

## **Minutes of the Cabinet**

**18 March 2025**

**-: Present :-**

Councillor David Thomas (Chairman)

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

(Also in attendance: Councillors Bryant (virtual), Carter (virtual), Cowell, Mandy Darling (virtual), Douglas-Dunbar (virtual), Fellows (virtual), Foster, Fox (virtual), Johns (virtual), Law (virtual), Barbara Lewis (virtual), Long, Maddison, Penny (virtual), Spacagna (virtual), Tolchard (virtual) and Twelves (virtual))

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### **102. Minutes**

The Minutes of the meeting of the Cabinet held on 18 February 2025 were confirmed as a correct record and signed by the Chairman.

### **103. Disclosure of Interests**

There were no interests declared.

### **104. 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.

### **105. Local Government Reorganisation - Submission of Interim Plan Proposals**

### **106. Local Transport Plan Four - Endorsement**

### **107. Local Electric Vehicle Infrastructure (LEVI)**

### **108. Local Government Association Adult Social Care Preparation for Assurance Peer Challenge**

### **109. Public Awareness of Recycling in Public Bins - Report of the Overview and Scrutiny Board**

### **110. Member Champion for Culture**

**111. Thanks to the Director of Adult and Community Services**

The Cabinet gave thanks to the Director of Adult and Community Services, Jo Williams, who was retiring at the end of March.

Chairman/woman

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## Record of Decisions

### Local Government Reorganisation - Interim Plan

#### Decision Taker

Cabinet on 18 March 2025.

#### Decision

1. in accordance with Standing Order D11, that in light of the Government's deadline for submission of the Interim Proposals the Cabinet's decision (set out in 2. below) is determined to be urgent. Therefore, Cabinet determines that Call-in shall be waived as any delay likely to be caused by the call-in process would prejudice the public's and the Council's interests. The Overview and Scrutiny Co-ordinator was consulted on 7 March 2025; and
2. that the Chief Executive, in consultation with Leader of the Council, be authorised to submit an interim plan for local government reorganisation impacting on Torbay to the Ministry for Housing, Communities and Local Government (MHCLG) on or before 21 March 2025.

#### Reason for the Decision

To enable Torbay's initial views on future potential local government reorganisation in Devon to be shared with Government and, therefore, for Torbay Council to receive feedback from the Government on the same.

#### Implementation

The decision in respect of the Local Government Reorganisation – Interim Plan 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 public's and the Council's interest. The Overview and Scrutiny Co-ordinator was consulted on 7 March 2025.

#### Information

On 5 February 2025, the Government issued a Statutory Invitation to the Leaders of all of the two-tier councils and unitary councils in Devon to submit a proposal for a single tier of local government in Devon.

As part of the Invitation, the Government asked that an interim plan should be submitted on or before 21 March 2025 which sets out the progress that had been made in developing proposals in line with the criteria and guidance provided.

Since the invitation from Government was received, the Leader of the Council had been working with the Leaders of all the other authorities in Devon to understand their positions. Discussions had been held internally between the Cabinet and Shadow Cabinet of Torbay Council, as well as with all other members of the Council, our strategic partners within our Place Leadership Board, our Members of Parliament, and with interested members of our community who attended a public engagement event.

The draft interim plan sets out four potential options for local government reorganisation and provided the details that the Government had asked to be included in a non-binding interim plan.

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**

The interim plan was an opportunity for the Council to provide MHCLG with an update on the progress being made on the options that were being explored. The options which it was proposed to be considered further in developing final proposals that were to be submitted in November 2025 are:

1. Torbay Council remains as it is;
2. a new unitary council is created covering Torbay, approximately half of South Hams and most of Teignbridge (i.e. covering the South Local Care Partnership of the NHS); and
3. a new unitary council is created covering the areas of Torbay, South Hams, West Devon and Teignbridge, plus a new unitary council in the east and north of Devon, and Plymouth remaining as is (or with a slightly enlarged border).

A fourth option had been discounted, namely a single Devon unitary authority (with or without Plymouth). It was felt that a unitary authority of that size would be too large for it to be efficient and effective whilst retaining a sense of place and community. There was also a significant risk that those most vulnerable in the Torbay community who rely on crucial services such as adult social care, children's services, SEND and homelessness would be negatively and disproportionately impacted if Torbay became part of a single Devon unitary council.

### **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**

21 March 2025

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Leader of Torbay Council on behalf of the Cabinet

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## Record of Decisions

### Devon and Torbay Local Transport Plan Four 2025 - 2040

#### Decision Taker

Cabinet on 18 March 2025.

#### Decision

1. endorse the Devon and Torbay Local Transport Plan 2025-2040 for later adoption by the Devon and Torbay Combined County Authority;
2. delegate authority to the Director of Pride in Place in consultation with the Cabinet Member for Pride in Place and Parking to make minor amendments to the Local Transport Plan 4 ahead of submission to the Combined County Authority; and
3. that schemes shall be subject to appropriate and proportionate approvals processes including consultation.

#### Reason for the Decision

Local Transport Plans are statutory documents, required under the Local Transport Act 2008, for the Local Transport Authorities to produce.

#### Implementation

This decision will come into force and may be implemented on 31 March 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

Local Transport Plans set out the overarching ambitions for the local transport network with policies for the promotion of safe, integrated, efficient and economic transport, alongside proposals for the implementation of these policies.

Following the formation of the Devon and Torbay Combined County Authority with responsibility for strategic transport, the requirement to have a Local Transport Plan in place would be a duty for the Devon and Torbay Combined County Authority and no longer sit with Torbay Council. There was a commitment within the draft devolution agreement for an updated Local Transport Plan to have been progressed by March 2025 (not adopted) and given the timescales involved it was necessary for the authorities working together (rather than as one in a Combined County Authority) to begin that process with the initial evidence base, drafting and engagement work.

The updated Local Transport Plan Four set out a clear vision and objectives for a place-based strategy from 2025-2040.

At the meeting, Councillor Billings 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

Option 1 Do not endorse. Whilst in the transition period with the Combined County Authority,

the existing plan would remain part of the Torbay Council Policy Framework and would expire in 2026. This was not recommended, given the changes to policy, the work committed to date and the need to meet the obligations of the Devolution Deal.

Option 2 Alternative Local Transport Plan Four. Different visions, objectives and interventions could be produced. However, the proposed Local Transport Plan Four has been developed in close alignment with local, regional and national policy and strategy. Recent public consultation demonstrates that the content of the proposed plan was well supported. To propose a significantly different approach for would risk being disjointed and reduce likelihood of securing transport investment for the area. It would also impact on delivery timescales, missing the March 2025 target date for the Devon and Torbay Devolution deal.

**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.

**Published**

21 March 2025

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Local Electric Vehicle Infrastructure (LEVI)

#### Decision Taker

Cabinet on 18 March 2025.

#### Decision

That the Divisional Director for Planning, Housing and Climate Emergency, be given delegated authority to award the concession contract and associated land agreements, to be undertaken in accordance with advice and guidance provided by the Devon County Council procurement team and Torbay Council's Commercial and Legal Services for delivery of the programme up to the value of the capital grant funding awarded.

#### Reason for the Decision

To progress the spending and meet our obligations and conditions of the grant funding, it is necessary to delivery on the commitment to delivering Electric Vehicle Infrastructure to support the transition to electric vehicles. To achieve the delivery of the Electric Vehicle Infrastructure there was a need to award concession contracts and in certain circumstances land agreements.

#### Implementation

This decision will come into force and may be implemented on 31 March 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Local Transport Plan Action Plan 2021-2026, set out a commitment to delivering Electric Vehicle Infrastructure to support the transition to electric vehicles. Whilst the Council are delivering a programme of rapid chargepoints within car parks against an existing concession contract and land agreements, electric vehicle infrastructure delivery was not keeping pace with the changing vehicle markets and those without home charging capacity were at risk of being disadvantaged.

Torbay Council had been awarded £958,000 of Capital Government funding to support accelerated delivery of Electric Charging Infrastructure, delivering against the evidence base strategy which shows a need for around 650-1000 publicly available chargers within the next 5-10 years across Torbay. This funding was through the Local Electric Vehicle Infrastructure (LEVI) Fund.

There were four contracts available providing a range of chargepoints and each would be accompanied by a concession contract and those that require it would also include a lease agreement.

At the meeting, Councillor Billings proposed and Councillor Jackie Thomas seconded a motion, which was agreed unanimously by the Cabinet, as set out above.

## **Alternative Options considered and rejected at the time of the decision**

Not to approve delegated authority to award the contract, this option was discounted as it would slow down progress and result in a complicated governance process with separate contracts for each lot utilised and land agreements for sites as necessary. Devon County Council would continue with their elements, though there would be some risk associated with that should Torbay Council at a later date, not award the contract.

Not to award the contract(s), the Council would likely be required to return the funding to the Office for Zero Emission Vehicles and some of the LEVI revenue funding awarded to support capacity alongside may also be clawed back.

The Council could choose to re-run a procurement process separate from Devon, but this would compromise the Devon led procurement to date and likely result in less positive value for money outcome. Furthermore, this would slow the adoption of electric vehicles and not provide the support to the community to help in the transition, providing choice about travel and making it harder to meet national and local climate commitments.

### **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**

21 March 2025

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Local Government Association Adult Social Care Preparation for Assurance Peer Challenge

#### Decision Taker

Cabinet on 18 March 2025.

#### Decision

That the Torbay Council Adult Social Care Preparation for Assurance Peer Challenge action plan be approved as set out in Appendix 2 to the submitted report.

#### Reason for the Decision

The progression of the action plan would assist in improving the adult social care related experiences of Torbay Residents.

#### Implementation

This decision will come into force and may be implemented on 31 March 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

In June 2024 Torbay Council invited the Local Government Association to undertake a Peer Challenge on Adult Social Care Preparation for Assurance. Following receipt of the feedback report an action plan was developed.

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

Not to accept the LGA Peer Challenge on Adult Social Care Preparation for Assurance and resulting action plan – this was not recommended as implementation of the action plan would enable the Adult Social Care and the Council to continue to improve. Alternative or additional actions could have been proposed.

#### 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**

21 March 2025

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Public Awareness of Recycling in Public Bins - Report of the Overview and Scrutiny Board

#### Decision Taker

Cabinet on 18 March 2025.

#### Decision

That the Cabinet's response to the Public Awareness of Recycling in Public Bins – Report of the Overview and Scrutiny 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 31 March 2025 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 report of the Overview and Scrutiny Board on the public awareness of recycling in public bins. 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

21 March 2025

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Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Member Champion for Culture

#### Decision Taker

Cabinet on 18 March 2025.

#### Decision

- (i) that Councillor Maddison be removed from the position of Member Champion for Culture; and
- (ii) that the Leader of the Council asks all Members for expressions of interest in undertaking the role.

#### Reason for the Decision

To acknowledge and respond to the recommendation of the Standards Hearing Sub-Committee held on 11 February 2025. In recognition of Councillor Maddison's behaviour at Council on 27 February 2025, the Cabinet considers removal from the position of Member Champion for Culture to be the most appropriate course of action.

#### Implementation

This decision will come into force and may be implemented on 4 April 2025 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 Cabinet meeting on 19 September 2023, the Cabinet appointed Councillor Maddison as the Member Champion to champion key aspects of the Council's work in respect of Culture.

Subsequently, on 11 February 2025 the Standards Hearing Sub-Committee considered a complaint that Councillor Maddison had breached the Code of Conduct for Members. In their determination, the Standards Hearing Sub-Committee made a recommendation to the Leader of the Council in respect of Councillor Maddison's appointment as the Member Champion for Culture.

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

#### Alternative Options considered and rejected at the time of the decision

An alternative option would have been to suspend Councillor Maddison from the position of Member Champion for Culture in accordance with the recommendation of the Standards Hearing Sub-Committee, however, in light of Councillor Maddison's behaviour at Council on 27 February 2025, the Cabinet discounted this option.

**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**

21 March 2025

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet