



Friday, 23 August 2019

CABINET

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

Tuesday, 3 September 2019

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room - Town Hall

Members of the Committee

Councillor Steve Darling (Chairman)

Councillor Long

Councillor Stockman

Councillor Morey

Councillor Law

Councillor Carter

Councillor Cowell

A prosperous and healthy Torbay

For information relating to this meeting or to request a copy in another format or language please contact:

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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 6 August 2019.

(Pages 4 - 14)

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. **Communications**

To receive any communications or announcements from the Leader of the Council.

5. **Urgent Items**

To consider any other items the Chairman decides are urgent.

6. **Matters for Consideration**

7. **Devon and Somerset Fire and Rescue Service - Safer Together Consultation**

To consider a recommendation from the Overview and Scrutiny Board on the proposed options for future service delivery of Devon and Somerset Fire and Rescue Service's consultation known as Safer Torbay.

(Pages 15 - 17)

8. Exclusion of Press and Public

To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.

9. New Investment Opportunities

To consider potential investment opportunities.



Minutes of the Cabinet

6 August 2019

-: Present :-

Councillor Steve Darling (Chairman)

Councillors Long, Morey and Cowell

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

16. Apologies

Apologies for absence were received from Councillors Carter, Law and Stockman.

17. Minutes

The Minutes of the meeting of the Cabinet held on 23 July 2019 were confirmed as a correct record and signed by the Chairman.

18. Communications

There were no communications.

19. 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.

19.1 Notice of Motion - Local Radio Cuts

19.2 Freehold Disposal of The Monastery, Berry Drive, Paignton, TQ3 3RD

19.3 Proposed Council Tax Support Scheme 2020/2021

19.4 Freehold Disposal of Land adjacent to Zion Road, Torre, Torquay

19.5 Lease Renewal of Hollacombe Community Resource Centre, Paignton

Chairman

Record of Decision

Notice of Motion - Local Radio Cuts

Decision Taker

Cabinet on 06 August 2019

Decision

That the Cabinet resolves to ask the Leader of the Council to write to Torbay's Members of Parliament and ask them to back calls for OFCOM to review their decision.

Reason for the Decision

To support the Motion in respect of changes being made in the local commercial radio industry.

Implementation

This decision will come into force and may be implemented on Monday, 19 August 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The Cabinet considered a motion in relation to local radio cuts, notice of which was given in accordance with Standing Order A14.

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

Torbay Council expresses its concern at the changes being made in the local commercial radio industry.

This Council believes that the changes in format being allowed by OFCOM will put pressure on local radio content and news which affect the local community.

Torbay Council notes that these changes have been questioned on both social media and in Parliament.

That the Cabinet resolves to ask the Leader of the Council to write to Torbay's Members of Parliament and ask them to back calls for OFCOM to review their decision.

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

9 August 2019

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

Date: 8 August 2019

Record of Decision

Freehold Disposal of The Monastery, Berry Drive, Paignton, TQ3 3RD

Decision Taker

Cabinet on 06 August 2019

Decision

- (i) that, subject to (ii) below, the Interim Director of Place, in consultation with the Chief Executive, be authorised to dispose of the freehold interest of The Monastery, Berry Drive, Paignton, TQ3 3RD by way of auction, on a date to be agreed, to the highest bidder; and
- (ii) that the community be invited to submit a business case for community use of the Monastery, Berry Drive, Paignton, within four weeks of publication of this decision and that the Interim Director of Place, in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing, be given delegated authority to determine the viability of such business case and if it should be referred to the Cabinet and/or Council for consideration or to proceed with the disposal agreed in (i) above.

Reason for the Decision

The building is surplus to the Council's requirements and the sale will enable the Council to generate a capital receipt to invest in other assets or projects.

Implementation

This decision will come into force and may be implemented on Monday, 19 August 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The submitted report set out a proposal to dispose of the Monastery, Berry Drive, Paignton by way of auction as the building has been declared surplus to the Council's requirements and has been vacant since November 2017. The building has deteriorated since being left vacant and the Council was liable for its ongoing repairs and maintenance. It was therefore necessary to dispose of the site as soon as possible which would provide a capital receipt to supplement the Council's Capital Programme and reduce future maintenance costs.

A revised officer recommendation was circulated prior to the meeting to enable the community to submit a business case for community use of the Monastery prior to its formal disposal on the open market.

Councillor Long proposed and Councillor 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

Alternative options were set out in the submitted report but not discussed at the meeting.

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

9 August 2019

Signed: _____ Date: 8 August 2019
Leader of Torbay Council on behalf of the Cabinet

Record of Decision

Proposed Council Tax Support Scheme 2020/2021

Decision Taker

Cabinet on 06 August 2019

Decision

That a formal 6 week public consultation involving residents, representative groups and other stakeholders be commenced from mid-August, for the proposed introduction of a revised Council Tax Support scheme for working age residents which incorporates a household income banded system to commence from April 2020.

Reason for the Decision

To meet the requirements for a six week consultation with residents, representative groups and other stakeholders prior to any revisions to the scheme being approved by the Council in December.

Implementation

This decision will come into force immediately so as to commence the formal consultation.

Information

The submitted report provided details in respect of proposed consultation on revisions to the Council Tax Support Scheme for 2020/2021, which would align with the approach being taken by all other local authorities throughout Devon from 1 April 2020. This would introduce a four band system which will help families to plan their Council Tax payments and reduce the need to reissue bills to them on a regular basis. It was noted that the Council would work closely with all families affected by the changes and sign post them to other support available for example the Council Tax Hardship Fund.

The Council was required to review their local scheme for Council Tax Support (for working age customers) annually and must undertake a formal six week public consultation on the proposals.

Councillor Cowell proposed and Councillor Steve Darling 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

Alternative options were set out in the submitted report but not discussed at the meeting.

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

9 August 2019

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

Date: 8 August 2019

Record of Decision

Freehold Disposal of Land adjacent to Zion Road, Torre, Torquay

Decision Taker

Cabinet on 06 August 2019

Decision

That the Interim Director of Place, in consultation with the Chief Executive, be authorised to dispose of the freehold interest of land area 175 sq. m (1884 sq. ft.) adjacent to Zion Road, Torre, Torquay, as shown in Plan EM2901 attached at Appendix 1 to the submitted report.

Reason for the Decision

The proposed purchaser was considered a special purchaser due to his freehold ownership of the land adjacent. The agreed purchase price reflects this, coupled with the anticipated redevelopment of the site, and consequently terms of disposal for this land in isolation are unlikely to be bettered by an advertising campaign on the open market.

Implementation

This decision will come into force and may be implemented on Monday, 19 August 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The submitted report set out a proposal to dispose of the freehold in respect of land adjacent to Zion road and adjacent to the adopted public highway which had been used in recent years by Parking Services for off-street parking bays, as shown on the submitted Plan EM2901.

The landowner of the adjoining former Zion Road Chapel has obtained planning consent to redevelop the site to form 6 new apartments and now wishes to acquire the identified land for parking and garden/ amenity land in support of the proposed development.

Councillor Long proposed and Councillor Cowell 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

Alternative options were set out in the submitted report but not discussed at the meeting.

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

9 August 2019

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

Date: 8 August 2019

Record of Decision

Lease Renewal of Hollacombe Community Resource Centre, Paignton

Decision Taker

Cabinet on 06 August 2019

Decision

That the Interim Director of Place, in consultation with the Chief Executive, be authorised to grant an excluded lease for a term of 2 years for Hollacombe Community Resource Centre (CRC), as shown on Plan EM2639 set out at Appendix 1 to the submitted report, from 1 December 2019 to Torbay and South Devon NHS Foundation Trust.

Reason for the Decision

The renewal of the lease of Hollacombe CRC, Paignton to the Torbay and South Devon NHS Foundation Trust will enable the continuation of service delivery on the site.

Implementation

This decision will come into force and may be implemented on Monday, 19 August 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

Torbay and South Devon NHS Foundation Trust (the Trust) was granted a two year lease of Hollacombe Community Resource Centre (CRC) commencing 1 December 2017. The lease will expire on 30 November 2019.

The lease granted was excluded from the security of tenure provisions of the Landlord and Tenant Act 1954 and therefore the Trust have no statutory rights to renew the lease. However, it is deemed in the best interests of the Council to renew this lease to enable continued service provision on the site. The new lease needs to be agreed prior to the expiry of the current arrangement or the Trust will need to vacate at the end of the contractual term.

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

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the submitted report but not discussed at the meeting.

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

9 August 2019

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

Date: 8 August 2019

Report to Cabinet - 3 September 2019

1. The Overview and Scrutiny Board met on 20 August 2019 to consider the consultation documents produced by Devon and Somerset Fire and Rescue on the proposed options for future service delivery and to form a recommendation to Cabinet as the Council's official response to the consultation known as 'Safer Together'.
2. The Board heard oral representations from the following: Lee Howell (Chief Fire Officer), Glenn Askew (Deputy Chief Fire Officer), Chris Balcombe (Fire Brigade Union Representative), Tara Harris (Assistant Director of Community Services) and Rosemary Martin (Devon Landlords Association). Written representation in support of the consultation was also received from Adel Jones (Director of Transformation and Partnerships, Torbay and South Devon NHS Foundation Trust).
3. Lee Howell and Glenn Askew outlined the proposed six options and the rationale behind the Fire Authority's proposals. These included that the Fire and Rescue was originally designed more than 50 years ago and since then the make-up of communities and the way in which people live their life had changed significantly. The Board was advised that the distribution of stations and resources across the two counties had not changed since the 1940's. It was noted that the geography of Devon and Somerset was changing with the increase in large housing developments in some towns. Moreover, lifestyle changes, such as the introduction of the smoking ban, the oven chip and the mass installation of smoke detectors, had greatly contributed to the reduction in the number of fire deaths and casualties. The Board was advised that prevention work was increasingly a key focus for the Fire and Rescue Service and the representatives explained the different types of preventative technology which could be used and installed in residential and business properties. Mr Howell stated that there was a need to save money but that the proposals were motivated by a desire to reallocate resources more efficiently to take into account the present day context.
4. The Fire and Rescue Representatives confirmed that the proposals would save over £8m, and that 20% of the total revenue savings across the region would come from changes to provision at Paignton Fire Station, which would include the ending of whole-time crewed cover at night. The requirement to make savings was due to a significant reduction in central grant funding from national government which had impacted upon the service as they, like local authorities, do not have the protection of protected funding. They had assessed that increasing the precept in Council Tax was not a realistic option, and therefore significant structural change was needed. The submitted papers showed the demand for, and availability of, fire engines from May 2016 to April 2019 inclusive, the emergency response standards and the revenue/capital savings each of the six options would generate together with prevention and protection proceeds.
5. The Fire Brigade Union Representative, Chris Balcombe, outlined the concerns the Union had highlighted with the consultation. He stated that the statistics provided in the

consultation information only included firefighters' attendance at Road Traffic Collisions and fires in domestic dwellings. It did not include all the rescue work firefighters undertake, including fires on commercial property and open ground, medical support incidents, farm incidents and flood rescues. In particular Mr Balcombe referred to peoples' lifestyle choices and the difficulties the Fire and Rescue Service face in engaging with communities in deprived areas in their preventative work. This had particular relevance to Torbay where there were a high number of Houses of Multiple Occupation (HMOs) with a large proportion of transient or short-term rentals. The Union had also voiced concerns over the proposals with regard to the absence of detail behind many of its assumptions. Essential elements such as pay, and other terms and conditions were not available, which made it difficult to assess the effect of these proposals on the recruitment and retention of on-call firefighters.

6. The Assistant Director of Community Services, Tara Harris, praised the partnership work the Council carries out with the Fire and Rescue Service and highlighted to the Board that one in four people living in Torbay were over the age of 65, a group which is deemed as high risk. Mrs Harris explained that Torbay has a significant number of large care homes and that Torbay is a popular visitor location. Therefore during peak season the number of people in the bay is significantly higher. Mrs Harris explained that Torbay also had a high number of privately rented accommodation and prevention work with this sector is of utmost importance. Mrs Harris referred to a number of recent fires in Torbay and stated that there didn't appear to be a pattern surrounding their circumstances. The Board was further advised that the support provided by the Council after a fire can have an impact on services for a significant period of time.
7. Rosemary Martin from the Devon Landlords' Association outlined the difficulties landlords' encounter, which begins with the condition of older properties at purchase as frequently these properties are not compliant with Fire Regulations. She gave examples of the difficulties caused by some tenants who experienced health issues which posed greater fire risk to themselves and neighbours, especially in the context of HMOs. She underlined landlords' concerns with slower response times should any of the proposed options be implemented.
8. The Board reflected and debated the information provided to them, both in writing and orally. The six options in the Safer Together proposals were discussed, with the Board reaching consensus that all of the options were likely to mean a significant deterioration in the quality of service residents in Torbay were likely to receive. The Board formed the following recommendation (in paragraph 9) to the Cabinet. On being put to the vote, the motion was declared carried unanimously.
9. The Board recommends that:

The Leader of the Council responds to the consultation before the closing date of 22 September 2019.

The Overview and Scrutiny Board recommends to Cabinet that the 6 options as proposed by the Devon and Somerset Fire Authority in their consultation document Safer Together be rejected. That members of the Fire Authority representing Torbay

be instructed 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 Overview and Scrutiny Board 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.

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