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Date: Thursday, 21 February 2019

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Dear Member

COUNCIL - THURSDAY, 21 FEBRUARY 2019

I am now able to enclose, for consideration at the Thursday, 21 February 2019 meeting of the Council, the following reports that were unavailable when the agenda was printed.

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6.	Members' questions Questions and Answers table	(Pages 275 - 283)

Yours sincerely

June Gurry
Clerk

Agenda Item 6

Meeting of the Council, Thursday, 21 February 2019

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.

<p>Question (1) by Councillor Hill to the Executive Lead for Environment (Councillor Ellery)</p>	<p>Over the years the council has received funding from Central Government for various aspects linked to flood and coastal defence management.</p> <p>This funding has been identified against the following items:</p> <ul style="list-style-type: none"> • As a Lead Local Flood Authorities statutory responsibilities under the Flood and Water Management Act 2010. • As a Lead Local Flood Authorities statutory responsibility to be a consultee and to respond to planning applications (specifically with regards to surface water flooding). This was a new responsibility introduced following Flood and Water Management Act 2010 hence additional funding from Government. • Land drainage funding to cover the Councils responsibilities under the Land Drainage Act for ordinary watercourses. • Funding to cover the Councils responsibilities as a Coastal Authority for coastal defences. <p>This funding was paid in a number of different ways to the Council including the revenue support grant.</p> <p>As this funding was not necessarily ring fenced the result is that budgets to the relevant departments for undertaking the works identified above have been significantly cut over the last few years resulting in less revenue works being carried out. This reduction has therefore increased the risk of flooding and coastal defence failures.</p> <p>Can the actual funding from Central Government that is allocated to the Council for these responsibilities be identified, together with the budgets that are provided to each department for dealing with these crucial functions?</p>									
<p>Councillor Ellery</p>	<p>The Council no longer receives any significant specific grant for flood and coastal defence (2017/18 £8,778, 2018/19 £9,735) so the money we spend is allocated from the General Fund. For the last 3 years the budgets have been:</p> <table data-bbox="391 1809 1380 1926"> <tr> <td>2016/17</td> <td>Budget £167k</td> <td>Actual Spend £113k</td> </tr> <tr> <td>2017/18</td> <td>Budget £25k</td> <td>Actual Spend £64k</td> </tr> <tr> <td>Current Year</td> <td>Budget £26k</td> <td>Actual Spend to date £40k</td> </tr> </table> <p>In addition, management salary costs are charged as part of the TDA core fee.</p>	2016/17	Budget £167k	Actual Spend £113k	2017/18	Budget £25k	Actual Spend £64k	Current Year	Budget £26k	Actual Spend to date £40k
2016/17	Budget £167k	Actual Spend £113k								
2017/18	Budget £25k	Actual Spend £64k								
Current Year	Budget £26k	Actual Spend to date £40k								

	<p>However the Council has also spent the following on flood and coastal work in recent years:</p> <table data-bbox="395 210 970 383"> <tr> <td>Storm Emma</td> <td>2017/18</td> <td>£213k</td> </tr> <tr> <td></td> <td>2018/19</td> <td>£175k</td> </tr> <tr> <td></td> <td></td> <td>-----</td> </tr> <tr> <td></td> <td></td> <td>£388k</td> </tr> <tr> <td></td> <td></td> <td>-----</td> </tr> </table> <p>The Council has also made capital contributions to flood alleviation schemes at Cockington and Monksbridge - £150k (the rest of the £740k cost was funded by the Environment Agency).</p> <p>The capital schemes for Brixham Breakwater, Freshwater cliff stabilisation and Hollacombe cliff armour all have a coastal defence element although primarily funded by external grants.</p>	Storm Emma	2017/18	£213k		2018/19	£175k			-----			£388k			-----
Storm Emma	2017/18	£213k														
	2018/19	£175k														

		£388k														

<p>Question (2) by Councillor Long to the Executive Lead for Community Services (Councillor Excell)</p>	<p>Can an update be provided on the solar powered speed sign on Great Hill Road Torquay, and when it will be fixed for a second time?</p>															
<p>Councillor Excell</p>	<p>The newly installed Vehicle Actuated Sign has been checked by our contractors again and at the time of inspection appears to be working properly. The sign is subject to a manufacturer's warranty and will be monitored. It should be clarified that the sign will only activate if approached by a vehicle exceeding the speed limit and will not illuminate if vehicles are driving within the speed limit.</p>															
<p>Question (3) by Councillor Darling (M) to the Executive Lead for Community Services (Councillor Excell)</p>	<p>Residents on Lymington Road and the surrounding area continue to experience severe difficulties with parking especially in the evening. This situation is exacerbated by a large amount of the coach station car park lying empty. Would it not be a better use of our resources, as I have raised previously with you, to allow residents to park in the coach station, over night for a small fee and thus reducing local highway congestion and generating some revenue for the Council than have it lie empty, achieving nothing and frustrating local residents?</p>															
<p>Councillor Excell</p>	<p>The Council offer an off peak parking permit for £60 annually which allows a vehicle to park in any Torbay Council pay and display car park from 3.00 p.m. – 10.00 a.m. each day. This permit would allow residents who are experiencing difficulties in the evenings in the vicinity to be able to park in the Lymington Road Coach Station car park.</p>															
<p>Question (4) by Councillor Pentney to the Executive Lead for Planning and Waste (Councillor Mills)</p>	<p>The dispute between Torbay Council and TOR2 over the maintenance of double yellow lines and white lining on the highway has resulted in poor and unenforceable road markings across the Bay. How is the local authority prioritising this backlog of works, which I understand amounts to hundreds of thousands of pounds?</p>															
<p>Councillor Mills</p>	<p>Prioritisation for the replacement of carriageway markings has been one of the subjects that has been raised as an improvement issue through the Joint Management Team between Torbay Council and TOR2. A team made up jointly from Torbay Council Highways Officers and TOR2</p>															

	<p>operatives has been set up to identify the areas in most need of re-marking works and prioritise the available resources to improve areas that are of a safety concern in the first instance and secondly to address the most urgent enforcement issues. The direction of marking resources is also being programmed to avoid areas where other resurfacing works are due to take place, however some areas will remain as a challenge for carriageway marking, due to the surface condition of some areas of the highway network.</p>
<p>Question (5) by Councillor Darling (S) to the Executive Lead for Planning and Waste (Councillor Mills)</p>	<p>At a time when Torbay is set to invest more than 5 million pounds in upgrading waste and recycling bin vehicles in order to improve the reliability of the service and increase recycling rates, why has this Council ceased the funding for the promotion of recycling?</p>
<p>Councillor Mills</p>	<p>The council has not ceased its funding to promote recycling. The promotion of recycling remains a priority and function of the waste and recycling team who will continue to utilise its budget in the most effective manner to increase recycling, while also managing the transition process of the TOR2 contract coming to an end in July 2020. Torbay Council in partnership with Devon County Council also have the shared time of an officer who actively works with the public to promote recycling and the school recycling visits will continue to be undertaken in 2019/20.</p>

Second Round

<p>Question (6) by Councillor Long to the Deputy Mayor and Executive Lead for Planning and Waste (Councillor Mills)</p>	<p>Councillors have been advised that one of the causes of the delays to collections of recycling over the Christmas and New Year period was the unprecedented amount of waste and particularly cardboard. Please could some figures be provided to confirm the unprecedented nature of the increase?</p>
<p>Councillor Mills</p>	<p>The main increase in 2019 material that was collected was Cardboard, and the tonnage was up just over 30 tonnes compared to the same period after Christmas in 2018. This is likely to be due to the ever increasing levels of online shopping. While this may not seem a lot 30 tonnes represents approximately 80 additional full capacity cardboard compartments on our current recycling vehicles. This not only represents additional time to collect and sort this increased tonnage, but an additional 80 returns to depot and unloading procedures greater than the previous year.</p>
<p>Question (7) by Councillor Darling (M) to the Executive Lead for Community Services (Councillor Excell)</p>	<p>Some local authorities have chosen to borrow money to improve their highways and pavements to a high standard which, in the long run, has proved cost effective leading to less maintenance and fewer legal cases. Have Torbay Council investigated this as a way forward as residents complain daily about the state of our highways.</p>
<p>Councillor Excell</p>	<p>Proposals to borrow funding to invest in Torbay's highways network has been considered and investigated. The Council has borrowed up to £20m to support the South Devon Highway. Torbay has a large backlog of highway repairs and the level of funding required to address this</p>

	<p>would require substantial levels of revenue funding to be committed to fund the repayments over future years. Torbay is aware Councils like Blackpool have undertaken borrowing for highways so will continue to review options, however with the reductions in council funding expected to continue, the opportunities are very limited at the present time.</p>
<p>Question (8) by Councillor Pentney to the Council's Representative on the Devon and Cornwall Police and Crime Panel (Councillor Excell)</p>	<p>Torquay has suffered a massive reduction in the number of uniformed police officers. Reassurances have been given that the number of PCSOs will be increased to 9 which is less than half the original compliment. When will this new target be reached?</p>
<p>Councillor Excell</p>	<p>Brixham and Paignton are now at a full complement of eight PCSO's. Torquay has been allocated twelve of which ten are now in post and the other two positions are being recruited to. There are therefore currently eighteen operational PCSO's in Torbay.</p>
<p>Question (9) by Councillor Darling (S) to the Executive Lead for Community Services (Councillor Excell)</p>	<p>It is now five years since the rail line at Dawlish failed, following a winter storm. At the time, David Cameron promised a sustainable solution that would be in South Devon's interest. How is Torbay Council standing up for our area and demanding a sustainable rail line with a clear timetable for improvements?</p>
<p>Councillor Excell</p>	<p>Torbay Council is a member of the Peninsula Rail Task Force (PRTF), a partnership of Local Authorities and LEPs (Cornwall Council, Devon County Council, Plymouth City Council, Somerset County Council, Torbay Council, Cornwall and Isles of Scilly LEP and Heart of the South West LEP). The Task Force was formed in 2012 in response to severe weather damage on the network at the time, before the incident at Dawlish in 2014.</p> <p>The partnership developed a strategic rail investment plan which was published in 2016 and had at its core three key principles, (1) Resilience and Reliability, (2) Reduced journey time and improved connectivity, and (3) Capacity and Comfort. Key to the resilience was the identification of a need for £284m investment, including works between Teignmouth and Dawlish. However, it is important to recognise that the sea wall at Dawlish is not the only network resilience issue currently impacting the South West's rail network.</p> <p>Recently PRTF have written to Andrew Jones MP, as the new Rail Minister, to update him on progress and remind Government of the key asks. The chair of PRTF also met with a range of MPs in January this year and with Network Rail Western Route Managing Director about their South West Rail Resilience Programme, who more recently also presented an update to the Board.</p> <p>The Council are, and have always been, clear that the coastal route is important and it sustainable, continuing to serve the communities of South East Devon and Torbay, is key. Avoiding lines and alternative routes can offer other benefits but this should only be considered in addition to the sustainability of the existing route.</p>

	<p>In terms of a programme for work, recognising that some work has already been completed (such as Cowley Bridge, Whiteball tunnel, Somerset Levels and Repairs at Dawlish) the next phases between Teignmouth and Dawlish are being prepared by Network Rail currently. An application has been submitted earlier this month to Teignbridge Council for works to the sea wall at Dawlish.</p> <p>Previously Government have committed funding upfront to Network Rail for enhancements, however, the process has changed and Network Rail are now required to develop business cases (funding for this development work has been committed by Government) for submission to the Department for Transport. Once submitted, funding can (it is hoped) be approved by Government. In a recent Prime Ministers Questions, Teresa May reaffirmed the commitment to the works.</p>
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Third Round

<p>Question (10) by Councillor Long to the Deputy Mayor and Executive Lead for Planning and Waste (Councillor Mills)</p>	<p>Residents in Torquay often advise that they would find it more convenient to use the recycling Centre in Newton Abbot than to have to go the Tor2 facility in Paignton. Are there any plans to re-enter negotiations with Devon County Council to enable this to happen?</p>
<p>Councillor Mills</p>	<p>The Recycling centre in Newton Abbot is closer to many Torbay residents, but it is run by Devon County Council and the ban on Torbay residents is still in place. Devon in 2015 undertook a survey to establish what proportion of Torbay residents were using their facility and the outcome was about 18%. From this piece of work they established that 18% of the running cost of the site was about £200,000 and if they were going to continue to allow Torbay residents to use their facility, Torbay Council would need to reimburse them for this amount.</p> <p>It was agreed in 2015 that Torbay Council could not afford this sum and with the budget situation becoming increasingly difficult it is extremely unlikely that this decision will ever be reversed.</p>
<p>Question (11) by Councillor Pentney to the Executive Lead for Community Services (Councillor Excell)</p>	<p>In respect of fly-tipping to the rear of St Martins Court in Corfe Crescent, I understand that the council took action at the end of 2017, and has recently taken further action to tackle this ongoing problem. What additional tools could the council bring to bear on the endemic problem at this location?</p>
<p>Councillor Excell</p>	<p>The area was cleared in 2017. More items have recently been dumped. Difficulty arises as the area is owned by a number of different people. Letters were delivered in January to these individuals with further letters three weeks ago informing them that the Local Authority would be serving legal notice, as they have had adequate time to clear the area and haven't. Next steps would be to undertake the removal of the items and to recharge the landowners.</p>
<p>Question (12) by Councillor Darling (S) to the Mayor and</p>	<p>For the last 12 months, on a month by month basis and broken down into individual elected Members, please provide the number of requests submitted</p>

Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (Elected Mayor Oliver)	through the Members Case Work System and the number of Freedom of Information requests received by the Council from elected Members?
Elected Mayor Oliver	Please see Appendix 1
Question (13) by Councillor Darling (M) to the Deputy Mayor and Executive Lead for Planning and Waste (Councillor Mills)	The deadline has now passed for the developer to come back with a plan for the Pavilion. Please can you advise what steps the Council are now going to take to progress this issue?
Councillor Mills	I can confirm that the applicant was given until the 31st January 2019 to submit the required additional information in respect of the planning application. This information has not been received and as a consequence a report on the application is currently being prepared with an aim to present to the next Development Management Committee meeting.

Appendix 1 – Response to Question 12

Member casework logged February 2018 – February 2019: total 760 Enquiries logged

Elected Member	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Total
Amil, Nicole														0
Barnby, Jane			1	4	1		5	3	4	2	2	1	1	24
Bent, Neil			1	4	1	1					1	1	1	10
Brooks, Anne			2	1	1									4
Bye, Nick	2		1	3	6	4	2	3	3		1			25
Carter, Christine	2		1	2	3		2		1	2		1		14
Darling , Steve	4	2	7	9	6	11	4	9	9	4	4	5	1	75
Darling, Mandy	4	5	11	6	7	10	3	2	5		2	2		57
Doggett, Ian				1	6			2	3		1			13
Ellery, Vic			2	1	1							1		5
Excell, Robert	2	2	2	3	4	12	10	2	6	1	2			46
Haddock, Richard				1										1
Hill, Ray					2							2		4
King, Mark			1	2	3	4	1							11
Kingscote, Mark		1	2	4	7	10	7	2	1	2	2	3		41
Lewis, Barbara	1	2	6	5	2	3	3	3	3	1	1	2		32
Lewis, Chris	1	1	7	9	3	5	2	1	1	2	1	1	1	35
Long, Swithin	3	5	10	8	9	14	8		6	5	1	8	3	80
Manning, Terry														0
Mills, Derek			1	2	1	1					1			6
Morey, Mike				4		1								5
Morris, Dave														0
O'Dwyer, James	2	6	5	5	4	8	4	5	4	2	4	6		55
Oliver, Gordon	1		2	9	12	5	6		1	2		1		39
Parrott, Julien		1	1					1			1	1		5
Pentney, Nick	2	3	1	14	7	3	3	3	3	5		2	1	47
Robson, Chris		1	4	1	6	2			1	1	1			17
Sanders, Adrian	1	1	1	1	1			1	2			1		9
Stockman, Jackie			2	4	3	2		1		1		3		16
Stocks, Cindy														0
Stubley, Di			1	5	5	1	5	4	2	3				26

Sykes, Lynn			2	1	1	1		1	1	2	2	1		12
Thomas, David	1	1	4	7	6	7	4		1		2	2		35
Thomas, John			1			1	1		2					5
Tolchard, Anna			1	1						1				3
Tyerman, Alan		2					1							3
Winfield, Thomas														0

In addition to the above 7 elected representatives submitted 13 complaints and 1 compliment on behalf of their constituents – table below

Elected Member	Case type	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Total
Barnby, Jane	Compliment		1												1
Bent, Neil	Complaint				1										1
Bye, Nick	Complaint				1										1
Lewis, Barbara	Complaint												1		1
Dwyer, James	Complaint						1								1
Oliver, Gordon	Complaint			1	1	6									8
Sykes, Lynn	Complaint								1						1
Total			1	1	3	6	1		1				1		14

Freedom of Information Requests Logged February 2018 – February 2019

Elected Member	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Total
Carter, Christine					1									1
Darling, Steve				1		2		1						4
Darling, Mandy	1		1											2
Excell, Robert						1								1
Haddock, Richard						1								1
King, Mark									1					1

Long, Swithin											1			1
O'Dwyer, James							1				1	1	1	4
Total	1		1	1	1	4	1	1	1	1	2	1		15