

Minutes of the Cabinet

20 August 2024

-: Present :-

Councillor David Thomas (Chairman)

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

(Also in attendance: Councillors Bryant (virtual), Cowell, Douglas-Dunbar (virtual), Foster, Law, Barbara Lewis (virtual), Long, Stevens (virtual), Tolchard (virtual) and Twelves (virtual))

31. Minutes

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

32. Disclosure of Interests

No interests were declared.

33. 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.

33.1 Hackney Carriage Tariff Increase

33.2 Leasing of Commercial Business units at Lymington Enterprise Centre, Torquay

33.3 Proposal for a Locality Model to Support our Children in Torbay who have additional needs including those with Special Educational Needs. Improving Inclusivity and Support.

33.4 Recommissioning and Procurement of 16 plus Supported Accommodation Provision

33.5 Fostering Annual Report

33.6 Local Authority Designated Officer (LADO) Annual Report 2023 - 2024

33.7 Independent Reviewing Service (IRO) Annual Report 2023 - 2024

33.8 Establishment of Cabinet Working Parties and Council Local Plan Working Party

34. Budget Monitoring 2024/25 - April to June 2024 Revenue and Capital Outturn Forecast

Members noted the submitted report and revised officer recommendation circulated on 15 August 2024.

Chairman/woman

Record of Decisions

Hackney Carriage Tariff Increase

Decision Taker

Cabinet on 20 August 2024

Decision

That the proposed amendments to the Hackney Carriage Tariff as set out in the submitted report be approved and the Director of Adults and Community Services be instructed to carry out the public consultation as set out in the prescribed process under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

Reason for the Decision

The Tariff was last reviewed in March 2022 and prior to this the Tariff had been updated in October 2019.

Since the last review, the consumer price index (CPI), which represents inflation through the change in the cost of living, had remained high. Inflation had fallen significantly since it reached 11.1% in October 2022, which was the highest rate for 40 years. However, the prices were not falling, they were just rising less quickly. Inflation had remained above the Bank of England's 2% target partly because of high energy and food prices. The price of fuel peaked in June 2022 at 191.1 pence for Petrol and 198.96 pence per litre of diesel but had reduced to its current price of 149 pence for petrol and 155.7 pence for diesel.

The drivers of inflation such as energy, fuel, food and consumer goods along with the impact on the economy from world events such as the Covid-19 pandemic and the world conflicts had continued to hit all business sectors hard, not least the taxi trade. In addition, direct overheads, such as vehicle replacement, servicing and insurance were also significant cost factors for the trade. The general hospitality and evening and night-time economy trade had also not fully recovered since the pandemic due to the cost-of-living crisis and the ongoing impact that the trade would experience financially was uncertain.

The Table of Fares (Tariff) should be set to enable sustainable income for drivers, future investment in vehicles and to clearly set rates that minimise the opportunity for overcharging or confusion.

Implementation

This decision may be implemented on 3 September 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The common term for Hackney Carriages is 'taxis', a customer can flag down a taxi in the street or at taxi ranks without booking unlike private hire vehicles that must always be booked in advance of the journey.

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, allows the Council to set the maximum costs and fares that drivers may charge the public for journeys taken in a taxi. The Council does not have powers to set fares for journeys in private hire vehicles.

Taxi fares were made up of an initial hiring charge (flag fall) and a mileage rate, both of which were expressed in terms of distance and or time. The Tariff had to be displayed within all taxis to allow passengers to calculate the approximate cost of their journey.

In accordance with the statutory procedure set out in Section 65 of the Local Government Miscellaneous Provisions Act 1976, Members agree the proposed changes to the Tariff, the Council must then undertake a public consultation prior to making any amendment to the Tariff. A notice must be published in at least one local newspaper circulating in the areas setting out the variation and specifying the period, which cannot be less than 14 days from the date of the first publication of the notice, within which and the manner in which, objections can be made.

If no objections to the variation of the Tariff are received, or if all objections are withdrawn, the revised Tariff will come into operation on the date of the expiration of the consultation period. However, if any objections are made and not withdrawn, the Cabinet will consider the objections and set a further date, not later than two months after the first specified date, on which the tariff shall come into force with or without further modifications.

At the meeting Councillor Tranter 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 options were to further amend the proposed amendments or reject the proposed amendments. These options were discounted in order to strike a balance between the legitimate right of the trade to a viable and sustainable livelihood and the needs of the travelling public to have a safe and affordable service. The cost-of-living crisis had hit the taxi trade hard most notably through the escalating vehicle purchase, maintenance and fuel costs. These costs were no longer absorbed through the existing Tariff. If the fares were not increased on a regular basis in line with inflation, then many potential drivers would be discouraged from entering or staying in the trade, leading to a shortage of supply and a decline in the quality of the service.

Is this a Key Decision?

Yes – Reference Number: I105626

Does the call-in procedure apply?

Yes

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

None

Published

23 August 2024

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

Date: 23 August 2024

This page is intentionally left blank

Record of Decisions

Leasing of Commercial Business units at Lymington Enterprise Centre, Torquay

Decision Taker

Cabinet on 20 August 2024

Decision

That authority be delegated to the Director of Pride in Place, in consultation with the Cabinet Member for Place Development and Economic Growth, to agree commercial heads of terms on the first lease granted at each unit at the Lymington Enterprise Centre, Torquay at a market rent.

Reason for the Decision

The benefits of fully utilising the opportunity of leasing the five light industrial units to businesses that were in need of business premises were:

- Increasing employment in the local area.
- Increasing investment in this district of Torbay.
- Managing these units on a commercial basis, minimising void periods and encouraging occupancy of businesses would meet the funding criteria.
- The rental income from these units would service the loan for the Council's financial contribution into the project to redevelop the whole coach station site.

Implementation

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

Information

The Council had recently completed the development of five brand new industrial units at Lymington Road, Torquay. The units were now ready for occupation and whilst void would incur holding costs such as utilities, business rates, maintenance and void property inspections. The units were currently being marketed. Heads of terms for the first unit, Unit 5 had now been agreed, subject to final approval from the Council as landlord. Given the proposed level of rent, Cabinet approval was sought to delegate to the Director of Pride in Place agreement of the terms of occupation on a commercial basis at a market rent, for Unit 5 and for the remaining four units as and when potential tenants were found.

At the meeting Councillor Chris Lewis 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 were:

Freehold disposal; the units have been designed to meet the demand for business use for light manufacturing, storage and office use and were to be commercially leased. The Council would

also achieve its employment aims, by retaining control of the units and selecting which businesses can use them. Therefore, the option of a freehold disposal was discounted.

A further option was not to let out these properties on a commercial basis. This would increase the Council's void costs and extend the period before the Council could gain any rental income. This would be a significant disadvantage to the Council in terms of lost revenue and void costs and had therefore, been discounted.

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

23 August 2024

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

Date: 23 August 2024

Record of Decisions

Proposal for a Locality Model to Support our Children in Torbay who have additional needs including those with Special Educational Needs. Improving Inclusivity and Support.

Decision Taker

Cabinet on 20 August 2024

Decision

1. that consultation on a Locality Model be undertaken by the Local Area Partnership (as set out at Appendix 1 to the submitted report) and the outcome of the consultation, together with recommendations on the new proposed Locality Model for Higher Needs and Special Educational Needs and Disabilities (SEND) be presented to a future Cabinet meeting; and
2. that Cabinet notes that the Locality Model provides the opportunity to ensure that the MySpace Building at Parkfield is utilised to provide maximum benefit for children and young people in Torbay, through a vibrant and active use of the site at all times. That in this respect the Chief Executive be instructed to work with community and voluntary sector partners to develop a proposal to be presented to the Cabinet at a future meeting, taking into account the Local Model proposals.

Reason for the Decision

The proposed Locality Model would repair the current fragmentation within the education and SEND system to bring all stakeholders within communities together to bring about the required improvements for children, young people and their families.

Furthermore, the proposal for a Locality Model would enable better use of the expertise in the system by developing a way to allow families, colleagues in health, education and social care to work together.

By enabling the school and SEND system to develop into a community-based approach, Torbay would be reducing the need for families and their children to wait to receive a statutory Education Health and Care Plan or a medical diagnosis before any support or specialist provision could be offered. This would enable early intervention to be at the forefront of support for the young residents of Torbay which were maintained in their own local communities.

The Cabinet wishes to consult on the proposed Locality Model.

Implementation

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

Information

In 2021, a joint inspection between Ofsted and the Care Quality Commission (CQC) found that Torbay's systems work in silos and do not promote collaboration easily. In addition, they found

that parents felt they had to 'fight' for support through an Education, Health and Care Plan and wait for a specialist assessment or diagnosis. Since 2021, a huge amount of improvement work had been happening across the local area, however the impact had been limited for parents and their children.

Following a full Needs Analysis and Review of the Special Educational Needs and/or Disabilities (SEND) provision within Torbay, alongside the increasing demand for specialist education support, it was proposed to consult on the implementation of a Locality Model across the area, in order to bring services together to support the children and young people of Torbay in their local community, reduce the requirement for an Education Health and Care Plan to receive support and therefore reduce the wait that families were experiencing in receiving the support that their children needed to thrive.

A Locality Model would see whole communities coming together to support the children within their local area. Torbay's SEND provision would become a needs-led approach, focusing on the needs of children and young people within each local area, and allowing local stakeholders to make decisions on how the children and young people's needs could best be met.

At the meeting, Councillor Bye 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 options considered were:

Option 1: The current system and processes could remain the same within Torbay with no changes. This option comes with a number of disadvantages, mainly being that children and young people would continue to experience long waits for the support required, family's distrust in the education and SEND system would continue to grow and the pressures on the budgets would continue to increase. This would pose a high risk in any forthcoming Ofsted Inspection (expected towards the end of 2024) as the Local Authority was not taking action to address systemic failures blocking impact for children and young people with SEND.

Option 2: The proposed option which was a transformative change in supporting additional needs within Torbay. Such transformative change had been implemented in other Local Authorities who had been experiencing the same challenges, the model had brought positive changes to the experiences of the children, young people and their families. This model would also align with the Government's aspirations to enhance the inclusivity and provision within mainstream schools and to focus on children and young people receiving the right support, in the right place, at the right time in their own local communities.

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

23 August 2024

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

Date: 23 August 2024

This page is intentionally left blank

Record of Decisions

Recommissioning and Procurement of 16 plus Supported Accommodation Provision

Decision Taker

Cabinet on 20 August 2024

Decision

That the Director of Children's Services be given delegated authority, in consultation with the Cabinet Member for Children's Services, to award the contracts for 16 plus supported accommodation provision, following the successful completion of the procurement process.

Reason for the Decision

In preparation for the contract end date a thorough needs analysis and options appraisal was being finalised. This activity would inform future commissioning and procurement activity. This was an essential piece of work to ensure the provision commissioned meets the needs of Torbay's young people.

Furthermore, it allows the Council to test the market by undertaking an open market procurement where it was felt to be in the best interests of residents and the local authority to test for efficiencies, new models of delivery and innovative practice.

Implementation

This decision will come into force and may be implemented on 3 September 2024 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 a range of supported accommodation options for young people aged 16 – 25 who were cared for, care experienced or at risk of or experiencing homelessness. In 2020 commissioning and procurement activity successfully awarded block contracts (totalling 60 units across 3 Providers) alongside the development of a 16 plus supported accommodation framework. The framework includes 6 additional Providers from which individual placements can be purchased.

The block and framework contracts were awarded on a 3-year initial term with the option of a 2-year extension. These contracts commenced on 1 April 2021 and as of 1 April 2024 an 18-month extension was agreed. Following the initial stages of the needs analysis process, it had been agreed to utilise the additional 6 months extension period available within the current contracts. By using the full extension options, the current contracts would now end on 31 March 2026.

In preparation for the contract end date a thorough needs analysis and options appraisal was being finalised. This activity would inform future commissioning and procurement activity. This was an essential piece of work to ensure the provision commissioned meets the needs of Torbay's young people.

It also allowed the Authority to test the market by undertaking an open market procurement where it was felt to be in the best interests of residents and the local authority to test for efficiencies, new models of delivery and innovative practice.

At the meeting Councillor Bye 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

Legislative requirements stipulate that the local authority undertakes a relevant procurement process to award contracts.

The decision to utilise the full contract extension period had been agreed to ensure time and resource could be allocated to fully explore all options in the scope of this re-commissioning activity. This would ensure any future provision commissioned meets the needs of Torbay's young people.

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

23 August 2024

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

Date: 23 August 2024

Record of Decisions

Fostering Annual Report

Decision Taker

Cabinet on 20 August 2024

Decision

That the Cabinet endorses the Fostering Annual Report 2023-24 as set out in Appendix 1 to the submitted report and that it is published in accordance with Council's requirements.

Reason for the Decision

It is a statutory requirement established by the National Minimum Standards for Fostering for each Local Authority to produce and publish an Annual Report.

Implementation

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

Information

The Fostering Annual Report set out Torbay's vision for the Fostering Service, its core principles, its key aims, main priorities and actions, the role of the Fostering Service and its various functions, the Fostering Service organisational structure, recruitment performance information, an outline of the fostering recruitment and marketing strategy and campaign, improvements in terms of foster carer support and retention, information relating to number of initial enquires received in the period of the 1 April 2023 to the 31 March 2024 and the next steps for the service.

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 alternative options considered.

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

23 August 2024

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

Date: 23 August 2024

Record of Decisions

Local Authority Designated Officer (LADO) Annual Report 2023 - 2024

Decision Taker

Cabinet on 20 August 2024.

Decision

That the Cabinet endorses the Local Authority Designated Officer (LADO) Annual Report 2023-24 set out at Appendix 1 to the submitted report to be published in accordance with Council's requirements.

Reason for the Decision

Whilst there was not a statutory requirement for each Local Authority to produce and publish an Annual Report in respect of the work of the LADO, there was an expectation that one was completed to inform both the local authority and partner agencies of the number and nature of contacts over the period and to identify trends and learning from the data to inform any local action plans.

Implementation

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

Information

The LADO Annual Report provides an overview of allegations referred to the LADO regarding people in a position of trust working or volunteering with children in the Torbay locality.

It summarises the statutory role of the LADO and both the national and regional context of the role, the number of consultations and referrals, a breakdown of the types of allegations and the profile of the LADO's work from 1 April 2023 to 31 March 2024.

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

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

23 August 2024

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

Date: 23 August 2024

Record of Decisions

Independent Reviewing Service (IRO) Annual Report 2023 - 2024

Decision Taker

Cabinet on 20 August 2024

Decision

That the Independent Reviewing Service (IRO) Annual Report set out at Appendix 1 to the submitted report and the publication of this in accordance with the legislative requirements outlined in the report be endorsed.

Reason for the Decision

To ensure that the Council upholds its responsibility as Corporate Parents and complies with legislation.

Implementation

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

Information

The IRO Annual Report sets out an overview of the activity of the Independent Reviewing Officer Service, the staffing structure, developments within the service and the key improvement objectives for the service moving forward.

The Annual Report evaluates the effectiveness and impact of the Independent Reviewing Service; Independent Reviewing Officers play a key role in ensuring that care plans for children were progressed with a central focus on their needs, their ascertainable wishes and feelings and what intervention and support was required to help children achieve their goals.

At the meeting, Councillor Bye 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

There were no alternative options considered.

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

23 August 2024

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

Date: 23 August 2024

Record of Decisions

Establishment of Cabinet Working Parties and Council Local Plan Working Party

Decision Taker

Cabinet on 20 August 2024

Decision

1. That the following Cabinet Working Parties be established:

- **Cabinet Capital Projects Working Party**

Terms of Reference: To receive detailed briefings on capital projects, to ensure Members have up to date information on key capital projects and be aware of upcoming project milestones and future Council decisions related to the overall Programme and to allow officers to seek Members views (individual and collective) on certain project elements where options are available.

Membership: 3 Conservatives (to include the Cabinet Member for Finance (who will Chair the meetings)), 2 Liberal Democrats and 1 Independent.

- **Cabinet Oldway Working Party**

Terms of Reference: To review proposals for use of buildings and grounds and oversee delivery of works from allocated monies.

To ascertain community views in respect of these matters with relevant members from the local community and representatives from the business, public and voluntary sectors are to be invited to meetings when needed.

Membership: 3 Conservatives (to include the Cabinet Member for Place Development and Economic Growth, (who will Chair the meetings)), 2 Liberal Democrats and 1 Independent.

- **Cabinet Road Network and Travel Working Party**

Terms of Reference: To consider current and emerging road network and travel matters (encompassing all forms of transportation around the Bay and parking) and make recommendations to the appropriate decision maker.

Membership: 3 Conservative (to include the Cabinet Member for Pride in Place, Transport and Parking, (who will Chair the meetings)), 2 Liberal Democrats and 1 Independent.

2. That Cabinet recommends to Council:

That the Local Plan Working Party be established with the following Terms of Reference and Membership:

Terms of Reference: To assist Officers with the preparation of the revised draft Local Plan including the content, timing and scope of key consultation and submission documents in

accordance with the timetable as set by the Local Development Scheme (or similar document required by subsequent legislation); to make appropriate recommendations to Cabinet and Council; and to respond to issues that may arise during examination.

Membership: 3 Conservatives (to include the Cabinet Member for Place Development and Economic Growth (who will Chair the meetings)), 2 Liberal Democrats and 1 Independent.

This Working Party will be disbanded once it has completed its review of the revised Local Plan documents.

Reason for the Decision

The Working Parties will ensure that all political groups on the Council are represented and will also guide Officers in ensuring that there is good engagement with relevant interested parties and external representatives to ensure that the Council is:

- Putting our residents at the heart of everything we do;
- Making evidence based decisions;
- Making the most out of Council owned assets; and
- Working together.

Implementation

The decision in respect of 1. will come into force and may be implemented on 3 September 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

The decision in respect of 2. will be considered at the Council meeting on 12 September 2024.

Information

The Council, its committees, the Leader of the Council, the Cabinet, Cabinet Committees and the Chief Executive may establish a working party or amend the terms of reference or membership of existing working parties. In establishing working parties, the appointing body or person will determine the precise terms of reference of the working party (having regard to the terms of reference of any other working parties), initial membership and (if appropriate) duration of the working party.

The Cabinet had identified the need to appoint three Cabinet Working Parties whose purpose will be to act as a consultee for the development of operational policies and working practices relating to their specific areas in accordance with their agreed Terms of Reference and make recommendations to the Cabinet/appropriate decision-maker. The Cabinet also made recommendations to establish a Council appointed Working Party to oversee the development of the draft Local Plan and made recommendations in that regard.

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

Alternative Options considered and rejected at the time of the decision

The alternative option would be to not appoint the Working Parties, this option was not recommended as it would lose the opportunity for wider engagement with cross party Councillors.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes to the decision in 1. above.

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

None

Published

23 August 2024

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

Date: 23 August 2024

This page is intentionally left blank