

Minutes of the Cabinet

11 July 2023

-: Present :-

Councillor David Thomas (Chairman)

Councillors Bye, Chris Lewis, Tranter and Tyerman

(Also in attendance: Councillors Amil, Billings, Brook, Cowell, Steve Darling, Fox, Barbara Lewis (virtual), Maddison (virtual), Penny (virtual), Stevens (virtual) and Jacqueline Thomas)

6. Minutes

The Minutes of the meeting of the Cabinet held on 13 June 2023 were confirmed as a correct record and signed by the Chairman.

7. Urgent Items

The Cabinet considered the item in Minute 9, 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.

8. 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.

9. Appointment of Member Champions

10. Potential Disposal of Assets

11. Condom Distribution Service - Award of contract

12. LASER Energy Contract

13. Budget Monitoring - Outturn 2022/23

Chairman/woman

Record of Decisions

Appointment of Member Champions

Decision Taker

Cabinet on 11 July 2023.

Decision

- 1) That Councillor Tranter be appointed the Armed Forces Member Champion until May 2027; and
- 2) That Councillor Atiya-Alla be appointed as the Racial Equality and Inclusion Champion until May 2027.

Reason for the Decision

To enable Member Champions for Armed Forces and Racial Equality and Inclusion to be appointed for the current four year term of office.

Implementation

This decision will come into force and may be implemented on 24 July 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Member champions are elected members who act as an advocate or spokesperson for a specific area of the Council's business. The main responsibility of each member champion is to encourage communication and positive action over the issue they represent.

At the meeting, Councillor David Thomas proposed and Councillor Tyerman 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

14 July 2023

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

Record of Decisions

Disposal of Assets

Decision Taker

Cabinet on 11 July 2023.

Decision

- 1) That the Director of Pride in Place be requested to instruct preparation of an outline planning permission for the surplus toilet blocks at Preston North and Corbyn Head and disposal of these assets with outline planning consent via auction; and be given delegated authority, in consultation with the Director of Finance and the Cabinet Member for Place Services and Economic Growth, for ensuring that the assets are disposed of in line with the objectives set out in the submitted report.
- 2) That the Director of Pride in Place be requested to instruct the disposal of the Old Toll House in Torquay and be given delegated authority, in consultation with the Director of Finance and the Cabinet Member for Place Services and Economic Growth, for ensuring that the asset is disposed of in line with the objectives set out in the submitted report.
- 3) That the Director of Pride in Place be requested to instruct a strategic review of the Council's estate to identify other assets which could be disposed of to support the delivery of the Council's objectives.

Reason for the Decision

The Council owns assets including land and buildings, investment assets, operational properties, those held for sale or under construction, intangible assets, infrastructure, plant and machinery, heritage and community assets. Whilst the estate was well let and returned to the Council a substantial annual income, also achieving a high occupancy rate, the assets were subject to periodic review to ensure that the Council's assets supported the Council's objectives as best as they can.

Implementation

This decision will come into force and may be implemented on 24 July 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Council's capital programme was under acute pressure following the turbulent period experienced in the local, national and international economies. One consequence of this turbulence was increased costs being experienced across all sectors with the Capital Programme requiring additional funding to be able to deliver the projects and outcomes that the Council had committed to.

The Council's Asset Management Strategy also requires that its assets needed to support an identified end use and purpose, and where they were not or where the cost and performance of the asset suggests, that there may be opportunities for disposal. The principles of this process were set out in the Council's Asset Management Policy and include a commitment to rationalise the asset base reviewing non-operational and surplus assets to identify opportunities to create

revenue income or a capital receipt to stimulate development and growth.

As such, the disposal of sites at Preston North, Corbyn Head and the Old Toll House will assist the Council to achieve capital receipts and cost savings in line with the Council's Capital Programme and Asset Management Strategy.

At the meeting Councillor Chris Lewis proposed and Councillor Bye 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 discounted:

- Do nothing – the Council would continue to manage the assets being recommended for disposal. Costs would be incurred in the management of these assets including costs relating to staff, repair and maintenance. The potential for a capital receipt will be missed and this option would not support delivery of the Council's capital programme and wider objectives.
- Dispose of the toilet assets without an outline planning consent – it was expected that this would result in a lower receipt than was optimal as potential buyers would not have confidence that a development would be possible on the site. Whilst this would be a faster route to disposal, the expectation was that there would be a lower receipt and for that reason this option was not recommended.

Is this a Key Decision?

Yes

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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Leader of Torbay Council on behalf of the Cabinet

Date: _____

Record of Decisions

Condom Distribution Service - Award of Contract

Decision Taker

Cabinet on 11 July 2023.

Decision

That the contract for the provision of the condom distribution service be awarded to the preferred bidder as set out in Exempt Appendix 1 to the submitted report.

Reason for the Decision

To award the contract to the preferred provider following the submission and evaluation of the high quality of the bid, including the social value commitment to Torbay populations and organisations.

Implementation

This decision will come into force and may be implemented on 24 July 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

A condom distribution scheme has existed in Torbay for over 15 years. This has supported a reduction in the teenage conception rate and been delivered via local NHS Trusts. The current contract has reached a natural end, which presents an opportunity to redesign the service, in response to changing needs of the target population (13–25-year-olds).

The new service will take a digital first approach, refocussing on supporting sexually active 16–24-year-old young adults to manage their sexual and reproductive health by ordering condoms and safer sex supplies to be directly delivered to them. Young people aged 13-18 will still be able to receive one to one advice, information and a safeguarding and competency assessment.

Torbay Council has worked alongside Devon County Council and has jointly procured sexual health services for over 5 years. The benefit of jointly procuring is that services achieve a consistency of service delivery for residents who may work or study in Devon, but also a financial benefit in terms of economies of scale.

At the meeting, Councillor Tranter proposed and Councillor Chris Lewis seconded the motion that was agreed unanimously, as set out above.

Alternative Options considered and rejected at the time of the decision

The following alternative options were considered and discounted:

- Given the current delivery, availability of extensions and range of other contracts delivered by the incumbent provider to date, a direct award was considered, but this was not permissible to Devon County Council colleagues. In addition, due to the changing nature of 16- to 24-year-old needs and behaviours, it was concluded that a refreshed

specification and service model was desirable.

- Not awarding a contract was considered, but this course of action would result in a failure to meet the prevention needs of a significant group of residents who bear the burden of unintended conceptions and new Sexually Transmitted Infection (STI) diagnosis.
- A limited or reduced scope was considered but would not achieve the ambitions and scale of need for Torbay residents.

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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Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

LASER Energy Contract

Decision Taker

Cabinet on 11 July 2023.

Decision

- 1) To continue to contract with LASER Energy Group (Kent County Council) to procure, manage and supply Torbay Council's gas and electricity (metered & unmetered) needs from 1 October 2024 for four-years.
- 2) To give delegated authority to the Director of Finance in consultation with Cabinet Member for Finance and Corporate Services to ascertain which basket option, Purchase in Advance (PIA) or Purchase within Period (PWP) Torbay Council should adopt.
- 3) That Torbay Council remains part of the Devon Energy Group and sign up to Torbay Council's preferred solution.
- 4) To continue with the current Bureau Service at a cost of c£12k per annum, which includes monitoring, reviewing and reporting in respect of utilities consumption, which will provide a solution to data required to compile carbon footprint statistics and identify high usage area.

Reason for the Decision

The Devon Energy Group led by Devon County Council, who along with Torbay Council and several other Authorities, use the contract as a vehicle for their energy needs. Each of the participating authorities liaises and contracts directly with LASER. This was a good example of local public bodies collaborating for mutual gain. Further savings have been offered by LASER through the group committing to the contract.

Implementation

This decision will come into force and may be implemented on 24 July 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Since April 2016 Torbay Council had procured its energy through LASER Energy Group who were part of Kent County Council. LASER were a specialist trading arm within their Council, dedicated to delivering gas, electricity and other utility value added services for the public sector. They were an established Public Buying Organisation (PBO) set up for this very purpose and recognised nationally. The current contract was for the supply of gas and electricity supplies for 280, single or multiple meter points.

The current energy contract with LASER Energy Group ends on the 30 September 2024. However, to date LASER have purchased Torbay Council's energy requirements in advance of a year, 1 October to 30 September for the following energy supply year, known as PIA – purchase in advance model.

The Council needed to consider the procurement options and next steps. The options varied from undertaking a full OJEU procurement process to a direct award to one of the Public Buying Organisations. An early decision would allow the supplier around 16 months to procure energy in advance of the new energy supply period which might enable a better PIA price to be secured.

At the meeting, Councillor Tyerman proposed and Councillor David Thomas 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 options appraisal was 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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Record of Decisions

Budget Monitoring - Outturn 2022/23

Decision Taker

Cabinet on 11 July 2023.

Decision

That Cabinet notes the report and recommends to Council:

That the Council notes the revenue outturn position and approves:

- 1) the transfer of the £0.4m carry forward into earmarked capital reserves.
- 2) the addition of the Torre Valley North project to the current Capital Programme.

Reason for the Decision

To ensure the Council operates in a prudent manner and works to maintain a balanced budget.

Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 20 July 2023.

Information

The Budget Monitoring Outturn 2022/23 report set out a high-level budget summary of the Council's revenue and capital position for the financial year 2022/23 which commenced on 1 April 2022. The report was based on the budget and final outturn position for the year ended 31 March 2023.

At the meeting, Councillor Tyerman proposed and Councillor Chris Lewis 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?

No

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

None.

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