

Record of Decisions

Governance Oversight of Capital Spend

Decision Taker

Extra Cabinet meeting on 13 October 2022

Decision

1. That a Cabinet Working Party 'Capital Contingency Fund Working Party' be established in accordance with Political Balance comprising 7 councillors (2 Liberal Democrat Councillors, 3 Conservative Councillors, and 2 Independent Councillor, with membership to include the Leader of the Council and the Deputy Leader of the Council), with the following Terms of Reference:

To review the details and business cases of proposed allocations from the Capital Contingency Fund due to be allocated by the Chief Finance Officer.

2. That the Cabinet's recommendation made on 27 September 2022 to Council be rescinded and Cabinet recommends to Council:
 1. To defer consideration of the Officer revised recommendations 1, 2 and 3 (published on 11 October 2022) in light of the Overview and Scrutiny Board's recommendation for the Council to receive further information and the Directors of Place and Finance be requested to report the further information and recommendations to an additional Overview and Scrutiny Board and Extraordinary Council, both meetings to be held by the end of October 2022; and
 2. The TorVista Homes working capital facility be increased from £1.0m to £1.5m with the rate of interest on the loan to be determined by the Chief Finance Officer linked to prevailing council investment returns on the date of drawdown.

Reason for the Decision

To provide robust governance arrangements which allows transparency for Capital contingency spend whilst enabling the Capital Programme to be delivered expediently and to respond to the Overview and Scrutiny Board's recommendations (arising from its meeting on 12 October 2022).

Implementation

The decision in respect of 1. above 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 10 October 2022. The decisions in respect of 2.1 and 2.2. above will be considered by the Council on 13 October 2022.

Information

The Budget Monitoring Report 2022/23 for the Revenue and Capital Outturn (April to July 2022) highlighted that the Council is facing significant external pressure due to the wide-reaching

implications of the current economic situation. The Council has seen extreme cost inflation in respect of Capital Projects and several schemes in progress are facing rising costs. As such the Council (at its meeting on 13 October 2022) was being recommended to increase the Capital Contingency, by £8m, to a total value of £12m to support the delivery of a number of capital projects.

The 2022/2023 Budget Pressures Review Panel recommended to the Overview and Scrutiny Board the establishment of a Capital Contingency Review Panel to examine a wide breadth of matters, including all capital projects, investments and housing schemes. To assist with the Panel's recommendation, the Chief Executive set out her advice and proposals to provide greater governance oversight and transparency for members whilst managing efficiently the officer resources needed to deliver at pace.

The Cabinet held an extra meeting on 13 October 2022 to consider the Chief Executive's report and to review the Overview and Scrutiny Board's recommendations to Council.

The Cabinet received the Overview and Scrutiny Board's report (arising from the Board's meeting on 12 October 2022) to Council which recommended deferral in respect of Harbour View project for further information. In reviewing the Overview and Scrutiny Board's recommendations, the Cabinet made further recommendations to the Council to defer the Officer recommendations 1 to 3 to enable the wider elements of the Capital Contingency Fund to be considered.

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

The following alternative options were considered and discounted:

- to implement the recommendations of the 2022/23 Budget Pressures Review Panel but this was not expedient for the allocation of the Capital Contingency Fund;
- to recommend to Council at its meeting on 13 October 2022, the Officers Revised Recommendations 1 to 3 (published on 12 October 2022), but this would not allow members to receive further information as recommended by the Overview and Scrutiny Board; and
- take no action, but this would not provide members with the assurance and transparency in respect of capital contingency spend.

Is this a Key Decision?

No – Reference Number: I094329

Does the call-in procedure apply?

No

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

None.

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18 October 2022

Signed: _____ Date: 18 October 2022
Leader of Torbay Council on behalf of the Cabinet