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Dear Member

**COUNCIL - THURSDAY, 9 JANUARY 2020**

I am now able to enclose, for consideration at the Thursday, 9 January 2020 meeting of the Council, the following reports that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>	<b>Page</b>
<b>6.</b>	<b>Members' questions</b>	<b>(Pages 121 - 127)</b>

Yours sincerely

June Gurry  
Clerk

# Agenda Item 6

Meeting of the Council, Thursday, 9 January 2020

## 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 Kennedy to the Overview and Scrutiny Co-ordinator (Councillor Howgate)</p>	<p>Following this administration's declared climate emergency, what practical outcomes have been achieved, or are working towards being achieved. I understand we have joined the Devon Climate Emergency Response Group but what are we doing which is specific to Torbay? For example, has an audit been commissioned, or is it due to be commissioned, about the capacity to place solar panels on the roof of Council buildings? Has an SPD to allow the Planning Committee to take into account, for instance, a potential developers stated target to deliver a zero carbon dwelling been started, or is it due to be? What account has been taken of the Torbay Marine Conservation Zone given much of our area is bounded by coastline and the opportunity this affords for environmental protection and environmental benefits? When are we going to hear positive outcomes on these listed areas and any other areas specific to Torbay to show some substantive progress with regards to the scale of the emergency this Council has declared?</p>
<p><b>Councillor Howgate</b></p>	<p><b>You are correct, the Council is an active member of the Devon Climate Change Emergency Response Group, this group is made up of about 25 organisations including councils, emergency services, businesses and voluntary organisations and has been established to provide the strategic coordination of a collaborative response to the Devon Climate Emergency. The Devon Carbon Plan process was launched at the end of October 2019 and the Net-Zero Task Force has been appointed to deliver the Devon Carbon Plan. The first phase of the process took place during November and December which involved a call for evidence from the public and a series of thematic hearings. A draft of the Devon Carbon Plan will be created through a three-step process; firstly, Task Force members and expert witnesses, all recognised in their respective fields, will discuss and then review the evidence. Then the Task Force will present a series of 'options' to a Citizen's Assembly, which will be convened early this year. Finally, the deliberations of the Citizen's Assembly will lead to the Draft Devon Carbon Plan, which is due for publication spring, 2020.</b></p> <p><b>In terms of our specific actions these are likely to be in the context of a response to the Devon Carbon Plan. As part of the evidence gathering recent data compiled by Exeter University shows that homes and buildings, road transport, and farming account for 83% of all emissions in Devon, Plymouth and Torbay.</b></p>

**You will be aware that the ‘Community and Corporate Plan 2019 – 2023 - One Torbay: Working for all Torbay’ is currently out for public consultation until the 24<sup>th</sup> January 2020. This document proposes the inclusion of ‘Tackling Climate Change’ as one of the priorities. Once the Community and Corporate Plan has been approved it will then set the framework for the way that the Council will work, and other plans strategies and actions will be required to address the priorities identified in the Community & Corporate Plan. Please note that the specific priority of ‘Tackling Climate Change’ did not appear in the previous Corporate Plan 2015-19 and therefore if approved it will represent a critical new theme which we will seek to address, in addition to other statutory functions carried out by the Council.**

**Whilst there is a need to ensure that we work efficiently (recognising our limited resources) with partners across Devon and the Torbay community in a planned and coordinated manner, there are already a number of Torbay specific emerging activities. I can confirm that we have an audit of opportunities for solar to be installed on Council buildings and this is being reviewed to identify the scope for installations to take place. With regard to the suggestion of a Supplementary Planning Document (SPD) this would ideally need to follow the Local Plan review to ensure that there is a new policy basis for its implementation. The zero carbon dwelling aspiration has already been raised at the thematic hearings undertaken by the Zero Carbon Task Force. As an interim measure there is potential scope to introduce a local planning validation requirement to include a statement as to how new proposals will address Climate Change. There are other strands of ongoing work which for example includes the scope to provide public electric charging points for electric vehicles. I would also highlight that in terms of transport for example there is already an ongoing work programme to maximise the potential for cycling and walking as well as improving access to public transport.**

**With regard to the Torbay Marine Conservation Zone, the regulation of the zone is dealt with by a number of agencies which includes the Marine Management Organisation and the Environment Agency. However there is also a role for the Council as Local Planning Authority as well as a role for the Harbour Authority. Again such a consideration will no doubt be part of the considerations for a Climate Change Action Plan. However, I would reiterate that on the assumption that the Climate Change priority within the draft Community and Corporate Plan 2019 – 2023 – One Torbay: Working for all Torbay receives suitable support, this will ensure that Climate Change considerations will be fully embedded into the way the Council works.**

<p>Question (2) by Councillor David Thomas to the Leader of the Council (Councillor Steve Darling)</p>	<p>Further to my previous question regarding the Town and Parish Council consultation which was answered at the last full Council meeting. I went on to ask a supplementary question that was unable to be answered. As I have not been supplied with a written response and the deadline for questions is tomorrow, I seek to ask that same supplementary question again, however this time in the form of a written question.</p> <p>Cllr Darling you informed us last month that the Council wrote to 6,000 residents and supplied them with a questionnaire to fill in regarding the town council proposal. How were the 6,000 selected from the electoral role? Please provide a breakdown of the 6,000 in a ward by ward basis. How many were returned – a total amount will be sufficient and does not need to be allocated to a ward (at this stage). What was the percentage for or against of these specially selected residents who responded directly to the mail merge?</p>
<p><b>Councillor Steve Darling</b></p>	<p><b>The sample for this survey was taken from the 63,000 households that were liable to pay Council Tax in the Torbay District at that time the survey was conducted (September 2019).</b></p> <p><b>The potential respondents were selected by assigning a random number to each eligible household, using commercially available reporting software. The data was then ordered by the random number field.</b></p> <p><b>So that all three towns, Torquay, Paignton and Brixham were equally represented by population size, the sample was split by a 3:2:1 ratio. The selection was then taken from the first 3,000 records or households in Torquay, 2,000 in Paignton and 1,000 in Brixham.</b></p> <p><b>The selected households are not arranged by ward – just by the three towns – and therefore this breakdown is not available.</b></p> <p><b>A letter was subsequently posted to each household in the sample, directing them to Torbay Council’s website, which had full details on the Town Council proposal and an online questionnaire for feedback - questionnaires were not included with the letter.</b></p> <p><b>As the selected households were directed to the online questionnaire, there is no way of discovering which of the 6000 households did or did not respond to the consultation (and therefore no way of knowing whether they were in favour or against the establishment of town councils).</b></p>
<p>Question (3) by Councillor O’Dwyer to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>How many visits by parking enforcement officers and parking tickets have been issued on Ilsham Road Wellswood for the months of September October and November 2019?</p>

<b>Councillor Morey</b>	<b>September - 18 visits    7 PCNs issued</b> <b>October - 39 visits        24 PCNs issued</b> <b>November - 29 visits      35 PCNs issued</b>
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## Second Round

<p>Question (4) by Councillor O'Dwyer to the Cabinet Member for Corporate and Community Services (Councillor Carter)</p>	<p>Following Grenfell Tower and other recent issues, as at the 20 November 2019, are there any compliance reports/certificates or other legal requirements that are unavailable, unknown or out of date for properties the authority own, lease, manage or utilize that would leave the Authority in a difficult insurance or legal position, ie asbestos, gas certificates, 5 and 10 year electrical safety reports, legionella, fire risk assessments.</p>						
<p><b>Councillor Carter</b></p>	<p><b>In response to the fire at Grenfell Tower on 14 June 2017 and with co-ordinated from Central Government, Devon and Somerset Fire and Rescue Service proactively visited premises around Torbay to assess risk associated with the size and gladding of properties. Where appropriate joint inspections were undertaken with the local authority. This assessment include any such properties owned by Torbay Council or in any other ownership. The phase 1 report issued by the Grenville Town Inquiry at the end of last year has been reviewed by our Emergency Planning team and key learning points identified. Theses have been discussed as part of the Joint Operation Team management meeting.</b></p> <p><b>The legal requirements listed in the question such as gas safety, fixed electrical safety, lift operation and gas inspections are all required for insurance purposes and independently assessed. The identification of any defect would be highlighted in a report providing certification for insurance purposes. Upon purchase of a property and as part of any due diligence a building survey picks up this element and provides comments on the risk including any panelling.</b></p> <p><b>As at 20<sup>th</sup> November 2019 one check is outstanding on Council operated properties. This check has been commissioned. The details of this is below. For properties owned by Torbay Council but leased to third parties then there are obligations placed on the tenant to carry out and undertake all necessary compliance checks and inspections. Currently TDA is not commissioned to check that tenants in leased properties are carrying out these checks and while this is not a legal obligation is good practice and is currently being reviewed.</b></p> <table border="1"> <thead> <tr> <th><b>Property</b></th> <th><b>Inspection</b></th> <th><b>Date the work has been commissioned.</b></th> </tr> </thead> <tbody> <tr> <td><b>Parkfield House</b></td> <td><b>Asbestos</b></td> <td><b>Week commencing 20/01/20</b></td> </tr> </tbody> </table>	<b>Property</b>	<b>Inspection</b>	<b>Date the work has been commissioned.</b>	<b>Parkfield House</b>	<b>Asbestos</b>	<b>Week commencing 20/01/20</b>
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**TDA have recently procured a new asset management database on behalf of Torbay Council. This new system provides an improvement to the internal processes and provides additional protection and safeguards with regard to the management of the Councils estate. This new system will be fully operational on the 1<sup>st</sup> April. In addition a new health and safety policy has recently been written and adopted.**

**A full review of the Fire Management plan was completed last year for the Town Hall. Asbestos survey for all schools were completed last year and management plans put in place where appropriate. Ongoing reviews are also in place for other Council building and further inspections are programmed in for January as part of a continuing work programme.**

<p>Question (5) by Councillor Kennedy to the Cabinet member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>During the summer months the Promenade at Broadsands Beach has more than 8 bins placed along its length. All these bins are removed on 1 October despite the fact that Broadsands Beach is busy all year round, so much so that we have two permanent cafes on the promenade selling food and drink to eat in or out. However, visitors find that they have nowhere to put their rubbish after enjoying a stroll along the promenade. This has resulted in a great deal of rubbish, including plastic, getting blown out to sea.</p> <p>What is the hardship in leaving 3 weather and gull proof bins at intervals along the promenade as I requested in the summer and have been requesting ever since these bins were removed? There would have been no cost incurred to the Council as these bins were already on the Promenade on 30 September, and the little rubbish collection truck has to drive the length of the promenade to get to a bin that it does empty by the pitch and putt.</p> <p>How does allowing plastics and other forms of rubbish to enter our marine conservation area fit with our climate emergency declaration in May?</p>
<p><b>Councillor Morey</b></p>	<p><b>Following the email exchange in November, between the Service Manager for Waste and Natural Environment and Cllr Kennedy regarding the bins at Broadsands Beach the situation has not changed. Both TOR2 and Council officers feel that there is sufficient provision of litter bins during winter months at this location.</b></p> <p><b>For the moment and in our current budget position the Council will be not purchasing any new seagull proof bins at £700 each until we know what the overall requirement for Torbay is once the existing TOR2 contract comes to an end.</b></p> <p><b>The two permanent cafes on the promenade are required to provide their own facilities for waste produced by their business, including bins, close to their premises, for takeaway food and drink.</b></p> <p><b>This authority does not knowingly allow plastics and other forms of rubbish to enter our marine conservation zone. Given our exposure to easterly winds this can lead to litter on our beaches driven in by the sea rather than emanating from the shore. It is however accepted that occasional but rare service failure can result in overflowing litter bins, which are then attended to by our contractor. Furthermore, we continue to work with our communities and voluntary groups to encourage litter picks on our beaches throughout the year.</b></p>

### Third Round

<p>Question (6) by Councillor O'Dwyer to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>Following the Council meeting on 24 October 2019, I provided information to the Cabinet Member for Infrastructure, Environment and Culture as requested, on pavements that could be in breach of the Equalities Act, preventing everyone to access and pass along the pavements such as Higher Erith Road, and Teignmouth Road. Could they provide an update on what has occurred in assessing the potential breaches and options to rectify those breaches?</p>
<p><b>Councillor Morey</b></p>	<p><b>All pavements are assessed by Highways Officers as part of a scheduled inspection regime and this process is used to identify defects and instruct repairs in order to minimise risk. The inspections are also used to determine if there are any potential breaches of legislation. The issue of large trees in footways is a controversial one, as we need to consider whether the benefits of removing any trees outweigh the value of the tree to the area and the cost for undertaking such removals should not be underestimated. To this end the Council follows industry guidance and best practice. At the present time however there are no plans to remove any trees in our highway areas, providing they are in a healthy condition.</b></p>