

Tuesday, 31 December 2024

CABINET

A meeting of **Cabinet** will be held on

Thursday, 9 January 2025

commencing at **5.30 pm**

The meeting will be held in the Burdette Room, Riviera International Conference Centre, Chestnut Avenue, Torquay

Members of the Committee

Councillor David Thomas (Chairman)

Councillor Billings	Councillor Jacqueline Thomas
Councillor Bye	Councillor Tranter
Councillor Chris Lewis	Councillor Tyerman

A Healthy, Happy and Prosperous Torbay

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Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

CABINET AGENDA

1. **Apologies**

To receive apologies for absence.

2. **Minutes**

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 17 December 2024.

(Pages 3 - 10)

3. **Disclosure of Interests**

(a) To receive declarations of non pecuniary interests in respect of items on this agenda.

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Urgent Items**

To consider any other items the Chairman decides are urgent.

5. **Matters for Consideration**

6. **English Devolution White Paper**

To consider the recommendations of the Council in respect of Devolution.

(Pages 11 - 16)

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Minutes of the Cabinet

17 December 2024

-: Present :-

Councillor David Thomas (Chairman)

Councillors Billings, Bye, Jacqueline Thomas and Tyerman

(Also in attendance: Councillors Bryant (virtual), Cowell (virtual), Long (virtual), Spacagna (virtual), Stevens (virtual) and Twelves (virtual))

68. Apologies

Apologies for absence were received from Councillors Chris Lewis and Tranter.

69. Minutes

The Minutes of the meeting of the Cabinet held on 26 November 2024 were confirmed as a correct record and signed by the Chairman subject to Minute 67 being amended to read 'That the Notice of Motion in respect of Winter Fuel Payments be ~~rejected~~ **amended**.

70. Disclosure of Interests

No interests were declared.

71. 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.

72. Commercial Policy

73. Procurement of Education other than at School (EOTAS) Programme

74. Annual Director of Public Health Report 2024: Women's Health

75. Appointment of Member Champion

This item was deferred.

Chairman/woman

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Record of Decisions

Commercial Policy

Decision Taker

Cabinet on 17 December 2024.

Decision

That the Commercial Policy as set out at Appendix 1 to the submitted report be approved.

Reason for the Decision

To enable the Commercial Policy to be implemented and underpinning guidance and training to be put in place to support delivery of Council priorities and statutory obligations.

Implementation

This decision will come into force and may be implemented on 2 January 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Procurement and Contract Management activities were vital for enabling the Council to meet its strategic objectives and operational needs whilst gaining best value for money in delivering services for our residents and communities.

The Commercial Policy set out how Council Contract Procedures would be implemented and underpinned by a wider framework of guidance and training for Officers. Furthermore, the Commercial Policy detailed the strategic and operational responsibilities of Council Officers to ensure:

- a) the Council's approach to procurement and contract management is fair, open and transparent; and
- b) the effectiveness and efficiency of Procurement and Contract Management activities.

At the meeting Councillor Tyerman 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 only alternative option was to not put a Commercial Policy in place. This alternative was not part of the proposal, as Contract Procedures states that there is a Commercial Policy and the purpose of which was to provide more detail on how Contract Procedures would be implemented and adhered to.

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

20 December 2024

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

Record of Decisions

Procurement of Education other than at School (EOTAS) Programme

Decision Taker

Cabinet on 17 December 2024.

Decision

That authority be delegated to the Director of Children's Services, in consultation with the Cabinet Member for Children's Services, to award the contracts following the subsequent successful completion of the procurement process.

Reason for the Decision

By implementing these contracts, legislative requirements would be met which stipulate that the local authority undertakes a relevant procurement process to award contracts.

Implementation

This decision will come into force and may be implemented on 2 January 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Torbay Children's Services currently commissions EOTAS packages with alternative providers to meet the needs of children and young people who are unable to attend school and who have an Education, Health and Care Plan (EHCP). This was undertaken on a spot purchase basis. The EOTAS packages that children and young people currently received were often dependent on the availability of provision and the hours and offer being accessed can vary hugely.

Torbay Council wanted to ensure that all children and young people who were unable to access education within a registered school could continue to access an impactful and high-quality provision to ensure that they could continue to get their best out of their education journey, be supported successfully into adulthood, by having a robust educational offer despite not attending school. Whilst ensuring that when families and their children were offered an EOTAS education programme, that it was a streamlined process with clear provision in place and available for a smooth and successful transition into this provision.

There were a high number of alternative providers which were commissioned by Torbay Children's Services with varying impact and outcomes for the children and young people who access them. There was a need for Torbay Council to have more control over the provision that was on offer for children and young people, and to be able to implement an equitable offer for the vulnerable children and young people who require their education via an EOTAS package. The contracts being proposed would enable these huge variations to be reduced and for children and young people to access what they were entitled to.

At the meeting Councillor Bye proposed and Councillor Jackie 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

Do nothing: This would result in a continued inequitable offer and high-cost spot purchased placements. This presented challenges with financial forecasting along with not having the provision available to meet the needs of children and young people due to relying on a spot purchasing process.

Framework only: This would enable Torbay Council to have more control over the provision that was being used for children and young people who required a package for EOTAS however would not resolve the sufficiency issue in having placements readily available in high quality provision.

Block contracts only: This would result in increased control over the provision used however restricted the flexibility of the EOTAS programme by limiting the number of providers which were available and therefore removing aspirational factors from the children and young people’s education.

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

20 December 2024

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

Record of Decisions

Annual Director of Public Health Report 2024: Women's Health

Decision Taker

Cabinet on 17 December 2024.

Decision

1. That the Director of Public Health's Annual Report, as set out at Appendix 1 to the submitted report, be endorsed.
2. That the Director of Public Health be instructed to undertake explicit planning and activities which directly support and contribute to the achievement of the recommendations of the Annual Report, as outlined by indicative actions in Appendix 2.
3. That the Overview and Scrutiny Board be requested to monitor the implementation of the Annual Report on a quarterly basis.

Reason for the Decision

To set a course of direction which would support our local areas of strength and potential, as well as outlining opportunities to work together within the Council and with external partners to address disparities amongst Torbay residents.

Implementation

This decision will come into force and may be implemented on 2 January 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Director of Public Health annual report is a statutory independent requirement and has been informed this year by interviews and engagement with a diversity of women in Torbay. Insights have been gathered through community groups and organisations, commissioned services and peer and grass-roots networks as well as individuals living in Torbay.

Focusing on women's health opens further opportunities to centre our understanding of the causes, opportunities, and solutions for improving outcomes for all residents.

At the meeting Councillor David Thomas 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

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

20 December 2024

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

Meeting: [Cabinet](#)

Date: [9 January 2025](#)

Wards affected: [All Wards](#)

Report Title: English Devolution White Paper

When does the decision need to be implemented? [Immediately](#)

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Director Contact Details: [Anne-Marie Bond, Chief Executive,](#) anne-marie.bond@torbay.gov.uk

1. Purpose of Report

- 1.1 The Government published its English Devolution White Paper on 16 December 2024. One of the Government's priorities within the White Paper is in respect of widening devolution across England, with an approach of "universal" and "devolution by default" rather than the current deals-based approach. The White Paper clearly sets out that the most far-reaching and flexible powers will be for Mayoral Strategic Authorities, describing it as "unprecedented powers and budgets for Mayors."
- 1.2 As a consequence of the position set out in the White Paper, Leaders across all upper tier local authorities in Cornwall and Devon have held informal discussions about the potential to create a South West Peninsular Mayoral Strategic Authority, comprising of Cornwall, Devon, Plymouth and Torbay, in order to maximise the benefit of devolution to our communities. Whilst these discussions have not resulted in an agreement, the Cabinet believe it is important to state publicly its preferred geography for a Mayoral Strategic Authority.
- 1.3 Separately, the White Paper sets out the Government's belief that strong councils are the building blocks for effective Strategic Authorities. In this regard the White Paper sets out an expectation that all two-tier areas and neighbouring smaller or failing unitary councils will develop proposals for local government reorganisation. The Government has advised that they will write to Councils in January 2025 requesting proposals, with interim proposals for

the same due in March 2025 and final proposals due in either May 2025 or Autumn 2025 (depending on whether areas are in priority programmes). It is understood that there will be a phased approach to delivery, and that local government reorganisation should not delay devolution occurring. The development of proposals for local government reorganisation will need to be informed by a detailed evidence base that ensures that all relevant factors are taken into account in decision making. We are expecting further guidance on reorganisation and, at the appropriate point/s, papers will be prepared for decision making.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to deliver our vision of a healthy, happy and prosperous Torbay by providing the opportunity to explore how a Mayoral Strategic Authority can deliver increased investment in transport and local infrastructure, skills and employment support, housing and economic development and regeneration.
- 2.2 The proposals in this report help us to deliver our vision of a healthy, happy and prosperous Torbay by ensuring that any local government re-organisation that occurs is in the best interest of Torbay residents.

3. Recommendation(s) / Proposed Decision

1. That, in light of the policy position of the Government for universal coverage of Strategic Authorities, and in recognition that the most far-reaching and flexible powers will be given to Mayoral Strategic Authorities, the Cabinet confirms its support for a Mayoral Strategic Authority comprising of Cornwall, Devon, Plymouth and Torbay, should agreement be reached by all authorities.
2. That Cabinet instructs the Chief Executive to prepare an evidence base and develop an options appraisal for Local Government reorganisation, for consideration by the Council in due course.

Appendices

None

Background Documents

[English Devolution White Paper:](https://assets.publishing.service.gov.uk/media/676028c9cfbf84c3b2bcfa57/English_Devolution_White_Paper_Web_Accessible.pdf)

https://assets.publishing.service.gov.uk/media/676028c9cfbf84c3b2bcfa57/English_Devolution_White_Paper_Web_Accessible.pdf

Supporting Information

1. Introduction

- 1.1 The Government published its English Devolution White Paper on 16 December 2024. One of the Government's priorities within the White Paper is in respect of widening devolution across England, with an approach of "universal" and "devolution by default," rather than the current deals-based approach. The White Paper clearly sets out that the most far-reaching and flexible powers will be for Mayoral Strategic Authorities, describing it as "unprecedented powers and budgets for Mayors," including:
- Flexible allocated funding, with a long-term investment fund and, once the area has qualified, funding granted through a flexible Integrated Settlement,
 - A representative sitting on the Council of Nations and Regions,
 - A representative on the Mayoral Council,
 - A mandate to develop a Local Growth Plan, with local growth priorities agreed with the Government providing focus for central government and regional collaboration,
 - Membership of the Mayoral Data Council,
 - Powers drawn from a strengthened Devolution Framework, with a significant devolution offer that will continue to grow over time,
 - A clear pathway to unlocking higher levels of devolution reserved for the most mature institutions, including access to the Integrated Settlement which will grow in scope over time.
- 1.2 It is important to highlight the fundamental difference in the Elected Mayor for a Mayoral Strategic Authority as opposed to the Directly Elected Mayor that was in place in Torbay between 2005 and 2019. The latter was a Mayor with Executive functions, making decisions as an individual over key elements of the delivery of services within Torbay. In contrast Directly Elected Mayors in Strategic Authorities will have a mandate to act, under new powers devolved from central Government, that look to strategically drive growth, designed to bolster, not detract from, the functions and roles of other public bodies, including local authorities.
- 1.3 In light of the benefits of a Mayoral Strategic Authority to areas and residents, informal discussions about the potential to create the same across upper tier councils in Cornwall and Devon have taken place. Whilst it has not been possible to finalise an agreement at this stage, but in recognition of the national direction of travel of universal coverage of strategic authorities and the drive for these to be Mayoral, the Cabinet wish for its support for the same to be noted.
- 1.4 In relation to the contents of the White Paper regarding Local Government re-organisation, it is understood that all two tier areas, together with small neighbouring authorities will receive an invitation from Government during January 2025 to submit proposals for the same. It is understood that interim proposals will be due in March 2025 with final proposals due in either May or Autumn 2025 (dependent upon engagement in priority programmes).

- 1.5 The development of proposals for local government reorganisation will need to be informed by a detailed evidence base that ensures that all relevant factors are taken into account. We hope that the letter to be issued later this month will provide clarity as to the criteria that will be taken into account by Government in their ultimate decision making.
- 1.6 It is important that Officers start to work on developing an evidence base, working with the other authorities across Devon to gather all of the necessary information in order to prepare an options appraisal for Council to consider. Through this report the Cabinet instructs the Chief Executive to prepare the same.

2. Options under consideration

- 2.1 The Government has confirmed that, regardless of the publication of the White Paper, the Devon and Torbay Combined County Authority (DT CCA) will be established in February/March 2025. As set out in the White Paper, the DT CCA will automatically become a Foundation Strategic Authority with the proposed Devolution Framework indicating very similar powers to those which the DT CCA is expected to hold from its inception.
- 2.2 In deepening and widening devolution in England, the Government has set out principles around the geographies of Strategic Authorities. The default assumption is for them to have a combined population of 1.5 million or above (although it is accepted that in some places smaller authorities may be necessary). The geographies must not create devolution “islands” by leaving areas which are too small to go it alone or which do not have natural partners. The draft Statutory Instrument and emerging Constitution makes clear that, within the emerging Devon and Torbay Combined County Authority, a non-constituent seat is available to Plymouth City Council should they wish to take this place up. The Leaders of Torbay Council and Devon County Council have also stated that the door is open to Plymouth to join as a Constituent Member in the future. It is an option therefore to maintain our status (with Devon) as a Foundation Strategic Authority and in the absence of proposals for a Mayoral Strategic Authority this would be the default position. It would also be an option to seek to be become a Mayoral Strategic Authority with other authorities, however it should be noted that no other authorities have expressed a desire to do so.

3. Financial Opportunities and Implications

- 3.1 The report is asking that Cabinet endorses its support for a Mayoral Strategic Authority, comprising of Cornwall, Devon, Plymouth and Torbay should agreement be reached by all authorities. There are no immediate financial implications of the same. Should proposals for a Mayoral Strategic Authority come forward, the financial opportunities and implications would be considered as proposals are developed. There will however be some resource implications of developing the proposals themselves which will also have an opportunity cost.

- 3.2 The report instructs the Chief Executive to prepare an evidence base and develop an options appraisal for Local Government Re-organisation, for consideration by the Council in due course. The financial opportunities and implications will be considered as proposals are developed. There will however be significant resource implications in respect of officer capacity of preparing the evidence base and developing the options appraisal which will also have an opportunity cost.

4. Legal Implications

- 4.1 The legal implications of a Mayoral Strategic Authority will be explored should agreement for the same come forward.
- 4.2 The legal implications of local government reorganisation will be considered as the options appraisal is prepared.

5. Engagement and Consultation

- 5.1 Torbay Council would need to work with other authorities in respect of Mayoral Strategic Authorities and on Local Government reorganisation.
- 5.2 In respect of the creation of Mayoral Strategic Authorities, the Government will lead the public consultation.
- 5.3 In respect of Local Government reorganisation, we are expecting guidance from Government as to the public engagement and consultation that they are expecting. Given the timescales that have been indicated it should be noted that the potential for engagement and consultation will be limited.

6. Procurement Implications

- 6.1 Not applicable

7. Protecting our naturally inspiring Bay and tackling Climate Change

- 7.1 If proposals for a Mayoral Strategic Authority are developed, consideration will need to be given to how they would fulfil the Government's commitment to Strategic Authorities driving progress on green transition and capitalising on the social, economic and well-being benefits for local communities. Strategic Authorities will have a key role in decarbonising the economy and providing environmental and climate leadership.
- 7.2 As proposals are developed for Local Government reorganisation, we would need to demonstrate how all Council functions are delivered, including tackling climate change. The White Paper is clear that proposals will need to demonstrate how resultant councils are

connected to their communities, and in this respect would need to demonstrate how it protected our naturally inspiring bay.

8. Associated Risks

- 8.1 The risks of not exploring deeper devolution are that the full range of powers, funding and opportunities are not available to our councils, emerging CCA and our communities. There is also a risk that without voluntarily developing a proposal for deeper devolution, a sub optimal proposal could be imposed upon us. There are however risks around establishing a Mayoral Strategic Authority given the amount of officer and member time that could be involved. This would be mitigated in part through a robust programme management approach to developing and implementing proposals.
- 8.2 The risks of not preparing an evidence base and options appraisal for local government reorganisation is that the Council will not be able to present a fully informed and evidence based proposal to government for consideration.

9. Equality Impact Assessment

- 9.1 It is not possible to fully understand the equality implications at present. A completed equality impact assessment will be published alongside any future decision papers.

10. Cumulative Council Impact

- 10.1 The Council has an ambitious programme of delivery already underway alongside its “business as usual.” The resource implications of progressing towards a Mayoral Combined Authority will need to be carefully managed.
- 10.2 The Council has an ambitious programme of delivery already underway alongside its “business as usual.” The resource implications of progressing the development of proposals for local government reorganisation will need to be carefully managed.

11. Cumulative Community Impacts

- 11.1 None