

Minutes of the Cabinet

11 June 2024

-: Present :-

Councillor David Thomas (Chairman)

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

(Also in attendance: Councillors Barbara Lewis and Stevens)

7. Minutes

The Minutes of the meeting of the Cabinet held on 14 May 2024 were confirmed as a correct record and signed by the Chairman.

8. Matters for Consideration

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

9. Bus Service Improvement Plan 2024 Update

10. Council Business Plan 2023-2027

11. Productivity Plan

12. Cabinet Urgent Decision taken by Chief Executive

The Cabinet noted the report setting out an urgent decision taken by the Chief Executive on behalf of the Cabinet.

13. Brokenbury Solar Farm

14. Exclusion of Press and Public

Councillor David Thomas proposed and Councillor Chris Lewis seconded the motion, which was agreed by the Cabinet unanimously, as set out below:

that the press and public be excluded from the meeting prior to consideration of the item 12 on the agenda on the grounds that exempt information (as

defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) was likely to be disclosed.

Prior to consideration of the item in Minute 15, the press and public were formally excluded from the meeting.

15. CSW Group Ltd

Chairman

Record of Decisions

Brokenbury Solar Farm

Decision Taker

Cabinet on 11 June 2024

Decision

1. that subject to 2 below the Director of Pride in Place be authorised to proceed with the project to deliver a solar farm at Brokenbury;
2. that Cabinet recommends to Council that up to £2,750,000 of prudential borrowing be approved subject to securing a unit rate per MWh that exceeds the loan repayments, covers projected maintenance and other operational and equipment replacement costs and provides an appropriate surplus per annum over the life of the scheme commensurate with level of risk; and
3. that the Chief Executive in consultation with the Leader of the Council, Finance Director and Cabinet Member for Finance should review and agree the final business plan after the EPC tender and Power Purchase Agreement (PPA) stage are complete and subject to that agreement is then authorised to agree and finalise the detailed terms and enter into contract with South West Water (SWW) or another purchaser of the electricity.

Reason for the Decision

To support the delivery of the Council's Energy and Climate Strategy which will help minimize the economic, social and environmental costs of climate change by demonstrating leadership and providing encouragement in working toward emission reductions and resilience to our changing climate. To also support the Government's net zero strategy "Build Back Greener". This strategy sets out policies and proposals for decarbonising all sectors of the UK economy to meet Central Governments net zero target by 2050. Renewable energy including solar power forms part of that strategy.

Implementation

This decisions in 1 and 3 will come into force and may be implemented on 24 June 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

The recommendation in 2 will be considered at the Council meeting on 18 July 2024.

Information

The submitted report provided an update on the original decision in respect of Brokenbury Solar Farm, taken in May 2020 as considerable time had passed and sought updated authorisation for prudential borrowing to bring the project forward, subject to the income generating a positive margin. The margin would be defined on completion of procurement and a final refinement of project costs.

An overall scheme budget of up to £2,750,000 had previously been approved by Cabinet in May 2020 subject to conditions set out in the submitted report with the latest project costs

remain within that budget.

Councillor Chris Lewis proposed and Councillor Tyerman seconded a motion that was unanimously agreed by the Cabinet as set out above.

Alternative Options considered and rejected at the time of the decision

To build out the planning consented scheme after negotiating the Power Purchase Agreement and receiving EPC and O&M tender responses which confirm that the scheme was viable.

As an alternative to the private wire connection with an end user there was the potential to sell the renewable power direct to the national grid. However, the wider grid network has limited capacity. The earliest possible connection may not be until 2028 but this was likely to extend out to 2036 when more capacity within the network was expected. The issue with the wider network was that it needs upgrading to be able to handle significant extra capacity. Such upgrades delay the timeframe for a connection to be made. In addition to the programme delays there were also financial considerations. To connect to the grid will cost at least £250k (September 2021 estimate – this was likely to be more now). Furthermore the unit price when feeding into the national grid was likely to be considerably less when compared to a private wire end user scenario which would make the project unviable.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes in respect of 1 and 3 but no in respect of 2 as this is a recommendation to Council.

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

14 June 2024

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

Date: _____

Record of Decisions

Council Business Plan 2023-2027

Decision Taker

Cabinet on 11 June 2024

Decision

That the Council Business Plan 2023-2027 set out in Appendix 1 to the submitted report be approved.

Reason for the Decision

To set out how the Council will deliver the Community and Corporate Plan over the next four years.

Implementation

This decision will come into force and may be implemented on 24 June 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Council approved the co-produced Community and Corporate Plan on 22 February 2024, which set out the high level priorities for the Council for the next 20 years. The Council's Business Plan sets out how the Administration intends to deliver the Community and Corporate Plan for the next four years, including priority actions that will be progressed and milestones and key performance indicators that will be used to measure progress and success.

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

Alternative Options considered and rejected at the time of the decision

There have been wide ranging discussions between Members of the Cabinet and Directors about the priority actions that can be reasonably taken over the coming four years to meet the ambitions of the Community and Corporate Plan. Those discussions have included the milestones that need to be set and the performance indicators that will be used to measure progress.

It is felt that the proposed Council Business Plan now put forward for consideration is achievable whilst seeking to secure continuous improvement as an organisation.

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

14 June 2024

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

Record of Decisions

Productivity Plan

Decision Taker

Cabinet on 11 June 2024

Decision

1. that the Council's Productivity Plan be:
 - a. approved for submission to the Government;
 - b. published on the Council's website; and
2. that the Chief Executive ensures that the actions identified within the Productivity Plan are implemented as part of the Council's day to day activity.

Reason for the Decision

To meet the requirements placed on Council's as part of the Local Government Finance Settlement to prepare a Productivity Plan and submit it by 19 July 2024.

Implementation

This decision will come into force and may be implemented on 24 June 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The proposals in the submitted report help the Council to deliver our vision of a healthy, happy and prosperous Torbay by demonstrating to the Government and our community the work that we were doing to:

- Transform the way that we design and deliver services to make better use of resources;
- Take advantage of technology and make better use of data to improve decision making, service design and use of resources; and
- Reduce wasteful spend within our organisation and systems.

Through the submission of a Productivity Plan to the Government.

Councillor Jackie Thomas proposed and Councillor Tranter seconded a motion that was unanimously agreed by the Cabinet as set out above.

Alternative Options considered and rejected at the time of the decision

The Plan could have answered all of the specific questions which the Government suggested the Council may wish to consider in preparing the Productivity Plan. It was felt that, by focussing on the four key areas, the proposed Plan provided a rounded view of activity in place across the Council.

The suggestion was that the Plan should be three or four pages in length but it is not felt that this would provide the opportunity to explain the range of information which was requested by

the Government.

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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Record of Decisions

Brokenbury Solar Farm

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3. that the Chief Executive in consultation with the Leader of the Council, Finance Director and Cabinet Member for Finance should review and agree the final business plan after the EPC tender and Power Purchase Agreement (PPA) stage are complete and subject to that agreement is then authorised to agree and finalise the detailed terms and enter into contract with South West Water (SWW) or another purchaser of the electricity.

Reason for the Decision

To support the delivery of the Council's Energy and Climate Strategy which will help minimize the economic, social and environmental costs of climate change by demonstrating leadership and providing encouragement in working toward emission reductions and resilience to our changing climate. To also support the Government's net zero strategy "Build Back Greener". This strategy sets out policies and proposals for decarbonising all sectors of the UK economy to meet Central Governments net zero target by 2050. Renewable energy including solar power forms part of that strategy.

Implementation

This decisions in 1 and 3 will come into force and may be implemented on 24 June 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

The recommendation in 2 will be considered at the Council meeting on 18 July 2024.

Information

The submitted report provided an update on the original decision in respect of Brokenbury Solar Farm, taken in May 2020 as considerable time had passed and sought updated authorisation for prudential borrowing to bring the project forward, subject to the income generating a positive margin. The margin would be defined on completion of procurement and a final refinement of project costs.

An overall scheme budget of up to £2,750,000 had previously been approved by Cabinet in May 2020 subject to conditions set out in the submitted report with the latest project costs

remain within that budget.

Councillor Chris Lewis proposed and Councillor Tyerman seconded a motion that was unanimously agreed by the Cabinet as set out above.

Alternative Options considered and rejected at the time of the decision

To build out the planning consented scheme after negotiating the Power Purchase Agreement and receiving EPC and O&M tender responses which confirm that the scheme was viable.

As an alternative to the private wire connection with an end user there was the potential to sell the renewable power direct to the national grid. However, the wider grid network has limited capacity. The earliest possible connection may not be until 2028 but this was likely to extend out to 2036 when more capacity within the network was expected. The issue with the wider network was that it needs upgrading to be able to handle significant extra capacity. Such upgrades delay the timeframe for a connection to be made. In addition to the programme delays there were also financial considerations. To connect to the grid will cost at least £250k (September 2021 estimate – this was likely to be more now). Furthermore the unit price when feeding into the national grid was likely to be considerably less when compared to a private wire end user scenario which would make the project unviable.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes in respect of 1 and 3 but no in respect of 2 as this is a recommendation to Council.

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

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14 June 2024

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

Record of Decisions

CSW Group Ltd

Decision Taker

Cabinet on 11 June 2024

Decision

That the decision in respect of CSW Group Ltd as set out in Exempt Minute 15/6/24 be approved.

The full decision of the Cabinet in respect of Exempt Minute 15/6/24 is exempt by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1973 (as amended).

Reason for the Decision

To agree a way forward for CSW Group Ltd.

Implementation

This decision will come into force and may be implemented on 24 June 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The submitted exempt report sought a decision on the way forward for 'Careers South West' (CSW) which is a wholly owned company of Devon County Council, Plymouth City Council, Torbay Council and Cornwall Council.

Councillor Bye proposed and Councillor Chris Lewis seconded a motion that was unanimously agreed by the Cabinet as set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the Exempt Report and not discussed at the meeting.

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

14 June 2024

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