary Bus Fare Grant. Therefore proposals will be presented to Council in July to allocate these funds.

The Cabinet Member for Children's Services, Councillor Law informed Members that she had received a letter of thanks from the Chair of Governors for Torquay Academy in respect of the food vouchers provided to families during the Easter Holidays.

The Cabinet Member for Instructure, Environment and Culture, Councillor Morey, informed Members that the Council were investing an additional £33,000 in modernising public toilets across Torbay for this summer season. The aim was to increase capacity, improve cleanliness, accessibility and surveillance to tackle anti-social behaviour. The public were also being asked to respect staff during this period of high demand, additional cleaning staff will be employed with toilets also remaining open until 10 pm during the summer months.

The Leader of the Council, Councillor Steve Darling congratulated the following local Members of the Public on being bestowed a Queens Honour:

- David Cox - for services to the community in Teignbridge during Covid-19;
- Hilary Ann Walden - of Paignton for services to Basket Making and Heritage Crafts;

- Nina Pierson - of Paignton for services to the community in Devon during Covid-19 (Eat That Frog);
- David Musgrove - Co-founder and Chair, British Disabled Water Ski Association. For services to Disabled People in Torbay; and
- Trevor Staveley - Co-ordinator, Torbay Street Pastors. For services to Vulnerable People & to the Promotion of Safer Streets in Torbay.

209. Urgent Items

The Cabinet considered the item in Minute 220, and not included on the agenda, 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.

210. 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.

211. Oldway Mansion, Estate and Gardens**212. Leasehold disposal Pier Point Restaurant and Retail Unit, Torbay Road, Torquay****213. Torbay Growth Fund****214. DHSC COVID Funded Project Delivery**

This report was noted.

215. Social Value Procurement Policy**216. Customer Relationship Management System****217. Community Safety - Update on Violence Against Women and Girls****218. Sexual Health Prevention Service**

Chairman/woman

Record of Decisions

Oldway Mansion, Estate and Gardens

Decision Taker

Cabinet on 15 June 2021.

Decision

- i) That 'The Oldway Trust', a Charitable Incorporated Organisation (CIO), which is now registered with the Charities Commission, be confirmed as the Council's community partner in respect of Oldway Mansion, the estate and gardens; and
- ii) That the Council will collaborate and consult with the 'The Oldway Trust', seeking advice and funding support, as the Council leads on the repair, restoration and redevelopment of Oldway Mansion, the wider estate and gardens.

Reason for the Decision

To formally identify a community partner.

Implementation

This decision will come into force and may be implemented on 28 June 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

On 21 June 2018 the Council received a report and a set of recommendations from the Oldway Mansion and Estate Working Party. The Council meeting agreed to note and support paragraphs (i), (ii), (iv) and (v) of the Elected Mayor's decision of 11 June 2018. Progress has since been made in respect of the recommendations and funding bids, albeit unsuccessful, had been submitted to the National Lottery Heritage Fund 'Heritage Horizons' grant programme. A further expression of interest had been made to the National Lottery Heritage Fund 'Resilience Fund'. It had become clear that it would be helpful to identify a community partner and was recommended that this should be the Oldway Trust.

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

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)

Councillor Cowell declared an interest as a Member of the Oldway Trust.

Published

18 June 2021

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

Record of Decisions

Leasehold disposal Pier Point Restaurant and Retail Unit, Torbay Road, Torquay

Decision Taker

Cabinet on 15 June 2021.

Decision

- i) That the Cabinet decision made on 15 December 2020, as set out in Minute 148 'That the Director of Place, in consultation with the Interim Chief Executive, be authorised to enter into an Agreement for Lease to allow the existing tenants of the Pier Point Restaurant and retail unit to carry out works to extend the ground floor and to create a first floor to the existing premises and, upon completion of these works, to grant a 125 year lease to the existing tenants on terms previously agreed.' be rescinded; and
- ii) That the TDA Director of Asset Management, Investment and Housing, in consultation with the Chief Executive, be authorised to enter into an Agreement for Lease to allow the existing tenant of the Pier Point Restaurant and retail unit to carry out building improvement and refurbishment works and to merge and extend the ground floor of the existing premises and, upon completion of these works, to grant a 28 year lease to the existing tenant on terms previously agreed.

Reason for the Decision

To enable the current tenant to invest in the asset that will result in the building being improved and refurbished in return for a new lease. Upon completion of the redevelopment the asset will help secure new jobs and enhance Torquay seafront.

Implementation

This decision will come into force and may be implemented on 28 June 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Cabinet at its meeting on 15 December 2020, made the following decision:

'That the Director of Place, in consultation with the Interim Chief Executive, be authorised to enter into an Agreement for Lease to allow the tenant of the Pier Point Restaurant and retail unit to carry out works to extend the ground floor and to create a first floor to the existing premises and, upon completion of these works, to grant a 125 year lease to the existing tenant on terms previously agreed.'

However, the requirement to complete the works to the ground floor and first floor, as a condition to be satisfied prior to the granting of a 125 year lease was rejected by the tenant on the grounds that funding for the redevelopment would not be forthcoming from lenders. After taking time to reconsider the options the Tenant had decided to pursue a ground floor refurbishment of the existing structure.

It was now intended that upon practical completion of the proposed refurbishment of the ground floor the Council would grant a new, single 28 year lease which was the residue of the

restaurant lease.

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

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.

Published

18 June 2021

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

Record of Decisions

Torbay Growth Fund

Decision Taker

Cabinet on 15 June 2021.

Decision

That:

- (i) the Torbay Growth Fund criteria as set out at Appendix 1 to the submitted report be approved;

That Cabinet recommend the Council:

- (ii) to approve the removal of the Investment and Regeneration Fund Strategy from the Policy Framework; and
- (iii) to approve moving the outstanding balance from the £25m allocated to town centre regeneration to the newly re-named 'Torbay Growth Fund' (former Torbay Economic Growth Fund).

Reason for the Decision

The reasons for the decision are summarised below:

- To enable the Council to remove the existing Investment and Regeneration Fund Strategy from the Council's Policy Framework;
- To widen the criteria for the Torbay Growth Fund; and
- To enable a fit and proper revised set of criteria to be used for the assessment of suitable investments.

Implementation

Recommendation (i) will come into force and may be implemented on 28 June 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Recommendation (ii) and (iii) of the Cabinet will be considered at the Council meeting on 15 July 2021.

Information

At the Council meeting on 18 July 2019, the Council agreed to establish a Torbay Economic Growth Fund of up to £100 million of prudential borrowing 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.

The introduction of the Torbay Economic Growth Fund had enabled the Council to propose that the Investment and Regeneration Fund Strategy be removed from the Policy Framework as this document was no longer relevant or required due to the changes to the Public Works Loans

Board no longer allowing borrowing purely for investment yield. Also, the Torbay Economic Growth Fund criteria had been reviewed and it was proposed that it be renamed the 'Torbay Growth Fund'. The criteria had been widened to cover the relevant areas from the Investment and Regeneration Fund Strategy (e.g. town centre regeneration) as well as other areas covered by the Community and Corporate Plan and/or the Council's Economic and Tourism Strategies.

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

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

18 June 2021

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

Record of Decisions

Social Value Procurement Policy

Decision Taker

Cabinet on 15 June 2021.

Decision

That the Social Value Procurement Policy be approved.

Reason for the Decision

The Social Value Procurement Policy ensures that all our procurement activity contributes to the social, economic and environmental wellbeing of Torbay.

Implementation

This decision will come into force and may be implemented on 28 June 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Social Value Procurement Policy ensures that the responsibilities and requirements under the Public Services (Social Value) Act 2012 are incorporated into all aspects of our commercial and procurement activity where it is practicable to do so. To maximise the opportunity Social Value has to contribute to the delivery of the Community and Corporate Plan and Community Wealth Building in Torbay it was proposed to go beyond the requirements of the Act and mandate that a minimum of 10% of the overall evaluation score is allocated to all procurements over the value of £50,000.

At the meeting Councillor Cowell 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

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.

Published

25 June 2021

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

Record of Decisions

Customer Relationship Management System (CRM)

Decision Taker

Cabinet on 15 June 2021

Decision

i) That Civica be approved as the preferred supplier; and

That Cabinet recommends to Council:

ii) that £400,000 from the 2020/21 council underspend is allocated to the project for implementation costs; and

iii) That Council notes that the profiling of spend over future years will be confirmed with the supplier once appointed and that the Council's future year budget proposals will need to reflect the additional costs of the new system. This depends on our ability to terminate other contracts and their ability to provide support, both of which require dovetailing. Current cost detail is contained within the relevant sections of business case at Appendix 1.

Reason for the Decision

To modernise, simplify and standardise how the Council works in order to support the communities of Torbay and build a resilient council fit for the future.

Implementation

Recommendation (i) will come into force and may be implemented on 28 June 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Recommendation (ii) and (iii) of the Cabinet will be considered at the Council meeting on 15 July 2021.

Information

'Customer relationship management' involves dealing with queries, complaints and specific requests and demands, with accurate information. To support this a CRM system can be used as an effective and efficient interface with its customers across several delivery channels (face to face, telephone, internet websites, texting and emails).

The council has an existing partial CRM system although it has been identified that this is not fit for purpose. It was proposed that the Council procures a new CRM system so that we can build a better picture of why customers contact us and improve service delivery.

Councillor Carter proposed and Councillor Morey 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

Two options were considered within the business case and summarised as follows:

- Option one – do nothing
- Option two – procure and implement a new CRM system provided by Civica.

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

18 June 2021

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

Record of Decisions

Community Safety - Update on Violence Against Women and Girls

Decision Taker

Cabinet on 15 June 2021.

Decision

That:

- i) The contents of the report be noted and future updates requested to monitor progress;
- ii) The Director of Place work with Cabinet Member for Infrastructure, Environment and Culture to continue to pursue future funding opportunities to improve the street lighting infrastructure and the Director of Place to come back in September with a clear action plan to tackle any significant backlogs of works that need factoring into our future capital plans; and
- iii) The Assistant Director of Education, Learning and Skills promote best practice within our school communities to encourage a consistent approach to the delivery of the Domestic Abuse and Sexual Violence taking into consideration the recommendations in the Ofsted Review of Sexual Abuse in Schools and Colleges published 10 June 2021.

Reason for the Decision

To ensure that Torbay remains a safe place where residents feel able to live their lives without fear of violence.

Implementation

This decision will come into force and may be implemented on 28 June 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

In light of the issues arising from the murder of Sarah Everard, the Cabinet wanted to take the opportunity to review community safety within Torbay. At the Cabinet meeting on 23 March 2021 Members considered a report and requested that a further update be presented to Cabinet post the Community Safety Partnership meeting on 29 April 2021.

The subsequent report of the Community Safety Partnership highlights work being undertaken under the direction of the Community Safety Partnership and by Torbay Council's Safer Communities Team. The report also provides an update on the ongoing work regarding street lighting infrastructure by the Natural Environment and Highways Teams.

At the meeting Councillor Carter 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

18 June 2021

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

Record of Decisions

Sexual Health Prevention Service

Decision Taker

Cabinet on 15 June 2021.

Decision

That Northern Devon Healthcare Trust and The Eddystone Trust be directly awarded the contract to deliver a sexual health prevention service, from 1 July 2021.

Reason for the Decision

Due to an ongoing delay which was beyond the Council's control the Council had to adopt a Torbay-led solution. By making a direct award to the local providers, it enables a high degree of value for money by not having to launch a full procurement for what would only be a 12-18 month service delivery period.

Implementation

The decision in respect of the Sexual Health Prevention Service 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 14 June 2021.

Information

A full procurement for the Sexual Health Prevention Service had been attempted in partnership with Devon County Council but for a range of reasons beyond the control of Torbay Council, a full procurement had failed since 2017-18. Since that time, services had been continuing but were unfit for purpose. Current contracts all expired on 30 June 2021, after which time there would be no prevention or HIV support services for any Torbay resident unless a direct contract award could be made.

The decision to direct award would support renewing and refreshing this service and make it fit for the future, including immediate COVID recovery. It would also bring the timing of the contracts in line with the main clinical contract, allowing for smarter re-procurement in 2023.

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

A wide range of options had been considered, as reflected in the three consultations delivered during 2017, 2019 and 2021. The alternative options to a full procurement process were to either cease the services completely or to direct award. No further contract extensions could be granted, and the specifications underpinning these were outdated.

If a full procurement process was initiated by Devon County Council and Torbay Council now, it would take 6-18 months. This was disproportionate to both the contract value and the time available – a full re-procurement was planned for 2023.

The preferred option, to direct award, accounts for the time available, builds on existing partnerships and willingness of providers as well as enabling some stability in terms of recruitment, future planning and consistency.

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

18 June 2021

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