

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 is 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

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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

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