

Minutes of the Cabinet

21 March 2023

-: Present :-

Councillor Steve Darling (Chairman)

Councillors Carter, Cowell, Law, Long and Stockman

(Also in attendance: Councillors Barrand, Brooks (virtual), Bye, Mandy Darling (virtual), Foster (virtual), Johns, Barbara Lewis, Chris Lewis, David Thomas and Jacqueline Thomas)

454. Apologies

An apology for absence was received from Councillor Morey.

455. Minutes

The Minutes of the meeting of the Cabinet held on 23 February 2023 were confirmed as a correct record and signed by the Chairman.

456. Communications

The Leader of the Council, Councillor Steve Darling welcomed Jane Inett, Head of the Virtual School. Ms Inett presented the Annual Report (2021-22) of the Virtual School Governing Body drawing particular attention to attainment, attendance, exclusions and celebrated the success of our Cared for Children. The Leader of the Council proposed and Councillor Cowell seconded a formal vote of thanks to Ms Inett for the dedication and effort she had demonstrated in ensuring our Cared for Children and Young People were supported to reach their full potential.

The Leader of the Council also advised that following the Spring Budget, Torbay had been identified to form part of a Levelling Up Partnership which would draw extra capacity into Torbay from civil servants and Government Departments.

The Cabinet Member for Children's Services, Councillor Law informed Members that the statutory override of the deficit within the Dedicated Schools Grant will be coming to an end and Local Authorities have had to put forward plans that will address the repayment of the deficit. Last year the Council was invited to take part in the 'Safety Valve Intervention Programme', subsequently the Council has been advised that the management programme that was submitted, has been agreed by the Secretary of State for Education without amendment. A testament to the preparation and work of officers within Children's Services, Councillor Law thanked all the staff involved.

457. 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.

457.1 Notice of Motion - Debate Not Hate Campaign

457.2 Notice of Motion - Show Us You Care

458. Appointment of a preferred bidder for the future development of homes at land located at Preston Down Road, Paignton

459. Staff Travel Contract Award Approval

460. Torbay Council's Risk Management Policy

461. Budget Monitoring 2022/23 - April to December 2022, Outturn Forecast

Members noted the submitted report.

462. Capital Projects - Report of the Overview and Scrutiny Board

Chairman/woman

Record of Decisions

Notice of Motion - Debate not Hate Campaign

Decision Taker

Cabinet on 21 March 2023.

Decision

1. That the Council signs up to the Local Government Association's Debate Not Hate campaign;
2. that the Leader of the Council writes to the local Members of Parliament to ask them to support the Debate Not Hate campaign;
3. that the Leader of the Council writes to the Government to ask them to work with the Local Government Association to develop and implement a plan to address abuse and intimidation of politicians;
4. that the Head of Governance Support reminds all Councillors of the process to report incidents of harassment and abuse of Councillors via the Governance Support Team; and
5. that support available and relevant training to Councillors in relation to abuse and intimidation and Councillor safety is included as part of the 2023 Member Induction Programme.

Reason for the Decision

To respond to the motion and challenge the normalisation of abuse against Councillors and officers.

Implementation

This decision will come into force and may be implemented on Monday, 3 April 2023 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

Members considered a motion in relation to a campaign against the intimidation and abuse of Councillors, notice of which was given in accordance with Standing Order A14.

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

The intimidation and abuse of Councillors, in person or otherwise, undermines democracy, preventing elected members from representing the communities they serve, deterring individuals from standing for elections, and undermining public life in democratic processes.

This Council notes that increasing levels of toxicity in public and political discourse is having a detrimental impact on local democracy and that prevention, support and responses to abuse

and intimidation of local politicians must improve to ensure Councillors feel safe and able to continue representing their residents.

Torbay Council therefore commits to challenge the normalisation of abuse against Councillors and officers and uphold exemplary standards of public life and political debate in all it does. To support this the Local Government Association's has launched its Debate Not Hate campaign with the aim to raise public awareness of the role of Councillors in local communities, encourage healthy debate and improve the response to and support those in public life facing abuse and intimidation.

Therefore, the Cabinet resolves:

1. That the Council signs up to the Local Government Association's Debate Not Hate campaign.
2. that the Leader of the Council writes to the local Members of Parliament to ask them to support the Debate Not Hate campaign;
3. that the Leader of the Council writes to the Government to ask them to work with the Local Government Association to develop and implement a plan to address abuse and intimidation of politicians;
4. that the Head of Governance Support reminds all Councillors of the process to report incidents of harassment and abuse of Councillors via the Governance Support Team; and
5. that support available and relevant training to Councillors in relation to abuse and intimidation and Councillor safety is included as part of the 2023 Member Induction Programme.

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

24 March 2023

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

Record of Decisions

Notice of Motion - Show Us You Care

Decision Taker

Cabinet on 21 March 2023.

Decision

That the Cabinet resolves:

- To formally support the Show Us You Care Too campaign which calls for care experience to be made a protected characteristic as part of the Independent Review into Children's Social Care;
- For the council to proactively seek out and listen to the voices of care experienced people when developing new policies based on their views; and
- To continue to build apprenticeship opportunities for care experienced young people.

Reason for the Decision

To respond to the motion and support the Show Us You Care Too Campaign.

Implementation

This decision will come into force and may be implemented on Monday, 3 April 2023 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

Members considered a motion in relation to the Show Us You Care Too campaign, notice of which was given in accordance with Standing Order A14.

Councillor Law proposed and Councillor Stockman seconded a motion, as set out below which was agreed unanimously by the Cabinet:

Cabinet notes that:

- Care experienced people face significant barriers that impact them throughout their lives;
- Despite the resilience of many care experienced people, society too often does not take their needs into account;
- Care experienced people often face discrimination and stigma across housing, health, education, relationships employment and in the criminal justice system; and
- As corporate parents, councillors have a collective responsibility for providing the best possible care and safeguarding for the children who are looked after by us as an authority.

Cabinet believes that:

- Care experienced people are an oppressed group who face discrimination;
- Councils have a duty to put the needs of oppressed people at the heart of decision-making through co-production and collaboration;
- All corporate parents should commit to acting as mentors, hearing the voices of looked after children and young people and to consider their needs in any aspect of council work;
- Councillors should be champions of our looked after children and challenge the negative attitudes and prejudice that exists in all aspects of society; and
- Services and policies should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience.

Cabinet resolves:

- To formally support the Show Us You Care Too campaign which calls for care experience to be made a protected characteristic as part of the Independent Review into Children's Social Care;
- For the council to proactively seek out and listen to the voices of care experienced people when developing new policies based on their views; and
- To continue to build apprenticeship opportunities for care experienced young people.

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

24 March 2023

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

Date: _____

Record of Decisions

Appointment of a preferred bidder for the future development of homes at land located at Preston Down Road, Paignton

Decision Taker

Cabinet on 21 March 2023.

Decision

1. That the successful Registered Provider delivery partner, identified in Exempt Appendix 3 and 4, be approved as the 'preferred bidder' for the future development of homes at Preston Down Road, Paignton (PDR) and that in principle approval is given to enter into a Development and Sale Agreement with this Registered Provider delivery partner.
2. That, on the basis that a minimum of 50% affordable housing is delivered on the site, the Chief Executive be given delegated authority to agree and finalise any Heads of Terms and the details of the Housing Delivery Partner Development and Sale Agreement in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing and the Section 151 Officer.

Reason for the Decision

The Preston Down Road site should deliver 100 plus new homes, a proportion of which will be affordable housing for local people with a proportion of the affordable provision being adapted accommodation for households with mobility difficulties. The Preston Down Road site will help ensure a mixed and balanced community, supplying housing of the right type, size and design in the right locations.

Implementation

This decision will come into force and may be implemented on 3 April 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Approval was sought to appoint a Registered Provider delivery partner, as the successful 'preferred bidder', following a tender exercise and to enter into a Development and Sale Agreement with that partner.

At the meeting, the Leader of the Council permitted four members of the public, Mr Chilcott, Mr Sydney, Mr Facey and Ms Reed to address the Cabinet.

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

An alternative option would have been to decline to appoint, this option was discounted due to the tender submission from the 'preferred bidder' meeting the Council's Corporate objectives, including the specific expectations set out in the tender documentation (Appendix 2) and had

passed the evaluation exercise criteria as evidenced in Exempt Appendix 3.

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

24 March 2023

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

Record of Decisions

Staff Travel Contract Award Approval

Decision Taker

Cabinet on 21 March 2023.

Decision

That the preferred supplier, as set out in Exempt Appendix 2 be awarded a contract for the provision of staff travel solution for a fixed term of three years from no later than 28 June 2023 and may be extended for a period of up to two further years in increments of up to 12-month periods.

Reason for the Decision

Although the new contract is not due to start until 28 June 2023, it is essential to commence the implementation work immediately to allow the supplier to order and mobilise the required electric cars for dedicated Council use.

Implementation

This decision will come into force and may be implemented on 3 April 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The current contract of hire cars for staff travel use was due to expire on 28 June 2023. Hire cars were used by staff across various Council departments for long-distance travel for work purposes. The current expenses policy explains that employees can elect to use a hire car for any single or return journey of 75 miles or more, but use of hire cars was compulsory for any one-off return business trips of 120 miles or more.

A competition procurement exercise using the Crown Commercial Services (CCS) framework was carried out to identify a supplier to provide a new and sustainable staff travel solution from 28 June 2023.

At the meeting Councillor Carter 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, as the proposal was an outcome of a further competition call-off exercise using the CCS framework to procure a new staff travel solution provider who would meet the Council's requirements.

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

24 March 2023

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

Record of Decisions

Torbay Council's Risk Management Policy

Decision Taker

Cabinet on 21 March 2023.

Decision

That Torbay Council's Risk Management Policy be approved and implemented as set out in Appendix 1 to the submitted report.

Reason for the Decision

Torbay Council needs to have an up to date, adopted risk policy in place which supports the Council's risk management processes.

Implementation

This decision will come into force and may be implemented on 3 April 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 risk management framework was out of date and no longer in keeping with the Council's current processes. The new risk policy reflects the Council's risk management practices and processes.

The Audit Committee on 6 February 2023 reviewed the updated Risk Management Policy and were content to recommend that the Cabinet approve the policy accordingly.

At the meeting, Councillor Carter 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

An alternative option would have been to do nothing. However, this option was discounted due to improvements to the Council's performance and risk management processes being identified as a project within the existing Community and Corporate Plan. A revised Risk Policy was one of the actions required as detailed in the risk improvement plan.

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

24 March 2023

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

Record of Decisions

Capital Projects - Report of the Overview and Scrutiny Board

Decision Taker

Cabinet on 21 March 2023.

Decision

That the Cabinet's response to the Capital Project's – Report of the Overview and Scrutiny Board 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 3 April 2023 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 Capital Project's – Report of the Overview and Scrutiny 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 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

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

24 March 2023

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

Date: _____