

Minutes of the Cabinet

13 June 2023

-: Present :-

Councillor David Thomas (Chairman)

Councillors Bye, Chris Lewis, Tranter and Tyerman

(Also in attendance: Councillors Amil, Billings, Brook, Bryant (virtual), Steve Darling, Law, Barbara Lewis (virtual), Long, Maddison (virtual), Penny (virtual), Spacagna (virtual), Stevens (virtual) and Jacqueline Thomas)

463. 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.

464. Special Educational Needs and Disabilities (SEND) Local Area Strategy

465. Torbay Youth Justice Plan 2023-24

466. Needle and Syringe Provision - Award of Contract

467. Corporate Cleaning Contract

Chairman/woman

Record of Decisions

Special Educational Needs and Disabilities (SEND) Local Area Strategy

Decision Taker

Cabinet on 13 June 2023.

Decision

That the Torbay Special Educational Needs and Disabilities (SEND) Local Area Strategy be approved.

Reason for the Decision

The provision of services to support children and young people with SEND was a statutory duty for the local area (local authorities and ICB). Provision of such services is a cornerstone of enabling the local community to thrive, and to supporting children and young people in having high aspirations. For children looked after with SEND, such services play an integral role in the Council delivering its duties as corporate parent.

As a Local Area we needed to ensure that our SEND Strategy was fit for purpose and would enable us to work together as a whole Local Area to ensure Children and Young People with Special Educational Needs could thrive.

Implementation

This decision will come into force and may be implemented on 26 June 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Following the SEND inspection of the Local Area in November 2021, the inspection report issued in January 2022, requested that the Local Area develop a written statement of action showing how they intended to address the significant weaknesses outlined in the report. The Written Statement of Action, approved in May 2022, defined eight areas of improvement. A SEND Strategy for the whole Local Area was one of these eight areas.

The Local Area SEND Strategy was a collaborative piece of work which provided a direction of travel for SEND across the Local Area. It was a departure from the usual creation of strategies, having been completely coproduced with our children, young people and families.

At the meeting Councillor Bye 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

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)

Councillor Tyerman declared a non-pecuniary interest as he is a Governor at Spires College.

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16 June 2023

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

Record of Decisions

Torbay Youth Justice Plan 2023-24

Decision Taker

Cabinet on 13 June 2023.

Decision

That the Torbay Youth Justice Plan 2023-24 as set out at appendix 1 to the submitted report be approved and submitted to the Youth Justice Board.

Reason for the Decision

The local authority has a statutory duty to submit its Youth Justice Plan by 30 June 2023. Failure to do so may result in Youth Justice Board funding being withheld or delayed resulting in a reduced or delayed service as specified within the plan.

Implementation

The decision in respect of the Torbay Youth Justice Plan 2023-23 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 6 June 2023.

Information

Torbay Council was required by the Crime and Disorder Act 1998 to approve an annual Youth Justice Plan that had been prepared in consultation with its partner agencies, staff, and service users. The key outcomes for the Youth Justice Plan were to prevent children from offending, reduce re offending and prevent children entering custody.

The national Youth Justice Board (YJB) released new guidance on the production and contents of the [Youth Justice Plans for 2023-24](#), Torbay's plan has been updated in accordance with this guidance.

At the meeting Councillor Bye 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 was no other option considered as it was a legal requirement to deliver this service and produce this plan.

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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Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Needle and Syringe Provision - Award of Contract

Decision Taker

Cabinet on 13 June 2023.

Decision

That a three-year contract (plus a further three years) commencing in October 2023, to deliver Needle Exchange equipment and remove any used needles that have been returned to pharmacies be awarded to the preferred supplier for the contract value as set out in Exempt Appendix 1 to the submitted report.

Reason for the Decision

Following an open market procurement exercise the preferred supplier for both Devon and Torbay was awarded to the most economically advantageous tender.

Implementation

This decision will come into force and may be implemented on 26 June 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

As part of an effective drug and alcohol treatment system, public health teams across the country commission organisations to deliver a range of clean injecting equipment and paraphernalia and to effectively dispose of this clinical waste when returned.

In Torbay, we have procured this service on the open market on two previous occasions jointly with colleagues in Devon County Council, successfully securing a national provider of these services, the most recent occasion was in 2018 where the contract was awarded to Orion Medical Supplies. This Provider has effectively delivered these services in the previous four years, but the natural end of their contract and all permissible extensions have been reached, therefore a procurement exercise and a decision to award the contract was required to continue this provision from October 2023.

At the meeting Councillor Tranter 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

The following alternative options were considered and discounted:

- a direct award to the incumbent provider, this option was discounted as it was not permissible due to procurement regulations;
- Not awarding any contract was also discounted, as this would be failing to meet our duty to protect the public's health as a mandated requirement of the public health ring-fenced grant and would fail to deliver a comprehensive and effective drug treatment system as set out in the expectations of the Governments 10-year drugs plan 'From Harm to Hope';

and

- A limited or reduced scope service was considered and discounted because it would fail to meet the requirements of national standards (NICE guidance PH52 'Needle and syringe programmes').

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

Corporate Cleaning Contract

Decision Taker

Cabinet on 13 June 2023.

Decision

That tenders be sought for the corporate cleaning contract and that the final award of the contract to the successful bidder be delegated to the Director of Corporate Services.

Reason for the Decision

To ensure the Council's corporate buildings remain suitably hygienic for Torbay Council's staff and residents.

Implementation

This decision will come into force and may be implemented on 26 June 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Council has had a corporate cleaning contract in place since 2020 with the initial term ending on 31 March 2023; the decision was made to extend this contract for up to 12 months, with a proposal to retender the service within this extension time.

At the meeting Councillor Tyerman proposed and Councillor Tranter 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

In order for the Council to ensure that its corporate buildings remain suitably hygienic for Torbay Council's staff and residents the only option was to go out to the market to secure a new cleaning supplier from March 2024.

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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