

Minutes of the Cabinet

19 March 2024

-: Present :-

Councillor David Thomas (Chairman)

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

(Also in attendance: Councillors Douglas-Dunbar (virtual), Johns (virtual), Barbara Lewis (virtual), Long, Maddison (virtual) and Spacagna (virtual))

89. Minutes

The Minutes of the meeting of the Cabinet held on 2 and 13 February 2024 were confirmed as a correct record and signed by the Chairman.

90. Disclosure of Interests

Councillor Jackie Thomas, declared a non-pecuniary interest in Minute 100 as she had presided at two review panels prior to her appointment as the Cabinet Member for Tourism, Culture & Events and Corporate Services.

91. 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.

92. Torbay Integrated Care Organisation S75 Agreement

93. Torbay Interagency Carers' Strategy 2024-27

94. Serious Violence Strategy

95. Human Resources Information System Procurement

96. Learning Management System - contract renewal

97. Highways Surveying and Associated Services Contract Approval

98. SWISCo Annual Report 2022/23 - Report of the Overview and Scrutiny Board

99. Review of Events, Culture and Tourism - Report of the Overview and Scrutiny Board

100. **Performance Monitoring 2023/2024 Quarter 3 - Report of the Overview and Scrutiny Board**
101. **Budget Monitoring 2023/24 - Quarter 3 Revenue and Capital Outturn Forecast - Report of the Overview and Scrutiny Board**

Chairman/woman

Record of Decisions

Torbay Integrated Care Organisation S75 Agreement

Decision Taker

Cabinet on 19 March 2024.

Decision

That Cabinet recommends to Council:

- 1) That Torbay Council and Torbay and South Devon Foundation NHS Trust, and NHS Devon ICB enter into a Section 75 for a new 5-year agreement for the integration of Health and Social Care on the basis of a year-on-year increased cost to the Council of;
 - a. £2.55m additional base budget in 2025/26
 - b. £2.55m additional base budget in 2026/27
 - c. £1.7m additional base budget in 2027/28
 - d. £1.7m additional base budget in 2028/29
 - e. £1.7m additional base budget in 2029/30
- 2) The Chief Executive be given delegated authority to sign the Section 75 agreement that will be supported by an updated Memorandum of Understanding (MoU), which includes the key principles and ways of working for all organisations that are part of this tripartite agreement. The development of this MoU will be during April 2024.

Reason for the Decision

The Integrated Care Organisation is governed by a Section 75 agreement, which expires in March 2025. A notice period of 12 months is a standard term within the contract and as such a new agreement needs to be in place 12 months in advance to provide the necessary legal protection to all parties. This requires a new agreement to be signed by the end of March 2024.

Implementation

The recommendations of the Cabinet will be considered at the Extraordinary meeting of Council being held on 20 March 2024.

Information

The Integrated Care Organisation was formed in October 2015, between Torbay and South Devon Health and Care Trust and Torbay Council to ensure adult residents receive seamless health and social care.

This innovative relationship was driven by a shared vision, values, and long-term commitment to improving the delivery of health and social care in Torbay. The integration encompasses preventative care, reducing hospital admissions, managing acute care, and facilitating independent living.

Looking ahead, the Council was seeking to make a new five-year commitment to the joint working arrangements through a new Section 75 agreement. Demonstrating the Council's ongoing dedication to the joint endeavour and the integrated delivery of adult social care and

the benefits it brings.

Whilst the wide-ranging benefits of integration were accepted, the health and care system in Torbay and nationally finds itself operating in challenging financial circumstances. The Integrated Care Organisation are forecasting a £12m deficit attributed to adult social care spend for this financial year, which could rise to as much as to £36m in five years.

In addressing these challenges and as part of the new agreement an extensive transformation programme that aims to improve financial sustainability whilst maintaining, and improving, the quality of care delivered in Torbay will be implemented.

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

None.

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.

Published

20 March 2024

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

Record of Decisions

Torbay Interagency Carers' Strategy 2024-27

Decision Taker

Cabinet on 19 March 2024.

Decision

That the Torbay's Interagency Carers' Strategy 2023-27, as set out at Appendix 3 to the submitted report and the Cabinets response to the recommendations of the Overview and Scrutiny Board be approved.

Reason for the Decision

This Carers' Strategy promotes the importance of early identification and support of Carers in order to mitigate the negative impacts of caring and help Carers to thrive. It is essential that support for Carers is easy to access, and preventative in nature. Supporting Carers not only benefits the Carer, but also the person / people for whom they care, thus improving both parties' health and wellbeing whilst reducing inequalities.

Implementation

This decision will come into force and may be implemented on 1 April 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Torbay Interagency Carers Strategy brings together the work that Health and Care organisations in Torbay plan to undertake with Carers during 2024-2027. This ensures that organisations meet their legal obligations to Carers, work towards best practice / quality standards and that their work is joined up. It ensures that Carers are at the heart of their work, that Carers are aware of services and that these services meet Carers' needs.

The Strategy articulates how Torbay Council will deliver the Devon Wide Commitment to Carers, which is:

- embedding the principles set out here in all our ways of working and inviting all our partners to join us in doing so;
- adopting good employment principles and practices for those Carers who work or want to work for us, as promoted by Employers for Carers and invite all employers to do the same;
- using all the ways we have available to us to encourage awareness and support for Carers in communities and businesses.
- developing detailed action plans for our Devon Sustainability and Transformation Partnership and for our member organisations to ensure these commitments become a reality.

At the meeting Councillor Tranter 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

There were no other options under consideration. The Strategy is a means of coordinating and prioritising partnership working to the benefit of Carers.

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

22 March 2024

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

Record of Decisions

Serious Violence Strategy

Decision Taker

Cabinet on 19 March 2024.

Decision

That the Serious Violence Strategy, as set out at appendix 1 to the submitted report, be approved.

Reason for the Decision

The Serious Violence Duty placed on specified authorities, including Councils to understand the profile and causes of serious violence locally and to implement a strategy and plan to tackle and reduce violence. By providing an agreed framework including principles and priorities to understand and reduce violence across Torbay will improve outcomes for individuals, families and communities as well as supporting Torbay to be and feel safer.

Implementation

This decision will come into force and may be implemented on 1 April 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Serious Violence Duty is a new Duty placed on specified authorities, including Councils to understand the profile and causes of serious violence locally and to implement a strategy and plan to tackle and reduce violence.

The Serious Violence Strategy is the overarching framework under which specified authorities will come together with other key stakeholders including businesses and communities to develop clear delivery plans aimed at developing and delivering an evidence-based response to reducing serious violence in Torbay.

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

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

22 March 2024

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

Record of Decisions

Human Resources Information System Procurement

Decision Taker

Cabinet on 19 March 2024.

Decision

That the Director of Corporate Services be given delegated authority to approve the contract for the Human Resources Information System identified through the procurement process to ensure a seamless transition for the payroll service.

Reason for the Decision

If the Council does not have a payroll supplier in place, the Council would not be able to pay Torbay Council employees, partners (arm length companies) and external customers which would impact on service delivery and discharging some of the Council's statutory functions.

Implementation

This decision will come into force and may be implemented on 1 April 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 the Payroll and HR System comes to an end on 26 December 2026. It is critical for service delivery that the Council has an appropriate supplier in place to deliver the payroll requirements. Therefore, subject to the outcome of a procurement exercise, delegated approval was sought to award the contract to the preferred supplier.

At the meeting Councillor Jackie 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

No other 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)

None.

Published

22 March 2024

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

Record of Decisions

Learning Management System - contract renewal

Decision Taker

Cabinet on 19 March 2024.

Decision

To approve the cost of £80,190 for the renewal of the Learning Pool contract from 1 April 2024 to 31 March 2026.

Reason for the Decision

The Learning Management System ensures that the Council has a skilled workforce that can adequately deliver services.

Implementation

This decision will come into force and may be implemented on 1 April 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Learning Management System is used by Torbay Council staff and external users, such as Schools, Early Years providers, Health and other partners to provide statutory Childrens Services training and other mandatory training for all staff, ensuring that they receive the necessary training in regard to their health and safety, equality and diversity, safeguarding and information governance and security.

The Learning Management System also provides the platform for appraisals and staff development and is key in supporting staff learning and development activities and ensuring that the Council's workforce has access to the training that they need to support them in their job roles.

At the meeting Councillor Jackie Thomas proposed and Councillor Billings 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 alternative option of extending the current contract by 1 year only with no option to extend has been considered however it is unlikely that the procurement process could be completed in this time. Therefore, a new contract for one year including the option to extend by a further year will allow adequate time for the procurement process to be completed.

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

22 March 2024

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

Record of Decisions

Highways Surveying and Associated Services Contract Approval

Decision Taker

Cabinet on 19 March 2024.

Decision

That the Director of Pride in Place be authorised to run a procurement process and subsequently award the contract, to the successful supplier, for the new Highways Condition Surveying and Associated services within the procurement timetable.

Reason for the Decision

The results of the survey would allow the Council to focus on areas of highest risk of failure, seek to remediate these sites using cost effective methods of repair or rejuvenation and also make the Council aware of sites which were in most need of work and seek to reduce the risk on these sites by bidding for funding opportunities.

Implementation

This decision will come into force and may be implemented on 1 April 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Highway Condition Survey requires a contractor that meets all the required United Kingdom Pavement Management System certification required for feeding information back to the Department for Transport which allows the Council to be allocated extra funding as part of its status as a Level 3 Highway Authority and use an accredited and informed data standard to assess the condition of the highway.

The resulting award of this contract will allow the Council to remain compliant with current Department for Transport standards for reporting and to keep the Council's status as a Level 3 Highway Authority.

At the meeting Councillor Billings 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

No alternative option was considered as the Council was required to report survey information via a dataset that meets United Kingdom Pavement Management System standard.

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

22 March 2024

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

Record of Decisions

SWISCo Annual Report - Report of the Overview and Scrutiny Board

Decision Taker

Cabinet on 19 March 2024.

Decision

That the SWISCo Annual Report and Cabinet's response to the Overview and Scrutiny Boards recommendations in respect of the SWISCo Annual Report 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 1 April 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 SWISCo Annual Report and a 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 Billings and seconded by Councillor Chris Lewis 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

22 March 2024

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

Date: _____

Record of Decisions

Performance Monitoring 2023/2024 Quarter 3 - Report of the Overview and Scrutiny Board

Decision Taker

Cabinet on 19 March 2024.

Decision

That the Cabinet's response to the Performance Monitoring 2023/2024 Quarter 3 - Report of Overview and Scrutiny Board 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 1 April 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 Performance Monitoring 2023/2024 Quarter 3 – 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 Jackie Thomas and seconded by Councillor Tyerman 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

22 March 2024

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

Record of Decisions

Budget Monitoring 2023/24 - Quarter 3 Revenue and Capital Outturn Forecast - Report of the Overview and Scrutiny Board

Decision Taker

Cabinet on 19 March 2024.

Decision

That the Cabinet's response to the Budget Monitoring 2023/24 – Quarter 3 Revenue and Capital Outturn Forecast - Report of Overview and Scrutiny Board 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 1 April 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 Budget Monitoring 2023/24 – Quarter 3 Revenue and Capital Outturn Forecast – 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 Tyerman and seconded by Councillor Billings 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

22 March 2024

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