

Minutes of the Cabinet

25 April 2024

-: Present :-

Councillor David Thomas (Chairman)

Councillors Billings, Bye, Chris Lewis, Jacqueline Thomas, Tranter and Tyerman

(Also in attendance: Councillors Amil (virtual), Steve Darling, Johns (virtual), Barbara Lewis (virtual), Maddison, Spacagna, Tolchard (virtual) and Twelves (virtual))

102. Minutes

The Minutes of the meeting of the Cabinet held on 19 March 2024 were confirmed as a correct record and signed by the Chairman.

103. Matters for Consideration

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions) are set out in the Record of Decisions appended to these Minutes.

- 104. Report of the Children and Young People's Overview and Scrutiny Sub-Board - Schools Mental Health Programme**
- 105. Proposed Devon & Torbay Council Combined Authority and Devolution Deal**
- 106. Commissioning of Integrated Sexual and Reproductive Health Services**
- 107. Governance and Commissioning Review of Local Authority Company - SWISCo**
- 108. Contract Award for Civil Enforcement System**
- 109. The Provision of Independent Health Complaints Advocacy in Torbay**

Chairman/woman

Record of Decisions

Report of the Children and Young People's Overview and Scrutiny Sub-Board - Schools Mental Health Programme

Decision Taker

Cabinet on 25 April 2024.

Decision

That the Schools Mental Health Programme report and Cabinet's response to the Children and Young People's Overview and Scrutiny Sub Board recommendations in respect of the Schools Mental Health Programme be approved as published.

Reason for the Decision

The Cabinet was required to respond to the findings of the Overview and Scrutiny Board.

Implementation

This decision will come into force and may be implemented on 9 May 2024 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 Schools Mental Health Programme and a report of the Children and Young People's Overview and Scrutiny Sub-Board. In accordance with section D7 of Standing Orders in relation to 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 Children and Young People's Overview and Scrutiny Sub-Board which was proposed by Councillor Bye and seconded by Councillor Tranter and 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

29 April 2024

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

Record of Decisions

Devolution – Deal for Devon and Torbay

Decision Taker

Cabinet on 25 April 2024.

Decision

That Cabinet recommends that the Council:

- (a) Thanks all those who responded to the consultation, for the time they gave in considering the draft proposal and in preparing responses to it;
- (b) Considers the analysis of the responses (Appendix A) on the draft proposal for the Devon and Torbay Combined County Authority showing the variety, breadth and range of views expressed;
- (c) Approves the proposal (Appendix B) for the Devon and Torbay Combined County Authority (DT CCA) for submission to the Secretary of State for Levelling Up, Housing and Communities, taking into consideration and having due regard to the consultation responses and the Public Sector Equality Duty;
- (d) Delegates authority to the Chief Executive, in consultation with the Leader of the Council, to consent to the making of the necessary Regulations to create the Devon and Torbay Combined County Authority thereby implementing and giving effect to the proposal, subject to those Regulations reflecting the principles in the proposal document and this report;
- (e) Notes that, subject to the approval of the proposal and making of Regulations, the Council will give consideration to a draft constitution for the DT CCA in September 2024; and
- (f) Notes that Devon County Council will be asked to support the establishment of the Team Devon Joint Committee and with the proposed terms of reference being considered by Devon County Council in September 2024.

Reason for the Decision

To enable the next steps towards the establishment of the Devon and Torbay Combined County Authority to be undertaken.

Implementation

The recommendations of the Cabinet will be considered at the Extraordinary meeting of Council being held on 30 April 2024.

Information

The proposed devolution deal for Devon and Torbay was announced by the Secretary of State for Levelling Up, Homes and Communities and published by the Department for Levelling Up, Housing and Communities (DLUHC) on 25 January 2024.

At its meeting on 2 February 2024, the Cabinet agreed to support the proposed Devon and Torbay devolution deal and resolved to carry out a joint public consultation with Devon County Council (as the Constituent Councils) on the draft proposal to establish the Devon and Torbay Combined County Authority (DT CCA).

The Levelling-up and Regeneration Act requires that prior to submitting a proposal for a CCA to the Secretary of State, the Constituent Councils (i.e. Devon County Council and Torbay Council) must undertake a public consultation on the proposal in the proposed area. The Constituent Councils are obliged to carry out the consultation across the proposed area and consider the results. It was recommended that the proposal for the DT CCA be agreed by the Council for submission to the Secretary of State for Levelling Up, Housing and Communities.

At the meeting Councillor David Thomas 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

An alternative option would be not to submit the final proposal to the Secretary of State. If this option was to be adopted, then there would be no guarantee that a DT CCA and associated devolution deal with the potential associated powers and funding would be available to the area in the same way in the future.

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 April 2024

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

Record of Decisions

Commissioning of Integrated Sexual and Reproductive Health Services

Decision Taker

Cabinet on 25 April 2024.

Decision

That, subject to none of the specification, the budget nor the procurement processes proposed being materially different from what is outlined in the submitted report, the Director for Public Health be given delegated authority to award the contract for integrated sexual and reproductive health services to the successful provider, upon conclusion of the procurement process and in consultation with the Cabinet Member for Adult and Community Services, Public Health and Inequalities.

Reason for the Decision

Improving sexual and reproductive health, improves outcomes for communities and people and in turn ensures that planning for place (such as housing and population predictions) and economic growth and skills are also positively impacted.

Delegating authority to award the contract to the Director of Public Health, facilitates a timely and efficient joint procurement process.

Implementation

This decision will come into force and may be implemented on 8 May 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The current contract for Integrated Sexual and Reproductive Health Services in Torbay expires on 30 June 2025, and hence it is a requirement that a new contract commences from 1 July 2025 due to the following two conditions:

1. Open access sexual and reproductive health services are a mandated function of the public health ring-fenced grant.
2. Current procurement legislation requires that this contract be subject to a legally compliant procurement process.

Currently services are co-commissioned with Devon County Council, and the intention was to continue this approach.

At the meeting Councillor Tranter 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

Options considered are limited given the mandated nature of service provision and available budget. However, three models were considered and after consultation with the public,

including groups with poorer sexual health outcomes, other local authorities, the provider market, and national best practice. A subsequent model had been developed, presented and broadly accepted by the provider market.

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 April 2024

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

Record of Decisions

Governance and Commissioning Review of Local Authority Company - SWISCo

Decision Taker

Cabinet on 25 April 2024.

Decision

1. That the Cabinet approves the adoption and implementation with immediate effect of the recommendations as set out in Appendix 1 of the Governance and Commissioning Review of SWISCo (Section 7, 1-12.);
2. That the Cabinet approves the extension of the commissioning of SWISCo, as a wholly owned company of the Council to carry out the works specified in SWISCo Commissioning Agreements for a further 5 year period between 1st April 2025 and 31st March 2030; and
3. That the Director of Pride in Place in consultation with the Director of Finance and Cabinet Member for Pride in Place, Culture & Events and Parking be delegated authority to approve any revisions to the Councils commissioning agreement with SWISCo to the 31st March 2030.

Reason for the Decision

The commissioning agreement of SWISCo spanning the five-year period 2020 to 2025 sets out that both parties shall undertake a review at the end of years 2, 5 and 10 of this agreement to ensure that governance arrangements and commissioning processes were robust and effective and provide sufficient direction for the management of SWISCo.

The commissioning agreement also specifies that a review must be carried out on or before 31 March 2024 to inform any extension of the agreement for a further 5 years.

Implementation

This decision will come into force and may be implemented on 8 May 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Torbay Council established SWISCo in 2020 as a wholly owned company of Torbay Council. The commissioning agreement of SWISCo sets out that both parties shall undertake a review at the end of years 2, 5 and 10 to ensure that governance arrangements and commissioning processes were robust and effective and provide sufficient direction for the management of SWISCo.

The purpose of the review was to provide recommendations relating to the Governance and Commissioning of SWISCo as a wholly owned company of the Council and to make a recommendation on any extension to the commissioning agreement from 1st April 2025 for a further 5 years.

At the meeting Councillor Billings 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

Appendix 1 to the submitted report sets out a range of findings and recommendations in relation to how the council governs and commissions SWISCo. The recommendations were based on best practise guidance and take into account consequences of not adopting these recommendations.

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 April 2024

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

Record of Decisions

Award of Contract for Civil Enforcement System (Parking Notice and Permit Processing System)

Decision Taker

Cabinet on 25 April 2024.

Decision

That the Contract for Civil Enforcement System (Parking Notice and Permit Processing System) be awarded to the successful Applicant as set out in Exempt Appendix 1 to the submitted report.

Reason for the Decision

To ensure that the Council can continue to issue parking penalty charge notices and permits within Torbay.

Implementation

This decision will come into force and may be implemented on 7 May 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Council has a requirement under Section 8 of the Traffic Management Act 2004 to enforce parking restrictions across Torbay.

An IT system is required to be able to issue parking penalty charge notices, (PCNs) ensure the system follows the legal process to make representations and appeal the issuing of the penalty charge and ensure recovery of unpaid penalty charge notices. The IT system is also used to manage the different types of permits to be used in car parks and on street in controlled parking areas.

The current contract for this system is due to expire on 31 March 2025, due to the requirement of an implementation period in the event of a new supplier being awarded a new contract, a formal procurement process was commenced in January 2024 and completed in March 2024 with the identification of the Council's preferred supplier as the most economically advantageous tender.

At the meeting Councillor Billings proposed and Councillor Jackie 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

There were two options considered:

Option 1 - award the contract to the preferred supplier, identified following a compliant procurement exercise, as the applicant who submitted the most economically advantageous tender. The contract would be for an initial period of three years with three optional extensions of 12 months each.

Option 2 - not to award the contract, allow the current contract to expire leaving the Council with no method to enforce parking restrictions across Torbay or to issue permits.

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 April 2024

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

Record of Decisions

The Provision of Independent Health Complaints Advocacy in Torbay

Decision Taker

Cabinet on 25 April 2024.

Decision

That the contract for Independent Health NHS Complaints Advocacy be awarded to the preferred supplier named in Exempt Appendix 1 to the submitted report.

Reason for the Decision

Each local authority must commission local NHS complaints advocacy, as there are statutory functions that have to be delivered. This falls under the Health and Social Care Act 2012 and is funded out of the Local Reform and Community Voices Grant.

Implementation

This decision will come into force and may be implemented on 8 May 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Independent Health Complaints Advocacy is a free, independent, and impartial service funded by local authorities (see above). It can guide anyone who wishes to complain about their (or another person's) NHS care and treatment through the process of contacting the appropriate NHS organisation. The NHS complaints advocacy service can support anyone who needs to navigate the complaints process. There are no specific eligibility criteria. Wherever possible, they will facilitate self-advocacy in line with the empowering model of advocacy.

Following an open procurement process led by Devon County Council (DCC), for the provision of this service in both Devon and Torbay the new contract for Independent Health Complaints Advocacy needs to be awarded in order to start on the 1 July 2024.

At the meeting Councillor Tranter 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

Historically the Council has commissioned and contracted the service as a single Council. However, given the relatively small size of the current contract and that Torbay and South Devon Foundation Trust already have an arrangement with Devon County Council for the commissioning and contract management of other statutory advocacy services, it was proposed to include the Independent Health Complaints Advocacy within this wider service. This was in line with some other contracts within health and care, such as the Local Healthwatch service, where the Council jointly commission this with other partners within the Integrated Care System for Devon.

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 April 2024

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