



Minutes of the Cabinet

3 September 2019

-: Present :-

Steve Darling (Chairman)

Councillors Long, Morey, Carter, Stockman, Law and Cowell

(Also in attendance: Councillors Barrand, Brooks, Doggett, Douglas-Dunbar, Ellery, Loxton and David Thomas)

20. Minutes

The Minutes of the meeting of the Cabinet held on 6 August 2019 were confirmed as a correct record and signed by the Chairman.

21. Communications

The Leader of the Council, Councillor Steve Darling, advised Members that he had recently attended a Greater South West Steering Group and had shared with colleagues a teaser document on the way forward for our Local Enterprise Partnerships (LEPs) which was supported by central government.

The Cabinet Member for Children's Services, Councillor Law, provided a verbal update on the work she was carrying out in September to highlight the support available for children and their families. This included focussing on going back to school, Special Educational Needs (SEND), fostering and youth services. She encouraged other Members to share her posts to enable the message to be received as widely as possible.

22. 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.

22.1 Devon and Somerset Fire and Rescue Service - Safer Together Consultation

22.2 Exclusion of Press and Public

Councillor Steve Darling proposed and Councillor Carter seconded the motion, which was agreed by the Cabinet unanimously, as set out below:

that the press and public be excluded from the meeting prior to consideration of the item 22.3 on the agenda on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.

Prior to consideration of the item in Minute 22.3, the press and public were formally excluded from the meeting.

22.3 New Investment Opportunity 6/9/19

Chairman

Record of Decision

Devon and Somerset Fire and Rescue Service - Safer Together Consultation

Decision Taker

Cabinet on 03 September 2019

Decision

That the Leader of the Council responds to the Fire and Rescue Service consultation before the closing date of 22 September 2019 on the basis that the 6 options as proposed by the Devon and Somerset Fire Authority in their consultation document Safer Together should be rejected. That members of the Fire Authority representing Torbay be recommended, having considered all representations and available information, to vote against these options and support any option to maintain the status quo of fire cover in the bay and open discussions with the Fire Service to explore improved resilience in a more clear and concise way.

This Council having considered the current consultation being run by Devon and Somerset Fire and Rescue Service feels that:-

The Options proposed do not provide sufficient detail for the improvements claimed, particularly information on how the on-call system would be improved, how extra prevention and protection will be achieved, or how much would actually be re-invested into the service.

It fails to recognise the excellent work Firefighters already do to prevent injuries, building damage and environmental damage, and to respond to all types of incidents.

This Council feels that the data given in the consultation is flawed and has an unachievable expectation, in that there is an assumption made that after the cuts, all assets will be available at all times, giving the false impression that the risk of fire deaths will reduce if the proposals are agreed, whereas statistically it is likely that risk would increase.

The revised attendance times make no reference to properties that may be disadvantaged by the proposed changes.

It should also be noted that if the proposals were to be adopted, around one third of the residents of Devon and Somerset, over 600000 people, will see a slower response from the Fire and Rescue service at certain times of the day.

The Council fully supports the work the Fire and Rescue Service undertake in their prevention work within Torbay and urges the Fire and Rescue Service to undertake more enforcement action with businesses who are non-compliant with the appropriate fire regulations and to work with Community Services to achieve this.

The Council is also concerned as to the appropriate lack of transparency in the process where the document refers to the information/data collected by this consultation being kept confidential and only the Devon and Somerset Fire and Rescue Service staff responsible for the analysis of data and those responsible for preparing the consultation findings report receiving full details and not the public or the Devon and Somerset Fire and Rescue Authority Members.

As such this Council calls upon Devon and Somerset Fire and Rescue Service Authority members to reject in full the options proposed.

Reason for the Decision

The reasons are contained within the decision. The proposal will enable the Council to submit a formal response to the consultation document.

Implementation

This decision will come into force and may be implemented on Monday, 16 September 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The Overview and Scrutiny Board met on 20 August 2019 to consider the consultation documents produced by the Devon and Somerset Fire and Rescue Service on the proposed options for future service delivery and to form a recommendation to the Cabinet as to the Council's official response to the consultation known as 'Safer Together'. At the Cabinet meeting Councillor Howgate presented the recommendations of the Overview and Scrutiny Board as set out in the submitted report.

Members noted that the recommendations from the Overview and Scrutiny Board contained reference to the Councillors representing Torbay Council on the Fire Authority being instructed to vote against the options. The Council is not able to instruct and the motion put forward was amended to reflect this.

At the meeting the Cabinet was referred to page 46 of the consultation document which states:

"The information/data collected by this consultation will be kept strictly confidential and shared only with Devon and Somerset Fire and Rescue Service staff responsible for analysis of the data and those responsible for the preparing the consultation findings report."

Members were concerned that the consultation responses would therefore not be made public and this would result in a lack of openness and transparency in the process.

Councillor Long proposed and Morey seconded a motion which 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

6 September 2019

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

Date: 5 September 2019

Record of Decision

Investment Opportunity 6/9/19

Decision Taker

Cabinet on 03 September 2019

Decision

That Investment Opportunity 6/7/19 be deferred to enable the Director of Asset Management, Investment and Housing, TDA, to obtain further financial information in respect of the tenant and future use of the site.

Reason for the Decision

To enable further information to be obtained before the Cabinet makes a final decision in respect of this investment.

Implementation

The decision in respect of Investment Opportunity 6/9/19 will come into force immediately. Any delay likely to be caused by the call-in process would prejudice the Council's interest. The Overview and Scrutiny Co-ordinator was consulted on 3 September 2019 and agreed that the decision was urgent.

Information

The Cabinet considered the submitted Exempt Report on the proposed purchase of one new investment on behalf of the Council in line with the Investment and Regeneration Strategy.

Councillor Steve Darling proposed and Councillor Cowell seconded a motion which was agreed unanimously by the Cabinet as set out above.

(Note: Councillor Doggett arrived at the meeting during discussion of this item.)

Alternative Options considered and rejected at the time of the decision

None

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

6 September 2019

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

Date: 5 September 2019