

## **Minutes of the Cabinet**

**24 August 2021**

**-: Present :-**

Councillor Steve Darling (Chairman)

Councillors Carter, Cowell, Long, Morey and Stockman

(Also in attendance: Councillors Barnby, Barrand, Brown, Bye, Chris Lewis, Loxton, David Thomas and Jacqueline Thomas)

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### **231. Apologies**

An apology for absence was received from Councillor Law.

### **232. Minutes**

The Minutes of the meeting of the Cabinet held on 13 July 2021 were confirmed as a correct record and signed by the Chairman.

### **233. Communications**

The Cabinet Member for Infrastructure, Environment and Culture, Councillor Morey, informed Members that there continued to be delays to waste and recycling collections due to the ongoing national HGV driver shortages. This shortage was impacting waste and recycling services, in all local authority areas. Councillor Morey advised residents to continue to put their waste and recycling out on the normal collection day.

The Cabinet Member for Corporate and Community Services, Councillor Carter, informed members that the Council had received offers to help support refugees from Afghanistan. Councillor Carter advised that if anybody was able to assist to email, [community.safetyadmin@torbay.gov.uk](mailto:community.safetyadmin@torbay.gov.uk).

### **234. 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.

### **235. Notice of motion - Emergency Services Day**

### **236. Adult Social Care - Annual Local Account 2020/21**

### **237. Equality Objectives 2021-2025**

- 238. Corporate Parenting Strategy**
- 239. Children's Improvement Board and Governance Arrangements**
- 240. Policy for the Prevention of the Facilitation of Tax Evasion**
- 241. The CIPFA Financial Management Code – Desk Top Review 2020/21**
- 242. Increasing Local Spend**
- 243. Report of the Overview and Scrutiny Board - Budget Outturn Monitoring 2020/21 – Quarter Four**
- 244. Redevelopment of Former WCs - Corbyn Head and Preston (North)**  

This item was withdrawn from the agenda.
- 245. Expansion of EFFECT Photonics onto Torbay Business Park**
- 246. Project update for the creation of a solar farm on land at Nightingale Park to sell the electricity for a return on investment and help meet the Council's carbon neutral priority.**

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Chairman/woman

## Record of Decisions

### Notice of Motion - Emergency Services Day

#### Decision Taker

Cabinet on 24 August 2021.

#### Decision

That this Cabinet agrees to fly the official flag of the 'Emergency Services Day' above the Town Hall on 9 September each year to mark 999 Day, to reflect not just their sacrifice during the pandemic but their ongoing example of service to others.

#### Reason for the Decision

To endorse the motion and demonstrate support for the Emergency Services.

#### Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

#### Information

The Cabinet considered a motion in relation to the Emergency Services Day, notice of which was given in accordance with Standing Order A14.

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

That this Cabinet records its support for the UK's annual national 'Emergency Services Day' which is held on 9th September and which is supported by Her Majesty Queen Elizabeth II; and that this Cabinet places on record its sincere appreciation for the two million people who work and volunteer in the NHS and emergency services today. For the last 18 months, at a time of national crisis, our frontline has shown a level of commitment, endurance and compassion which has inspired us all.

That this Cabinet agrees to fly the official flag of the 'Emergency Services Day' above the Town Hall on 9 September each year to mark 999 Day, to reflect not just their sacrifice during the pandemic but their ongoing example of service to others.

#### 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**

27 August 2021

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Adult Social Care - Annual Local Account 2020/21

#### Decision Taker

Cabinet on 24 August 2021.

#### Decision

- (i) That the Local Account 2020/21 as set out in Appendix 1 to the submitted report be approved
- (ii) That the Local Account 2020/21 to be published in accordance with Government requirements,

#### Reason for the Decision

The Local Account Summary is a statutory annual report that offers everyone across Torbay the opportunity to reflect on and celebrate the achievements made in the preceding year.

#### Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Government requires Local Accounts are put in place to offer councils the opportunity to share a common approach to the performance of adult social care. The Local Account for Adult Social Care in Torbay sets out what has achieved for local people in relation to adult social care and outlines the level of performance for the last financial year and commitment to future service delivery.

At the meeting, Councillor Stockman proposed and Councillor Long seconded a motion that was agreed unanimously, 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**

27 August 2021

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Equality Objectives 2021-2025

#### Decision Taker

Cabinet on 24 August 2021.

#### Decision

- i) That the Council be recommended to agree the following Equality Objectives for 2021-2025:
1. Ensure a wide range of voices are reached and heard in decision making and designing and delivering services.
    - Ensure all relevant groups are included in consultations, providing support as appropriate.
    - Improve the accessibility of our events, meetings, information and communications.
    - Strengthen our relationship with our communities and encourage participation.
    - Ensure equality considerations are appropriately addressed within our procurement processes and contract management arrangements.
  2. Reduce inequalities so Torbay and its residents thrive.
    - Deliver on our Community and Corporate Plan ambition we will work to:
    - Ensure that all children are given the best start in life and families are supported.
    - Tackle lifestyle and economic issues which lead to inequality and poor health.
    - Ensure that older people age well and are physically, mentally and socially active.
  3. Consider and if approved implement the recommendations from the Torbay Racism Review Panel.
    - Maintain a legacy of the review.
    - Strengthen engagement networks.
  4. Support the diverse needs of our workforce.

Our staff are one of our biggest assets and our employees come from a wide range of backgrounds with a variety of skills and knowledge. We are committed to supporting our staff and enabling them to provide the best possible service to our customers.

    - Demonstrating our Core Values, we will always be approachable, calm and respectful.
    - Create an environment where we act professionally and treat everyone with respect.
    - Ensure that policies and initiatives are in place so our staff can feel safe at work and carry out their duties without feeling bullied or discriminated against.
    - Support staff to continue to improve their cultural competence and confidence to improve workforce inclusivity and engage with our diverse

population and communities.

- ii) That the Head of Policy, Performance and Community Engagement prepare and implement an Action Plan to ensure that the Equality Objectives are embedded across the Council.
- iii) That, as part of the Action Plan, an Equality, Diversity and Inclusion Reference Group be established to support the Council in embedding the Equality Objectives in its work.

### **Reason for the Decision**

It is a requirement of the Public Sector Equality Duty to publish one or more objective which we think we should achieve in order to meet the General Duty. The Council's current objectives expired in March 2021 and therefore a new set of objectives were required for the next four years.

### **Implementation**

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

### **Information**

The Public Sector Equality Duty, which came into force in April 2011, places a requirement on all public bodies to publish one or more objective(s) that they think they should achieve in order to meet the General Duty. The General Duty requires us to:

- Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it, and
- Foster good relations between people who share a relevant protected characteristic and people who do not share it.

The Council is required to publish its objectives every four years, with the current objectives running until March 2021 and therefore new objectives needed to be agreed.

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**

27 August 2021

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Corporate Parenting Strategy

#### Decision Taker

Cabinet on 24 August 2021.

#### Decision

- (i) That the Corporate Parenting Strategy be approved,
- (ii) That Cabinet recommends to Full Council that the Corporate Parenting Strategy become a Policy Framework document; and
- (iii) That following engagement with children and young people a further updated Corporate Parenting Strategy be prepared for consideration by Council.

#### Reason for the Decision

The current Corporate Parenting Strategy was out of date, having expired last year. The Council recognised that it was imperative that our cared for and care experienced young people were a part of developing a final version of the Strategy, and that work was currently underway. However, in the interim it was imperative that the Council had a Strategy that was current and reflective of our approach as a Council.

#### Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The current Corporate Parenting Strategy was out of date, having expired last year. In considering the tone of the previous strategy it was evident just how far the Council had travelled in its journey to a model of restorative practice and ensuring that our children were at the heart of everything we do as a Council. The Council recognised that it is imperative that our cared for and care experienced young people were a part of developing a final version of the Strategy, and that work was currently underway. However in the interim it was imperative that the Council had a Strategy that was current and was reflective of our approach as a Council.

At its meetings on 27 July and 18 August 2021, the Children and Young People's Overview and Scrutiny Board considered the draft Corporate Parenting Strategy and supported the recommendations as set out in the submitted report.

At the meeting of the Cabinet, Councillor Steve Darling proposed and Councillor Morey seconded a motion that was agreed unanimously, as set out above.

#### Alternative Options considered and rejected at the time of the decision

The current Corporate Parenting Strategy expired at the end of 2020. Whilst it was not a legal requirement to have the same, it was an essential element of Leadership, Management and

Governance within Children's Services, and therefore doing nothing was not an option.

The 2018-2020 Strategy could have been extended, however in respect of the tone of the same, it did not align with the Council's restorative practice approach and therefore this was not recommended.

Rather than approving this Strategy the Council could await the outcome of the work that was currently being undertaken with our cared for children and care experienced young people. However given it was out of date and the tone did not align with current practice this 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**

27 August 2021

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Children's Improvement Board and Governance Arrangements

#### Decision Taker

Cabinet on 24 August 2021.

#### Decision

1. That Cabinet approves the Children's Continuous Improvement Board, with an independent Chair, as a permanent arrangement and beyond DfE intervention, to provide continued focus and drive for our Children's improvement journey. The Head of Governance Support be delegated authority to review the terms of reference and membership for the CCIB in consultation with the Cabinet Lead for Children's and Director of Children's Services.
2. That the Director of Children's Services, Independent Chair of the CCIB and the Director of Public Health undertake a review of the CCIBs work programme to ensure the objectives of the Children and Young People's Plan and the work of the Children's and Young People's Strategic Partnership Board are incorporated, and that an appropriate children and young people focus takes place in the Health and Wellbeing Board (HWB) and accordingly agree that the Children's and Young People's Strategic Partnership Board (CYPSB) be stepped down. The Monitoring Officer be requested to make any associated changes to HWB's terms of reference (in accordance with the Constitution, consulting with Group Leaders) ensuring that the Cabinet Member for Children's Services is within its membership.

#### Reason for the Decision

To ensure the correct level and governance structure is in place to provide accountability for continued improvement and delivery within Children's Services, whilst ensuring that meetings are not unnecessarily duplicated.

#### Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Children's Improvement Board (CIB) was established to oversee the Council's improvement plan as part of the DfE's intervention and has an independent chair. The CIB can be temporary and stepped down by the DfE when appropriate. It was proposed that the Council commits to retaining a Children's Continuous Improvement Board (CCIB) as the body to provide the focus and drive for our continuous improvement of Children's Services. The CCIB would continue with an independent chair to ensure the appropriate level of external challenge and that the CCIB oversee the Children's and Young People's Plan, rather than necessitating a separate meeting to do this. As such the Children's and Young People's Strategic Partnership Board would be stepped down.

The proposals would strengthen the Council's governance arrangements for Children's

Services and provide focus and drive for Children's improvement beyond the Department for Education's (DfE) intervention.

At the meeting Councillor Steve Darling proposed and Councillor Stockman seconded a motions that was agreed unanimously, as set out above.

**Alternative Options considered and rejected at the time of the decision**

An alternative option would be to do nothing, but the governance and accountability for children would not be strengthened.

**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**

27 August 2021

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Policy for the Prevention of the Facilitation of Tax Evasion

#### Decision Taker

Cabinet on 24 August 2021.

#### Decision

That:

- i. The Prevention of the Facilitation of Tax Evasion Policy, as set out in Appendix 1 to the submitted report be approved;
- ii. the Council's wholly owned companies be required to adopt the same or a similar policy.
- iii. the Monitoring Officer be requested to review the Council's Financial Regulations and Contract Procedures as set out in the Council's Constitution.
- iv. Cabinet notes that during 2021/22 the Council commits to undertake a risk assessment to identify those areas of the Council's activities where risk is considered high and to implement the measures set out in the Policy.

#### Reason for the Decision

To mitigate the risk of prosecution for the corporate criminal offences of the facilitation of tax evasion, the Council would need to prove that reasonable prevention procedures are in place. This would enable the Council to raise a defence.

The Policy demonstrates the Council's commitment to adopting a zero tolerance to all forms of tax evasion.

#### Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Criminal Finances Act 2017 Part 3 created the Corporate Offences of Failure to Prevent Facilitation of Tax Evasion. Under this Act, an offence may be committed by the Council where it fails to prevent an 'associated person' criminally facilitating the evasion of a tax, whether the tax evaded is owed in the UK or in a foreign country.

In response to the requirements of the Act, the Council sought approval of a 'Prevention of the Facilitation of Tax Evasion' Policy.

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**

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**

27 August 2021

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### The CIPFA Financial Management Code - Desk Top Review 2020/21

#### **Decision Taker**

Cabinet on 24 August 2021.

#### **Decision**

That Cabinet note the report.

#### **Reason for the Decision**

To assist the Council in working towards full compliance with the CIPFA Financial Management Code.

#### **Implementation**

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### **Information**

The CIPFA Financial Management Code was released in 2019. The code was designed to support good practice in financial management and to assist local authorities in demonstrating their financial sustainability. The Code therefore for the first time sets the standards of financial management for local authorities.

Torbay Council must demonstrate that the requirements of the code were being satisfied, this was a collective responsibility of elected members, the Chief Finance Officer and the Senior Leadership Team.

The first full year of compliance would be 2021/22. Reflecting the recognition that organisations would need time to work towards compliance. In order to establish the level of compliance at present, the Chief Finance Officer undertook a desk top review.

The Audit Committee had also considered the outcome of the desk top review and had agreed to monitor compliance with the Financial Management Code on an annual basis with exception reporting on reoccurring of continuing issues.

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**

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)

None.

**Published**

27 August 2021

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Increasing Local Spend

#### Decision Taker

Cabinet on 24 August 2021.

#### Decision

That the report be noted.

#### Reason for the Decision

By using the SupplyDevon hub as the Council's route to market for low level spend, the Council can:

- increase the spend that remains within Torbay (or Devon where there is no Torbay based supplier);
- feed into the Community Wealth Building agenda;
- reduce the reliance contracting departments have on their own knowledge of the local supply market and the need to undertake extensive research to identify potential local suppliers;
- remove the lack of visibility around whether the current requirement to invite at least one local supplier to bid where spend is between £10,001 and £25,000 is being met;
- remove the potential for favoured suppliers to regularly be given the opportunity to bid for and be awarded work.

#### Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Council would be taking part in a pilot that would use the SupplyDevon hub as the route to market for external Council spend between £5,000 and £50,000. The use of SupplyDevon, which identifies all potential suppliers on their ability to meet the need, for low value contracts should increase the level of spend with suppliers based in Torbay or where there is no Torbay supplier registered, enable the spend to remain within Devon.

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

The alternative options considered were:

- do nothing. This option was discounted as maintaining the status quo would not lead to change in the level of local spend.
- mandate that where a request for quote process was being undertaken only local suppliers could be invited to bid. This option was discounted as it would require a level of

knowledge of local supply markets the Council does not currently have, along with the capacity to monitor compliance, which would potentially divert Procurement, Contract Management and Commissioning resource from higher level more complex procurements.

- run open tenders through the Council's current e-tendering portal for all spend over £5,000. This option was discounted as the system cannot be tailored to enable advertising of opportunities to local suppliers only.

**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**

27 August 2021

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Report of the Overview and Scrutiny Board - Budget Outturn Monitoring 2020/21 - Quarter Four

#### Decision Taker

Cabinet on 24 August 2021.

#### Decision

That the Cabinet's response to the Overview and Scrutiny Board – Budget Outturn Monitoring 2020/21 – Quarter Four report be approved, as published.

#### Reason for the Decision

The Cabinet was 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 7 September 2021 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 Budget Outturn Monitoring 2020/21 – Quarter Four. In accordance with section D7 of Standing Orders – Overview and Scrutiny as set out in the Constitution, the Cabinet was required to respond to the recommendations of the Overview and Scrutiny Board within two months.

Subsequently the Cabinet prepared a response to the recommendations of the Overview and Scrutiny Board which was proposed by Councillor Cowell and seconded by Councillor Steve Darling and agreed unanimously by the Cabinet, as set out above.

#### 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**

27 August 2021

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Expansion of EFFECT Photonics onto Torbay Business Park

#### Decision Taker

Cabinet on 24 August 2021.

#### Decision

That:

If the Levelling Up Fund application is successful

- i. That delegated authority be given to the S151 officer in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing to satisfy himself that the Growth Fund criteria are met, and that there is a robust business case, including an agreement for lease, to authorise allocation from the Growth Fund to match fund the construction of the building described in the report, being a minimum of £683,759.

If the Levelling Up Fund application is unsuccessful then:

- ii. That delegated authority be given to the S151 officer in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing to satisfy himself that the Growth Fund criteria are met, and that there is a robust business case, including an agreement for lease, to authorise allocation from the Growth Fund to construct in totality the building described in the report.

That delegated authority be given to the Director of Asset Management, Investment and Housing in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing to agree and finalise the detailed lease terms.

#### Reason for the Decision

To ensure match funding is available should Torbay be successful with the Levelling Up Fund application and to ensure a local company, EFFECT Photonics, can continue to grow within Torbay, should the Levelling Up Fund application be unsuccessful.

#### Implementation

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

To support the Council's ambition for a thriving economy in Torbay. The Cabinet was asked to support, through the Growth Fund, the creation of a new Electronics & Photonics Production Park and build out the first unit for an anchor tenant. The Levelling Up Fund (LUF) application and the outcome of that application would determine the scale of investment required.

Sector development work had encouraged growth in this sector most recently through the successful delivery of EPIC. Working closely with tenants and wider sector businesses had

identified the pressing requirements for space for EFFECT Photonics and it was proposed that they would become the anchor tenant on this new development supporting both inward investors and Torbay's hi-tech businesses as they move from research and development into production and manufacturing.

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**

Options were set out in the exempt appendix to 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**

27 August 2021

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

**Project update for the creation of a solar farm on land at Nightingale Park to sell the electricity for a return on investment and help meet the Council's carbon neutral priority.**

### Decision Taker

Cabinet on 24 August 2021.

### Decision

That the i) to iii) of the exempt decision made by the Cabinet 11 August 2020 (Minute 115h/08/20 refers) be rescinded and that the following be approved:

1. That, subject to the criteria in the Growth Fund strategy being met and a detailed business case approved by the Section 151 Officer in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing, Cabinet authorise up to £3.1m from the Growth Fund to fund the construction and delivery of the solar farm.
2. That, Delegated authority be given to the Chief Executive in consultation with the Leader of the Council to agree and finalise the detailed terms of the power purchasing agreement with an end user.
3. If necessary delegated authority be given to the Chief Executive in consultation with the Leader of the Council to agree and finalise the terms of setting up a separate special purpose vehicle with the Health Trust, if this is deemed the most appropriate route to ensuring both the sale of the energy by the Council and its purchase by the Health Trust is undertaken in accordance with the requirements of the Public Contracts Regulations.
4. In the event that the HealthTrust have not entered into a formal agreement to purchase the power generated by the solar farm by 31<sup>st</sup> October and subject to a detailed business case being approved by the Section 151 Officer then delegated authority be given to the Chief Executive in consultation with the Leader of the Council to use the power directly to create a sustainable energy source for the Council.
5. That the Cabinet reconfirms their decision in respect of iv) of the exempt decision made by the Cabinet 11 August 2020 (Minute 115h/08/20 refers):

'That a report be presented to the next Cabinet Meeting after completion of the deal, as to the potential use of up to 10% of the surplus generated, being made available for community use within 1 mile, straight line distance of Nightingale Park.'

### Reason for the Decision

The Council will be working collaboratively with the HealthTrust to provide sustainable power to the new hospital. This energy will be used by the hospital/ local people and would help to reduce Torbay's Carbon footprint. The solar development would help address climate change in a positive manner.

The proposed solar development would also provide employment during the design, construction and maintenance of the project and help create quality jobs.



## **Implementation**

This decision will come into force and may be implemented on 7 September 2021 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

## **Information**

To develop a solar scheme that will provide renewable energy via a private wire to Torbay Hospital to help meet the Council's carbon neutral priorities.

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**

The NHS trust had indicated that it wanted to receive all the energy produced. It was advantageous to have an end user that wished to take all the energy as usually energy sold via a private wire achieves a higher figure when compared to selling directly into the grid. The NHS trust has a larger energy demand in comparison to other potential end users and these other potential end users have not been as positive about receiving the energy. Should an agreement with the NHS trust not be achieved, there is the possibility of selling the power direct to the grid.

## **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**

27 August 2021

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet