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Dear Member

COUNCIL - THURSDAY, 18 OCTOBER 2018

I am now able to enclose, for consideration at the Thursday, 18 October 2018 meeting of the Council, the following reports that were unavailable when the agenda was printed.

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Yours sincerely

June Gurry
Clerk

Agenda Item 7

Meeting of the Council, Thursday, 18 October 2018

Questions Under Standing Order A13

A member may only submit three questions for consideration at each Council Meeting. Each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn. The time for member's questions will be limited to a total of 30 minutes.

Question (1) by Councillor Darling (S) to the Executive Lead for Adults (Councillor Parrott)	What is Torbay Council doing to support Purple Angel's day centre for people with dementia?
Councillor Parrott	<p>Purple Angel is providing a service as part of the community support to those with Dementia and their families.</p> <p>To set it in context: Dementia is one of the key priorities within the Sustainability and Transformation Partnership, sitting as a stand-alone priority under the Mental Health workstream. We are working with primary and secondary care, following a successful clinical event in September, to redesign the diagnostic pathway, to support early and appropriate diagnosis, followed by ongoing support until end of life. We have undertaken an enhanced Care Home Education and Support Team model within Torbay, to support residential and nursing homes to have improved education and support for residents who have Dementia. We are also working on a phased approach to further develop support post diagnostically, via our Dementia Adviser Service and links with our voluntary sector providers. We are working on enhanced support for respite and residential care, developing an innovative model which can provide a range of offers which are more appropriate to the needs of the individual and their family and carers.</p> <p>Specifically in relation to Purple Angel as a service I can advise the following. Our Older Person Mental Health Social Work Lead Officer is in contact with Purple Angel and has visited the manager at the Day Centre. The Purple Angel setting is a positive environment and we are working together to ensure the Purple Angel offer is part of local support for those with Dementia. The service is currently not likely to be able to manage the complex care needs of some clients with dementia, as personal care is not currently provided. It would require CQC registration for the Purple Angel Service to provide this. The manager of this Purple Angel Service is progressing that conversation with CQC to see what would be required. The Older People Social Work Lead Officer continues to offer support and guidance on request and will visit again when the service moves to Rowcroft facilities. The Social Workers have been made aware of the services for relevant clients including those with direct payments. Those who are eligible maybe able to purchase the service should they so wish.</p>
Question (2) by Councillor Long to the Executive Lead for Community	Residents on Great Hill Road, Torquay, and the surrounding area have described that they are living in fear due to the speeding traffic issues outside their properties.

<p>Services (Councillor Excell)</p>	<p>At the Full Council Meeting on 19th July 2018, a motion was tabled regarding those traffic issues by Councillor Darling (S) and myself. I understand that this motion was delegated to the Executive Head for Business Services to respond to. When might a decision be made in relation to this motion?</p>
<p>Councillor Excell</p>	<p>A meeting was held between officers and Ward Councillors on 16th October to discuss the concerns regarding Great Hill Road. Officers have also advised partners within the Peninsula Road Safety Partnership of the concerns raised by local residents in order that some targeted Police enforcement action may be considered along this route.</p> <p>Torbay Council have recently implemented some minor safety improvements to their section of the road and are in the process of replacing the faulty Vehicle Activated Sign with an improved version. Devon County Council have been contacted to enquire as to whether any improvements are planned on their section of the route, however Torbay Officers have not been made aware of any such proposals at the present time.</p>
<p>Question (3) by Councillor Tyerman to the Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (Elected Mayor Oliver)</p>	<p>Why is it that the Toilet provision in the central area of Goodrington Beach has been closed and is being removed when the Mayor gave assurances to the local community that such provision was a condition of granting the lease to Whitbread which led to the demolition of the previous toilet block and made it clear in a published decision which has not been rescinded that toilet provision in the central area of Goodrington Beach would remain in place.</p>
<p>Elected Mayor Oliver</p>	<p>The temporary toilet block was removed at the end of the summer season to avoid the potential for winter storm damage. In March these temporary facilities were washed away and the site is clearly in an exposed location. Given the Council's current spending moratorium it was considered inappropriate to risk the cost of such damage and taking the units off hire also provided a cost saving. The new permanent toilet block has now been ordered through the Council's contractor Healthmatic and should be open by Easter 2019. To mitigate the removal of the temporary toilets the Council arranged for the toilets at either end of Goodrington beach (North & South) to be kept open throughout the winter period and both these sites have disabled facilities.</p>
<p>Question (4) by Councillor Carter to the Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic</p>	<p>On the 19 April 2018 Full Council meeting the following decision was made about Crossways Paignton</p> <p>This Council notes that the Crossways arcade and car park continues to be a blot on Paignton town centre and was identified as the number one issue by residents taking part in a recent survey conducted by Paignton Liberal Democrats.</p> <p>It is noted that Council has already, in October 2016, passed a motion which was proposed by Councillor Haddock and seconded</p>

<p>Regeneration and Transformation (Elected Mayor Oliver)</p>	<p>by Councillor Robson authorising the Director of Corporate and Business Services to consider the acquisition or compulsory purchase of this site. Furthermore, Council reinforced this decision in April 2017 when, as part of the Transformation Project for Town Centres, it adopted into the Council's Policy Framework the Transformation Strategy for Torbay Town Centres as an appendix to the Torbay Economic Strategy. The responsibility clearly lies with the Town Centre Regeneration Board. Therefore, Council now instructs the Town Centre Regeneration Board to undertake, as a high priority, investigation of the acquisition by the Council of the Crossways site and to determine the best use of the site considering both financial and strategic aspects. The Town Centre Regeneration Board to make recommendations to the Council as soon as possible with the preferred options of the redevelopment of the Crossways site.</p> <p>I understand that this has now been transferred to the Investment and Regeneration Committee following the disbanding of the Town Centre Regeneration Board and an update is due to go to Committee on 16 October 2018, just prior to this meeting. Can you please explain why such a report has taken six months to prepare, when this blot on the landscape should be seen as the highest priority to resolve in Paignton?</p>
<p>Elected Mayor Oliver</p>	<ul style="list-style-type: none"> • Following the Council resolution in April, a brief for the work was completed and issued to the Council's consultants on 4th May, with a request for a fee proposal. • A fee proposal was received on 23 May and agreed on 24 May. • A formal instruction for the work was issued on 5th June. • A final draft report was received on 27th June and circulated to senior officers for comment. • A final report was received on 25 July. • The Town Centre Regeneration Programme Board was disbanded on 21 June. • Other priorities and resource issues have meant that the Investment & Regeneration Committee has not received a report before now. • In the meantime the TDA has, on the Council's behalf, continued to ensure that investors and/or developers know about the opportunity at Crossways and, if interested, are introduced to the owner of the site. • On 16th October 2018 the Investment & Regeneration Committee considered a very full report that covered options for Crossways – both in terms of development options and viability and in terms of Council involvement. • The Committee unanimously agreed to explore the level of subsidy required from the Council to help bring forward a viable redevelopment scheme and to bring options back to the Investment & Regeneration Committee for consideration.
<p>Question (5) by Councillor Pentney to the Executive Lead for Community Safety (Councillor Excell)</p>	<p>The following motion about vehicles blocking the highway on the road down to Oddicombe beach was referred to the Mayor at Council on 19 July 2018:</p> <p>This Council notes the following freedom of information request in respect of Oddicombe Cliff Road.</p>

	<p>“This bank holiday Monday afternoon there was a lot of irresponsible parking on this stretch of road from Babbacombe Downs to the Beach. Pedestrian footways were blocked by cars and vehicles had to drive on the pavement to gain access to the beach. As you know there is signage stating no parking beyond this point March to September.</p> <p>1. Are these restrictions enforceable?</p> <p>No. I believe these signs relate to the area which is not highway.</p> <p>2. If yes, how many tickets have been issued at this location in the last 12 months?</p> <p>N/A</p> <p>3. What is the planned parking enforcement regime over this summer?</p> <p>As advised above, parking restrictions are not in place to enable parking enforcement. If enforcement was to occur there will need to be a restriction. Also consideration as to how the beach land can be enforced. Colleagues in the Highways Team will be able to advise on the process to ensure this area of highway down to the beach can be enforced. I am aware this will require the writing of a traffic regulation order and consideration as to the signage and/or lines. The area which is classed as beach land can only be managed by locking the area to restrict access to vehicles.”</p> <p>This Council understands that last summer on at least two occasions’ emergency medical staff had to use the cliff rail way to gain access to a patient at Oddicombe Beach due to the road being blocked by inappropriately parked vehicles.</p> <p>In light of the above this Council instructs the Executive Head of Assets and Business Services to review the parking regulations on the public highway leading to Oddicombe Beach and consult with Oddicombe Beach users/stakeholders regarding the introduction of enforceable parking regulations in the interests of public safety.</p> <p>Mayor’s response:</p> <p>The Mayor referred the matter to the Executive Head of Business Services to review and respond.</p> <p>Can you please advise the Council of the progress to date in respect of resolving this community safety issue?</p>
Councillor Excell	<p>The previous signage in operation on Oddicombe Beach Hill was not enforceable as a parking offence. Following the issues experienced earlier this year the Highways team have implemented an Experimental Restricted Zone Traffic Regulation Order, which can be enforced by the authority’s Civil Enforcement Officers. The order became operational during August 2018 and appears to be working effectively.</p>

	The experimental order can remain operational for up to 18 months duration to enable monitoring of its effectiveness, following which the order will need to be either made permanent or revoked.
Question (6) by Councillor Darling (M) to the Executive Lead for Community Services (Councillor Excell)	Shoppers in Torbay are outraged at the lack of public toilets in Torquay Town Centre. Whilst I welcome the imminent provision of new facilities at the junction of Market Street and Union Street, why did Torbay council not engage with local café owners and offer them a payment of a few hundred pounds so that they could advertise that the public can use their toilet facilities until the new ones became available?
Councillor Excell	Due to the current moratorium on discretionary spend there is no additional budget to fund any payment that might be offered to the café owners. Officers met with most of the coffee houses near this location when these toilets were closed earlier in the year due to water leaks. Most of the café managers were happy to let people use their facilities but none were happy to enter into formal agreements or advertise the opportunity, even though a financial offer was made at the time.

Second Round

Question (7) by Councillor Long to the Executive Lead for Community Safety (Councillor Excell)	At the Full Council Meeting on 19th July 2018, a motion was tabled by Councillor Darling (S) and myself in relation to a request for a Grit Bin to be returned to Southern Close in Torquay. I understand that the Mayor delegated this decision to the Chief Executive. When might a decision be made on this matter?
Councillor Excell	Unfortunately the authority has no funds to provide additional Road Salt Bins, however a cost was provided for the community should they consider the provision and management of Salt Bin at their own expense. To date officers have not received any further communication from the community as to whether the proposal would be of interest to them.
Question (8) by Councillor Darling (S) to the Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (Elected Mayor Oliver)	At the Council meeting on 20 September 2018 I asked the following question and received the below reply: On the 1st of August 2018, due to the severe financial pressure that the Council faces, Torbay Council introduced a moratorium on non-essential spending for all parts of the Local Authority. Since then what meetings have you held with the two MPs who represent Torbay to put pressure on the Government to adequately fund the Council? I contacted both MPs to request a meeting to discuss Torbay's finances as a matter of urgency. I met with Sarah Wollaston MP on 30 August 2018, however, Kevin Foster MP has declined to meet with me. So, since the 20 September has Kevin Foster MP made himself available to discuss the financial challenges that Torbay Council faces in light of his Governments cuts?
Elected Mayor Oliver	No. I have written to Kevin Foster MP on a number of occasions and he has declined to meet with me. In one email to me he stated "Both Sarah and I regularly consult the Reader and Deputy Leader of the Majority

	Group on the Council, Cllrs Thomas and Tyerman, about the future challenges for the Council and how we can support them in dealing with this. This is with reference to not only next year's Budget, but also looking ahead to the time when the Council will be run by a Leader with Cabinet Model."
Question (9) by Councillor Carter to the Deputy Mayor and Executive Lead for Planning and Waste (Councillor Mills)	Part of the decision to take TOR2 back in house on the 21 June 2018 Full Council was that the Chief Executive, in consultation with the Mayor and Group Leaders be given delegated authority to negotiate the complete acquisition of TOR2, with a target completion date of 1st October 2018 and a longstop date of 21st December 2018. Can you please advise me what risks the officers have identified should there be slippage on the dates above?
Councillor Mills	Following the decision taken on 21 June a project team has been established to undertake the necessary Due Diligence. This complex exercise is ongoing and information is still being gathered. The Council needs to ensure that a thorough and robust process has taken place to safeguard the Council against any future decision and consequently it has not been possible to complete this work by the target date. The Chief Executive is continuing to update the Mayor and Group Leaders on the progress of this exercise along with any risks that might be caused by a delay in the process.

Third Round

Question (10) by Councillor Long to the Executive Lead for Community Safety (Councillor Excell)	Are there any reasons that the Council are aware of why residents should not be able to walk down Hatchcombe Lane in Torquay to access the woods at the end of the Lane?
Councillor Excell	Hatchcombe Lane is privately owned and any access would be at the discretion of the land owners. The authority does not have information relating to any rights of access for private lanes such as this.
Question (11) by Councillor Darling (S) to the Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (Elected Mayor Oliver)	On 2 October 2018 a Culture and Events Members Update was circulated on behalf of Councillor Amil, Executive Lead for Tourism, Culture and Harbours. Does the Mayor's Executive have their priorities confused, for years I have been asking for updates in a similar vain to the Culture and events members update to be circulated about Children's Services. Why does the Mayors Executive prioritise culture and events over our children?
Response provided by Councillor Stocks on behalf of the Elected Mayor.	Each Executive Lead is tasked with carrying out his/her duties according to the job description within the council's constitution, this will include, with advice from officers if deemed appropriate how to share information within their portfolio with other council members. Executive Leads must also

	<p>have regard to the Information Governance department guidance which states that everyone should “Operate within legal requirements and best practice”.</p> <p>Councillor Amil’s portfolio covers public facing activities within the cultural and entertainment field that are there for residents to enjoy. The Culture and Events Members Update to which Councillor Darling refers is personally written by Councillor Amil as a means of communicating information about these public facing activities to a wider audience with the hopes that members will then cascade the same information to their local constituents thus encouraging them to participate in these activities.</p> <p>Other Executive members choose to share information with councillors in what is considered the most appropriate form, for example, Councillor Haddock arranged a briefing for councillors on Universal Credit so that they could understand the proposed new system and ask questions. This enabled a two way form of communication ensuring that councillors were fully equipped to answer individual queries from constituents as they arose.</p> <p>Information about the progress of the care of children is an internal matter and not for public distribution. I refer you back to the guidance from the Information Governance department above and also to the guidance on sharing Information and Data on page 5 of the Corporate Parenting Resource pack distributed to every councillor in September before the Corporate Parenting training began.</p> <p>The Children’s Department in consultation with myself (Councillor Stocks), follows best practice by giving regular progress reports with regards to looked after children and care leavers to the Executive Lead and the Corporate Parenting Panel and reports are presented to Full Council and the Overview and Scrutiny Board.</p> <p>Further information is shared through councillor briefings to all councillors who wish to attend these briefings where they get the opportunity to further explore the issues being presented to them. This would not be possible if the information was to be shared through a newsletter.</p>
<p>(Late) Question (12) by Councillor Darling (M) to the Council’s Representative on the TOR2 Board (Councillor Bent)</p>	<p>How are we holding TOR2 (80% owned by Kier 20% owned by Torbay Council), to their contract in terms of maintaining their waste and recycling vehicles?</p>
<p>Councillor Bent</p>	<p>In respect of TOR2 maintaining their vehicles, I can confirm as part of the contract they have to meet all the legal obligations for running and maintaining a fleet of vehicles such as O’Licence requirements and MOT’s.</p> <p>As the contract is based on an outcome specification TOR2 are obligated to complete the waste and recycling services within specified times by whichever means they consider suitable, therefore performance penalties can be only applied when the services are not met which was done within the summer this year.</p>

	<p>Currently, the waste and recycling is being collected on the scheduled day for residents of Torbay. TOR2 have leased six residual waste collection vehicles to ensure collections are made on time and mitigate the down time experienced by vehicle breakdowns.</p>
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