

Minutes of the Cabinet

11 July 2024

-: Present :-

Councillor David Thomas (Chairman)

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

(Also in attendance: Councillors Brook, Cowell, Johns (virtual), Barbara Lewis, Long (virtual) and Twelves (virtual))

16. Minutes

The Minutes of the meeting of the Cabinet held on 11 June 2024 were confirmed as a correct record and signed by the Chairman.

17. 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.

18. Local Government Association Corporate Peer Challenge

19. Nightingale Solar Farm

20. Torbay Resident Discount Scheme Launch Approval

21. Torbay Youth Justice Plan 2024-25

22. Gambling Act 2005 - Draft Licensing Statement of Principles (Gambling Policy) 2025 - 2028

23. Draft Homelessness and Rough Sleeping Strategy

24. Disposal of development site at Preston Down Road, Paignton

25. Torbay Community Wellbeing Contract

26. 0-19 Services Procurement

27. Re-Procurement of Asset Maintenance "Service Level Agreements" 2024

28. Budget Monitoring - Outturn 2023/24

29. **Review of Council Procurement Policies and Food and Music Festival - Report of the Overview and Scrutiny Board**
30. **Internships - Report of the Children and Young People's Overview and Scrutiny Sub-Board**

Chairman/woman

Record of Decisions

Local Government Association Corporate Peer Challenge

Decision Taker

Cabinet on 11 July 2024.

Decision

1. That the Local Government Association be thanked for undertaking the Corporate Peer Challenge and that the resulting Feedback Report (as set out in Appendix 1) be accepted.
2. That the LGA Corporate Peer Challenge Action Plan (as set out in Appendix 2) be approved.
3. That the Audit Committee be requested to monitor the implementation of the Action Plan.

Reason for the Decision

To make available the Local Government's Association Corporate Peer Challenge Feedback Report and to ensure that an action plan was in place to embrace the recommendations of the Local Government Association.

Implementation

This decision will come into force and may be implemented on 22 July 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Local Government Association (LGA) offers all councils a Corporate Peer Challenge once every five years. Torbay Council's last full challenge took place in 2015 and due to the pandemic, a shorter Remote Health Check in 2021 was held.

The Challenge was an effective and well-regarded tool for improvement in local government. At the heart of this was a practitioner perspective who take a 'critical friend' approach to understanding where we are and where we can improve. This isn't an inspection, but it is an in-depth challenge. Importantly it provides an opportunity to reflect on how we are doing and receive the benefit of others experience and perspective.

In April 2024, a team of seven peers visited Torbay and met with a range of officers, councillors and external partners/stakeholders. At the end of their review, the team provided feedback and made recommendations. Subsequently a draft Action Plan has also been prepared to respond to the Local Government Association's recommendations, to ensure the Council embraced the learning and feedback from our peers.

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

An alternative option would be to not accept the Local Government Associations Corporate

Peer Challenge Feedback Report and resulting action plan – this was not recommended as implementation of the action plan would enable the Council to continue to improve. Alternative or additional actions could be 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

12 July 2024

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

Record of Decisions

Nightingale Solar Farm

Decision Taker

Cabinet on 11 July 2024.

Decision

That Cabinet recommends that Council approves;

1. That the Director of Pride of Place be authorised to proceed with the next stage of the Nightingale Solar Farm project that is to conduct the EPC tender process and negotiation of the Power Purchase Agreement and to then develop a final business case based on revised income and costs.
2. That up to £4,151,000 of prudential borrowing subject to the securing a unit rate per M/Wh that exceeds the loan repayments, covers projected maintenance and other operational costs including anticipated equipment replacement costs and produces an appropriate surplus per annum over the life of the scheme commensurate with levels of risk, be approved.
3. That the Chief Executive, in consultation with the Leader of the Council, Director of Finance and Cabinet Member for Housing and Finance, be given delegated authority to review and agree that the final business case meets the conditions in 2. above, and subject to that agreement is then authorised to agree and finalise the detailed terms and enter into contract with The Health Trust or another user of the electricity.
4. That, subject to the Council entering into contract as per 3. above, the Director of Pride of Place in consultation with the Cabinet Member for Place, Development and Economic Growth be authorised to proceed with the project to deliver a solar farm on Nightingale Park.
5. That, in the event that the Chief Executive should determine that the final business case does not meet the criteria in 2. above, a paper should be brought back to Cabinet and Council to determine the future of the project.
6. That a report be presented to a future Cabinet Meeting after completion of the scheme, as to the potential use of up to 10% of the actual surplus generated to be made available for community use within 1 mile straight line distance of Nightingale Park.

Reason for the Decision

Torbay Council's current Energy and Climate Change Strategy for Torbay describes how the Council aims to help minimise the economic, social and environmental costs of climate change in Torbay by demonstrating leadership and providing encouragement in working toward emission reductions and resilience to our changing climate.

The solar farm would allow the end user to buy and use sustainable electricity generated on Torbay Council owned land to power the end users site. The end users site serves residents throughout Torbay and beyond. It would be a positive step, towards meeting the targets set out in the Climate Change Strategy.

Implementation

The recommendations of the Cabinet will be considered at the Council meeting being held on 18 July 2024.

Information

On 24 August 2021 Cabinet approved to increase the budget to £3,100,000 acknowledging the refined cost estimates having identified an organisation as the potential end user. Latest estimated costs indicate an increase to the budget was required. The income (unit price) charged to the end user will increase to cover the increased costs so that the net income exceeds the loan repayment costs.

At the meeting, Councillor Chris Lewis 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

To options were:

Option 1:

Build out the planning consented scheme after negotiating the Power Purchase Agreement and receiving Engineering Procurement and Construction and Operation and Maintenance tender responses which confirm that the scheme is viable.

Option 2:

Sell the renewable power direct to the national grid. The wider network has limited capacity. The earliest possible connection may not be until 2028 but this is likely to extend out to 2036 when more capacity within the network is expected. The issue with the wider network is 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 are also financial considerations. To connect to the grid will cost at least £420k (Sep 21 estimate – this is likely to be more now). Furthermore, the unit price when feeding into the national grid is likely to be considerably less when compared to a private wire end user scenario.

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

12 July 2024

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

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Record of Decisions

Torbay Resident Discount Scheme Launch Approval

Decision Taker

Cabinet on 11 July 2024.

Decision

1. That the delivery of the Torbay Resident Discount Scheme as outlined in the submitted report be approved for launch in September 2024.
2. That the Director of Pride in Place seeks to keep the operational budget of the scheme within the £200,000 allocated within the Council's 2024/2025 budget, and within any budget set for the scheme in future years.
3. That the Director of Pride in Place in consultation with the Cabinet Member for Pride in Place and Parking, and Director of Finance, be given delegated authority be given to approve future changes to the scheme.
4. That the Director of Pride in Place in consultation with the Cabinet Member for Pride in Place and Parking, and Director of Finance, be given delegated authority to offer residents on low incomes a reduction on the entry cost of the scheme, in the event the Director is not satisfied that the scheme will achieve a neutral or positive impact on financial equality for those on low income solely through the provision of leisure and retail offers intended to target these groups.
5. That the Director of Pride in Place be given delegated authority to award the contract(s) in respect of the services of external suppliers for the printing and posting of promotional materials, and resident cards and permits for use in the scheme.

Reason for the Decision

A resident discount scheme facilitated by the Council was expected to:

- Provide local offers that give residents better value for their money and help reduce the cost of living,
- Improve marketing of local businesses and facilities among residents,
- Increase local spending by residents,
- Increase footfall and income for local businesses, leisure and sports, arts and culture venues, and parking.

Implementation

This decision will come into force and may be implemented on 22 July 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Resident Discount Scheme would provide residents of Torbay with offers on Council off street parking, discounts on access to public toilets, local leisure and sports facilities, arts and

cultural venues, and local attractions. Raising awareness of local offers was expected to increase footfall in key areas of Torbay, improve participation in cultural activities and complement the physical regeneration of the place.

At the meeting Councillor Billings 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

The alternative options, advantages and disadvantages of each option was set out in the submitted report.

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

12 July 2024

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

Record of Decisions

Torbay Youth Justice Plan 2024-25

Decision Taker

Cabinet on 11 July 2024.

Decision

To approve the Youth Justice Service Plan 2024-25, noting that it has been approved by the Torbay Youth Justice Service Strategic Board, signed by the Chair of the Board and submitted to the National Youth Justice Board.

Reason for the Decision

The local authority has a statutory duty to submit its Youth Justice Plan. Failure to do so may result in Youth Justice Board funding being withheld or delayed resulting in a reduced or delayed service as specified within the plan.

Implementation

This decision will come into force and may be implemented on 22 July 2024, unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Torbay Council is required by the Crime and Disorder Act 1998 to approve an annual Youth Justice Plan that has been prepared in consultation with its partner agencies, staff and service users. The plan addresses the functions assigned to the youth justice service, and includes how services will prevent offending behaviour and reduce reoffending.

At the meeting, Councillor Bye proposed and Councillor Tranter 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 considered as there was a legal requirement to deliver the Youth Justice Service and produce the Youth Justice Plan.

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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12 July 2024

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

Record of Decisions

Statement of Principles (Gambling Policy) 2025-2028

Decision Taker

Cabinet on 11 July 2024.

Decision

That the draft Gambling Statement of Principles 2025 to 2028 (as set out at Appendix 1 to the submitted report), be launched for public consultation.

Reason for the Decision

The Licensing Authority has reviewed its current Policy and has prepared a draft 'Statement of Principles 2025-28' which will be formally published on the 12 July 2024 inviting public consultation and comment for a period of six weeks.

Implementation

This decision will be implemented immediately.

Information

The Gambling Act 2005 requires Torbay Council, under its role as Licensing Authority, to review and publish a 'Statement of Principles' (the Gambling Policy), every three years. The Statement of Principles outlines the procedures that the Licensing Authority intends to follow in discharging its statutory responsibilities under the Act. The current Statement was published on 31 January 2022 and therefore, it must be reviewed, consulted upon and re-published, on or before 30 January 2025.

Alternative Options considered and rejected at the time of the decision

There were no other options available, as the review of the Statement of Principles was a statutory requirement under the Gambling Act 2005 and the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006/636).

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

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

None

Published

12 July 2024

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

Record of Decisions

Homelessness and Rough Sleeping Strategy

Decision Taker

Cabinet on 11 July 2024.

Decision

That the public consultation of the draft Torbay Homelessness and Rough Sleeping Strategy 2024-2029, as set out in Appendix 1 to the submitted report, be launched.

Reason for the Decision

The Strategy was a legal requirement for the Council and was required to publish a strategy informed by a homeless review of its area, at least every 5 years.

Implementation

This decision will be implemented immediately.

Information

The Homelessness and Rough Sleeping Strategy was the over-arching strategic document focusing on the activities to address homelessness in Torbay. It sits within the Council's policy framework and provides the context for other plans policies and strategies, such as the Housing Strategy and the Domestic Abuse and Sexual Violence Strategy.

Since the development of the current Strategy, produced before the pandemic, there have been significant changes within the landscape of housing and homelessness. As such the new Strategy reflects the current needs within Torbay and the housing market.

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

There was no other option considered, the Homeless and Rough Sleeping Strategy was a policy framework document and therefore public consultation was required.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

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

None

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Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Disposal of development site at Preston Down Road, Paignton

Decision Taker

Cabinet on 11 July 2024.

Decision

1. That Recommendations 3.1 and 3.2 of the decision made by Cabinet on the 21 March 2023 (Minute 458/03/23 refers) be rescinded and that the following be approved in replacement:

1.1 That the Chief Executive be given delegated authority to determine an effective disposal strategy which enables the sale of the Preston Down Road; with an objective to secure a disposal which will result in delivery of 30% affordable housing and maximise the sales receipt in a timely manner.

1.2 On determination of 1.1 above, the Chief Executive be given delegated authority, in consultation with the Cabinet Member for place Development and Economic Growth, to dispose of Preston Down Road.

1.3 That the surplus received on the capital receipt from Preston Down Road be ringfenced for the delivery of affordable (including social) housing in Torbay, with a minimum of 50% being ringfenced for delivery of affordable (including social) housing in Paignton.

2. Additionally if required:

2.1 No later than 12 months prior to the expiration of the planning consent for the site, the Director of Pride in Place to bring forward a capital proposal to undertake the minimum works necessary to discharge relevant planning conditions, make a technical start on site and make the planning consent extant, in consultation with the Section 151 Officer, and Cabinet Member for Housing & Finance.

Reason for the Decision

To secure timely delivery of much needed homes providing housing options for local people that are looking to buy or rent a home in the Paignton area. The revised proposal was also expected to meet the Council's policy in respect of affordable housing delivery.

Implementation

This decision will come into force and may be implemented on 22 July 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

At its meeting of 21 March 2023, Cabinet endorsed a proposal to appoint a preferred bidder for the future development of homes on Council-owned land at Preston Down Road, Paignton.

The preferred bidder was a Registered Provider, in conjunction with a private sector development partner who proposed development of the site under a Joint Venture arrangement. A delegation was provided to the Chief Executive to agree relevant terms and

enter into a Development and Sale Agreement with the preferred bidder to facilitate the site's redevelopment based on a policy-compliant tenure split of 30% affordable housing.

During the Cabinet meeting, the recommendation was amended such that the Chief Executive became obligated to dispose of the site only where the purchaser committed to providing 50% affordable housing. To prevent conflict with planning policy (which only requires 30% in this location), this was to be achieved through 'additionality' – meaning the conversion of an additional 20% open market homes to affordable tenures, through the use of Homes England subsidy.

Officers have attempted to enact this delegation since March 2023. In detailed negotiation with the preferred bidder, several issues had been raised, which had an impacted upon the scheme's viability, triggering the need for them to issue an updated reduced financial offer for the site. The issues raised include: current housing market volatility and uncertain sales values; elevated construction costs; the higher than anticipated section 106 contributions required through the planning process; and the fact that a greater level of site abnormalities had been identified, following some technical due diligence.

The cumulative impact of these issues was that they reduce the viability of the project, even for a planning policy compliant 30% affordable housing mix. Subsequently, the preferred bidder has informally indicated that financial impact of a 50% obligation would be considerable and would necessitate a further reduction in value and receipt, accordingly.

After careful consideration, the impact of the reduced sales receipt was too great to continue to require 50% affordable housing to be provided on-site. The issue being that any reduced value generated had a considerable knock-on impact on the Council's ability to invest in other delivery schemes elsewhere (including, for example, the Crossways regeneration scheme in Paignton, Torbay Road and Station Square public realm).

As such, a decision was sought to formally rescind the existing obligation to sell the site only where 50% affordable housing can be secured, and to outline a new strategy for the site's release. This should seek to secure the maximum receipt that the site can reasonably be expected to generate.

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 alternative option would be to proceed in line with the former Cabinet decision however this would result in a lower capital receipt which would undermine the Council's capital programme delivery ambitions.

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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12 July 2024

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Leader of Torbay Council on behalf of the Cabinet

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Record of Decisions

Torbay Community Wellbeing Contract

Decision Taker

Cabinet on 11 July 2024.

Decision

That authority be delegated to the Director of Adult and Community Services in consultation with the Director of Finance and Cabinet Member for Adult and Community Services to award contracts to successful bidders on the Community Wellbeing Contract procurement.

Reason for the Decision

An integrated service contract would incorporate an alternative 'front door' for adult social care in Torbay by ensuring where appropriate people's support needs are met by community based and led organisations within Torbay.

Implementation

This decision will come into force and may be implemented on 22 July 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Demand for Adult Social care continues to increase. To address the Council's critical need to meet the needs of local people in a community focused way and reduce the demand of individuals for statutory support to maintain their independence, health and wellbeing in the community the Council needs to ensure there are robust mechanisms and support services in place to enable people to connect and engage with community-based support within their own neighbourhoods.

As such procurement was required for a community based integrated Community Wellbeing Service for the provision of:

- A Community Helpline;
- A Community Hub;
- A Community Co-ordination Function; and
- Management of a Community Fund

The contract would be structured as a three-year contract to ensure the Council had stability of provision that would run alongside wider transformation programmes within Adult Social Care in Torbay. The successful provider(s) of the contract would be required to work closely with both the Council and Torbay & South Devon NHS Foundation Trust to ensure it formed part of the wider integrated care arrangements 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

The following alternative options were considered and discounted:

Option 1: carry on with individual separate contracts/ temporary funding grants for each of the functions within scope of this procurement. This option has been discounted as it:

- i. Reduces the positive impact an integrated service offer would have;
- ii. Increases the demand for contract management resources from within the Council
- iii. Reduces the efficiencies a potential provider can achieve through having a larger more integrated offer.
- iv. Reduces the ability of organisations to retain staff and effectively manage an effective service that supports the preventative purpose of this work.

Option 2: cease the provision of a community-based support offer in Torbay. This option was discounted due to:

- i. The need to find ways to effectively support and prevent escalation of need for our citizens. With growing demand for Adult Social Care services there is a requirement to ensure we are meeting our prevention duties under the Care Act (2014) and maximise efficiencies within our system whilst maintaining quality levels of care.
- ii. Pilot work has demonstrated the ability of our Voluntary, Community, Social Enterprise partners in Torbay to effectively provide support to individuals within their own communities in Torbay and improve independence and wellbeing. This effectiveness not only reduces immediate costs but also supports future cost avoidance.

Option 3: shorter duration of contract – for example a 12month only contract. This option was discounted due to:

- i. The need for a secure preventative and ‘front door’ offer for Adult Social Care – this forms part of wider transformation work within Adult Social Care – a longer term more secure provision will ensure that this contract can be embedded and worked into wider system transformation work.
- ii. The market had strongly indicated that shorter term contracts are less attractive and also substantially impact on the ability to efficiently deliver quality services that support the overall objectives. Shorter term contracts increase the risk of a failed procurement – this would have substantial impact on the wider Adult Social Care transformation work programme.

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

12 July 2024

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

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Record of Decisions

0-19 Service Procurement

Decision Taker

Cabinet on 11 July 2024.

Decision

1. That the Director of Public Health be given delegated authority to direct award to Torbay and South Devon Foundation Trust the 0-5 services (Health Visitors and Family Hubs) alongside school nurses by following the Health Care Services Provider Selection Regime (('PSR for Health') which is a UK Government set of regulations for procuring health care services).
2. That the Director of Children's Services be given delegated authority:
 - i) to bring young people's substance misuse and return home conversation provisions 'in-house' so those delivering services are under direct control of the Local Authority (through a HR process of TUPE staff into the Local Authority).
 - ii) To re-procure Advocacy and Independent Visitors Services via an open market tender opportunity.

Reason for the Decision

The elements of the service that are proposed for a direct award allows the Authority to maintain services that are in broad terms, currently delivering against their contractual aims and objectives and are delivering services effectively to Torbay's residents. Furthermore, it allows for the Authority to build on the developing youth provision locally to give more coherence and resilience to this emerging offer. This in turn will support the development of an offer for a potential future procurement.

Implementation

This decision will come into force and may be implemented on 22 July 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Torbay Council, specifically Public Health and Children's Social Care, are responsible for commissioning most of the services that sit within the Healthy Child Programme, also known as 0-19 provision. The current 0-19 Service contract, held by Torbay and South Devon NHS Foundation Trust with Action for Children and The Children's Society - Checkpoint as sub-contracted providers, expired in March 2024 and a further one-year extension has been agreed with the contract holder until 31 March 2025.

Procurement planning for a new service has commenced and recommends that the Local Authority should undertake a 'hybrid' commissioning model for a new set of services by 31 March 2025.

Specifically, this hybrid model includes the enactment of three separate procurement

processes:

1. To direct award to Torbay and South Devon Foundation Trust the 0-5 services (Health Visitors and Family Hubs) alongside school nurses by following the Health Care Services Provider Selection Regime (('PSR for Health') which is a UK Government set of regulations for procuring health care services).
2. To bring young people's substance misuse and return home conversation provisions 'in-house' so those delivering services are under direct control of the Local Authority (through a HR process of TUPE staff into the Local Authority).
3. To re-procure Advocacy and Independent Visitors Services via an open market tender opportunity.

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

The options were:

Option 1 - was to 'do nothing' and continue with the contract 'as is' with no material change to the core contract or the delivery partners until the contract reaches its natural end point in March 2028. Whilst this maintains systems and pathways, it does not give additional scope or capability to reconfigure the services as required.

Option 2: Bring in-house the whole of the current provision. This would give the Authority total control of the services, but some are required under guidance or legislation to be arm's length from the Authority (e.g. advocacy) and equally would place significant burdens on the Authority to oversee a workforce whereby the capacity, skills and competence to do so does not currently exist (such as the NHS nursing workforce in 0-19).

Option 3: undertake an open market procurement for the services. This option would enable a full-service redesign to occur but wouldn't enable those services that could form part of the emerging youth offer to integrate into this offer. Additionally, this would create a significant operational burden on officers (and provider services) to undertake a complex wholesale procurement whereby the drivers for such a process across all services involved were not present.

Option 4: undertake the hybrid model of procurement whereby some services were procured on the market, some were procured via direct award and some were 'in-housed'. This option best addresses the weak spots in the model currently and allows for the integration of appropriate services into a youth model, whilst maintaining provisions where there are no significant material deficits. This route also avoids significant system destabilisation and increased officer and partner organisation workload to procure services unnecessarily. It does however allow services where an open market procurement is in the organisations and young people's best interests, to occur.

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

12 July 2024

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

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Record of Decisions

Re-Procurement of Asset Maintenance "Service Level Agreements" 2024

Decision Taker

Cabinet on 11 July 2024.

Decision

That the Director of Pride in Place in consultation with the Director of Finance be given delegated authority to grant "Service Level Agreement" contracts to successful bidders on the Service Level Agreements Framework Procurement.

Reason for the Decision

The existing service level agreements that provide the wide-ranging services expire on the 31 March 2025. These service level agreements play an essential role in ensuring that the Council fulfils its property related statutory duties and maintains its assets to a reasonable industry standard.

Implementation

This decision will come into force and may be implemented on 22 July 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Torbay Council typically employs contractors to maintain its assets under service level agreements. Delegated approval was sought to award multiple contracts over a period of four years. The majority of contracts would be a re-procurement of existing services (total of ten lots), as well as an additional five service lots which were identified as a service need following customer consultations.

At the meeting, Councillor Chris Lewis 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

The options available were:

Option 1 – Do nothing: The option of doing nothing was not a viable option because the Council had a statutory duty to undertake planned maintenance, minor repairs and compliance checks to its properties.

Option 2 – Extend the current contracts: The existing contracts cannot be extended due to them already receiving one extension and reaching the end of its extended term on 31 March 2025.

Option 3 – Utilise a framework: The option to utilise a framework(s) has specific benefits these are contractors on the framework have already been through a rigorous procurement process.

Option 4 – Open market procurement: This option could be run as an open or closed tendering

activity.

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

12 July 2024

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

Record of Decisions

Budget Monitoring - Outturn 2023/24

Decision Taker

Cabinet on 11 July 2024.

Decision

That Cabinet recommends to Council:

1. That Council notes the revenue outturn position and approves the transfer of the £0.678m end of year surplus as follows:
 - £400k transferred to an earmarked capital reserve to assist with delivery of the Capital Investment Programme.
 - The balance transferred to the Comprehensive Spending Review (CSR) reserve and used to fund one off activities to accelerate the delivery of Operation Brighter Bay
2. That Council approve the addition of the Paignton and Preston coastal defence project, into the Capital Investment Plan at a value of £17.515m, subject to:
 - a) securing the required funding from the Environmental Agency (£9.441m), and
 - b) production of a compliant Full Business Case being discussed and supported at Capital Growth Board and approval from Cabinet (Outline Business Case attached as Appendix 4).
3. That delegated authority be given to the Divisional Director of Economy, Environment and Infrastructure in consultation with the Section 151 officer and Portfolio Holder for Finance and Housing to award the contract of works for the delivery of the Paignton and Preston coastal defence project.
4. Following receipt of £20m grant funding from the round 3 of Levelling Up Funds (LUF3) approval is given for feasibility funding to progress the following projects to the next stage:
 - 4.1 Brixham port infrastructure project. Initial allocation of £75k to be drawn down for feasibility works.
 - 4.2 Paignton tec park project - Initial allocation of £85k to be drawn down for feasibility works.

Reason for the Decision

To ensure the Council operates in a prudent manner and works to maintain a balanced budget.

Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 18 July 2024.

Information

The Budget Monitoring Outturn 2023/24 report set out a high-level budget summary of the Council's revenue and capital position for the financial year 2023/24 which commenced on 1 April 2023. The report was based on the budget and final outturn position for the year ended 31 March 2024.

At the meeting, Councillor Tyerman 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

There were no alternative options considered.

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

12 July 2024

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

Record of Decisions

Review of Council Procurement Policies and Food and Music Festival - Report of the Overview and Scrutiny Board

Decision Taker

Cabinet on 11 July 2024.

Decision

That the Cabinet's response to the Review of Council Procurement Policies and Food and Music Festival – 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 22 July 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 report of the Overview and Scrutiny Board on a review they had undertaken on the Council's procurement policies and food and music festival. 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 Jackie Thomas 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

12 July 2024

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

Record of Decisions

Internships - Report of the Children and Young People's Overview and Scrutiny Sub-Board

Decision Taker

Cabinet on 11 July 2024.

Decision

That the Cabinet's response to the Children and Young People's Overview and Scrutiny Sub Board recommendations in respect of internships be approved as published.

Reason for the Decision

The Cabinet was required to respond to the findings of the Children and Young People's Overview and Scrutiny Board.

Implementation

This decision will come into force and may be implemented on 22 July 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 a report of the Children and Young People's Overview and Scrutiny Sub-Board in respect of internships. 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 Children and Young People's Overview and Scrutiny Sub-Board within two months. Subsequently the Cabinet prepared a response to the recommendations of the Children and Young People's Overview and Scrutiny Sub-Board which was proposed by Councillor Bye and seconded by Councillor David Thomas 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

12 July 2024

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