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Date: Thursday, 24 September 2020

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Dear Member

## **COUNCIL - THURSDAY, 24 SEPTEMBER 2020**

I am now able to enclose, for consideration at the Thursday, 24 September 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>
5.	<b>Members' questions</b>	(Pages 2 - 10)

Yours sincerely

June Gurry  
Clerk

### Questions Under Standing Order A12

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.

#### First Round

<p>Question (1) by Councillor Dart to the Cabinet Member for Children's Services (Councillor Law)</p>	<p>Torbay Council has been running a campaign to recruit more Foster Carers. Has this campaign borne fruit? How does this latest recruitment campaign compare to the last 5 years of recruitment in Torbay?</p>																																
<p><b>Councillor Law</b></p>	<p><b>This latest recruitment campaign has seen a very positive response. The below table highlights the enquiries over the last 5 years and how many of the enquiries converted to approval of a mainstream fostering household.</b></p> <table border="1" style="margin: 10px auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="padding: 5px;">Years</th> <th style="padding: 5px;">Number of enquiries</th> <th style="padding: 5px;">Approvals</th> <th style="padding: 5px;">Conversion %</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">2014- 2015</td> <td style="padding: 5px;">118</td> <td style="padding: 5px;">29</td> <td style="padding: 5px;">24</td> </tr> <tr> <td style="padding: 5px;">2015- 2016</td> <td style="padding: 5px;">65</td> <td style="padding: 5px;">10</td> <td style="padding: 5px;">15</td> </tr> <tr> <td style="padding: 5px;">2016- 2017</td> <td style="padding: 5px;">42</td> <td style="padding: 5px;">3</td> <td style="padding: 5px;">7</td> </tr> <tr> <td style="padding: 5px;">2017 - 2018</td> <td style="padding: 5px;">86</td> <td style="padding: 5px;">10</td> <td style="padding: 5px;">12</td> </tr> <tr> <td style="padding: 5px;">2018 - 2019</td> <td style="padding: 5px;">45</td> <td style="padding: 5px;">4</td> <td style="padding: 5px;">9</td> </tr> <tr> <td style="padding: 5px;">2019 - 2020</td> <td style="padding: 5px;">51</td> <td style="padding: 5px;">2</td> <td style="padding: 5px;">4</td> </tr> <tr> <td style="padding: 5px;">2020 -</td> <td style="padding: 5px;">35</td> <td style="padding: 5px;">3</td> <td style="padding: 5px;">On going</td> </tr> </tbody> </table> <p>Since the new campaign in Torbay we initially received 29 enquiries. We have subsequently received 6 more making the total enquires to date 35 in this financial year. Of these 29 are presently going through the assessment process, three are due to be presented in panel in July 2020. With the other households due to go to panel as detailed below:</p> <ul style="list-style-type: none"> <li>• 3 in August (inclusive of 1 reliance carer)</li> <li>• 3 in September</li> <li>• 10 in October</li> <li>• 3 in November</li> <li>• 1 in December (resilience foster carer)</li> <li>• 6 in January 2021</li> </ul>	Years	Number of enquiries	Approvals	Conversion %	2014- 2015	118	29	24	2015- 2016	65	10	15	2016- 2017	42	3	7	2017 - 2018	86	10	12	2018 - 2019	45	4	9	2019 - 2020	51	2	4	2020 -	35	3	On going
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**6 of the households making enquiries wish to be contacted later in the year following their initial enquiries.**

Question (2) by Councillor Mandy Darling to the Cabinet Member for Corporate and Community Services (Councillor Carter)

Can you please compare and contrast the number of agency workers that we have in Torbay now compared to 12 months ago?

**Councillor Carter**

Month	Joint Commissioning Team	Joint Operations Team	Month	Joint Commissioning Team	Joint Operations Team
July 2018	49	2	July 2019	40	2
Aug 2018	44	2	Aug 2019	38	2
Sept 2018	40	2	Sept 2019	40	3
Oct 2018	32	1	Oct 2019	48	3
Nov 2018	31	2	Nov 2019	48	8
Dec 2018	32	2	Dec 2019	48	5
Jan 2019	32	2	Jan 2020	46	5
Feb 2019	36	1	Feb 2020	48	6
Mar 2019	33	3	Mar 2020	47	6
Apr 2019	34	3	Apr 2020	47	5
May 2019	38	3	May 2020	42	5
June 2019	38	1	June 2020	44	4
			July 2020	39	3

**Children’s Services Update;**

Children’s services have been impacted upon with a turnover of staff this is directly related to the inadequate Ofsted inspection and a national shortage of experienced Social Workers. The results in the need to employ a high number of agency staff in order that we can continue to deliver our statutory responsibilities. This comes with a budget pressure, as a result and in order to stabilise our workforce children’s services have completed a number of initiatives.

- a revamp of our retention offer
- a Children’s Services redesign to realign services in a more coordinated way
- a recruitment campaign supported via a specialist marketing organisation
- the establishment of a ‘Learning Academy’
- an increase in the employment of ASYEs (newly qualified social workers)
- a ‘Step Up To Social Work’ campaign

<p>Question (3) by Councillor Doggett to the Cabinet Member for Adults and Public Health (Councillor Stockman)</p>	<p>Before the Pandemic, the ICO administered grants to grassroots organisations across Torbay to improve health outcomes? Now we are past the first stage of the virus how are these organisations being helped to achieve the improved health outcomes of the grant?</p>
<p><b>Councillor Stockman</b></p>	<p><b>The council has now given £435k to organisations before and during the pandemic. The Council has worked in partnership with Torbay Community Development Trust, Brixham Does Care and other key Community and Voluntary Sector Groups to support them – including supporting Torbay Food Alliance. Example of how organisations used this funding are:</b></p> <ul style="list-style-type: none"> <li>• <b>Youth Genesis Trust have been using the funding to create 'Empower Packs' to distribute to young people aged 11-17years living in Torbay. The Empower Packs include resources to help young people generate ideas of things to do and ways to improve emotional well-being during Covid-19. The packs include worksheets, mindfulness colouring in, a stress ball, notebook and colouring pens. They distributed these to young people via – safe social distancing delivery, through local schools and organisations who are supporting the community during this time. They have also been offering young people across Torbay online digital youth support as well as a daily 'Text-a-Youth-Worker' service for those needing extra support.</b></li> <li>• <b>Co-ordin8 staff, who have been working, and our volunteers, have been busy supporting their students and their families and carers whilst in lock down. They have been collecting meds and doing shopping, ringing people on a regular basis, planning and preparing activities to be mailed out or posted on their website and going with individuals for their permitted exercise whilst maintaining social distance.</b></li> <li>• <b>Citizens Advice have said the Community Action Fund helped them move the whole of their operations to remote/home working without any service delay. Their volunteers have provided around 400 hours of time working from home each month. The grant has enabled them to provide IT equipment, cover additional expenses and set up remote supervision and support for their volunteers.</b></li> </ul> <p><b>We are now discussing the next stages of the pandemic recovery process with these organisations, offering support in key areas such as people who are anxious about the end of shielding. Also resources on maintaining mental health and wellbeing have been developed and shared by the Public Health team.</b></p>

<p>Question (4) by Councillor O'Dwyer to the Cabinet Member for Finance (Councillor Cowell)</p>	<p>Could the Cabinet Member for Finance please provide details as to the original contract cost and the projected cost this financial year for the contract to collect and store victims put in place for the Covid-19 outbreak. Can they also advise how we have ensured value for money in this process.</p>
<p><b>Councillor Cowell</b></p>	<p><b>When the Excess Deaths Plan was first activated, on 24th March 2020, the reasonable worst case scenario planning assumptions for Torbay was for 1,087 excess deaths to occur over a period of approximately 19 weeks. This would have meant there was insufficient capacity within the existing storage facilities across the bay. The decision was therefore taken to put in place temporary morgue facilities as an “emergency” response to the pandemic.</b></p> <p><b>As reported in the Budget Monitoring Report presented to the Overview &amp; Scrutiny Board on Wednesday 16 September, the latest forecasted costs for this financial year are £842k. The costs of this temporary facility are being met by the un-ring-fenced MHCLG funding so this cost is not one that will be borne by local tax payers.</b></p> <p><b>Fortunately the reasonable worst case scenario did not happen in Torbay. So as a result the contract has subsequently been revised at the end of June with a partial demobilisation of the site. This partial demobilisation provides significant cost savings against the original contract value and retains a smaller provision whilst at the same time allowing the flexibility to “scale up” if the Covid-19 situation worsens in Torbay. Procurement Policy Note - Responding to COVID-19 “Information Note PPN 01/20” allows a direct award where there is a genuine need for extreme urgency specifically listing examples such as: you need to respond to the COVID-19 consequences immediately because of public health risks, and where it is not possible to comply with the usual timescales in the PCRs.</b></p> <p><b>Local knowledge and awareness of our available assets and geography meant that the location identified was the best solution with a contractor who was able to deliver a complete service.</b></p>
<p>Question (5) by Councillor Brown to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>Could the Cabinet Member for Infrastructure, Environment and Culture inform the Council on work being undertaken to ensure properties that are being let as AirBnB or holiday lets are paying for commercial waste collections rather than exploiting the residential waste collections.</p>

<p><b>Councillor Morey</b></p>	<p><b>This work is ongoing and some properties have already been identified and where appropriate the service is no longer free and they are treated as a business that generates commercial waste.</b></p>
<p>Question (6) by Councillor Kennedy to the Cabinet Member for Corporate and Community Services (Councillor Carter)</p>	<p>In March this year there was a warning from central government of a marked decrease in Court availability which could have affected the Council's ability to legally move members of the Gypsy and Traveller community on from unauthorised encampments. To assist the Police in dealing with unauthorised encampments local authorities across the peninsula were asked to identify a point of contact and a tolerated stopping site. An email from the Chief Executive informed all Councillors that a tolerated temporary site would be available and that the site would provide water, sanitation and waste facilities. It appears that none of this happened due to our failure to carry out a risk assessment. Please explain why as an administration you believe the tax payers of Torbay should pay for the thousands of pounds worth of costs due to your failure to act appropriately, and as promised, towards an ethnic minority group.</p>
<p><b>Councillor Carter</b></p>	<p><b>The identification of a suitable temporary stopping site is one that has been looked into over the years and attempts to find one that is agreeable therefore pre-date March of this year. This is a matter which has been and remains one of great sensitivity and scrutiny. When we were requested to identify such an area within the timescales that covid dictated it was always going to be a difficult task given this history. A best effort decision was made under the circumstances for the area of Gallows Gate to be allocated. The site assessment was conducted dynamically at a time in which there were a significant number of competing priorities to help manage the pandemic and keep people safe. It was established that in the event of the site being practically required, that we were able to provide amenities by way of temporary toilets and water.</b></p> <p><b>Once the first encampment of this year arrived the temporary stopping location was advised to the group who complained of its situation near to busy roads without the protection of fencing. This was considered to be a valid point and one which with hindsight could perhaps have been foreseen. However, no other site was identified at the time, and there are ongoing efforts to identify one. Therefore it appears that the ability to offer a temporary stopping site in Torbay remains unresolved in the absence of any agreeable suggestions.</b></p> <p><b>This year has been significant in the increased numbers of unauthorised encampments and also in the costs incurred by the Council as a result of some of them. This increase was more than a single temporary stopping site could have potentially alleviated, nor could this level of demand have been predicted. It is therefore not possible to simply attribute escalated costs to the inability to offer a suitable temporary stopping site as these have been unprecedented time.</b></p>

<p>Question (7) by Councillor Dudley to the Cabinet Member for Corporate and Community Services (Councillor Carter)</p>	<p>The police and Torbay Council were able to work together to use section 61 powers to move travellers on from Paignton Green with just two hours' notice, was this the first time that these powers had been used in Torbay and how do we plan to use them going forward?</p>
<p><b>Councillor Carter</b></p>	<p><b>Use of these particular powers are Police led and their decision to use them based upon an assessment of crime and disorder associated with the particular group in question. It is ultimately for the Police to comment upon their likelihood of future use but would suggest that it will always be led by assessing whether or not they feel the use of the powers are justified given the behaviours of any given group. What is clear is that Police regard the use of these powers as exceptional and would generally expect the Council to lead the approach to unauthorised encampments by the standard means.</b></p>
<p>Question (8) by Councillor Pentney to the Cabinet Member for Children's Services (Councillor Law)</p>	<p>Reports from Ofqual suggest that the Secretary of State for Education decided to take the least favoured option out of three to manage GCSE and A-Level results in England. I would welcome your thoughts on what impact this has had on our students across Torbay, both receiving these results and those who will be taking these exams in 2021.</p>
<p><b>Councillor Law</b></p>	<p><b>The Local Authority is not currently in receipt of all data at a school level. This will become available during September/October 2020. The introduction of the use of predicted results, raised the national results by 10%. This was favourable for Children and Young People overall grades, but the timing of the announcements did mean that negotiation of onward courses and destinations caused some anxiety. The impact of this within Torbay is not yet understood as the data collection and analysis will take place during this half term. For this reason it is not possible to comment further until this information is available.</b></p>
<p>Question (9) by Councillor Atiya-Alla to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p>	<p>As at 21 August 2020, Torbay had 20,000 people registered for the furlough scheme this summer. The furlough scheme is due to end on the 31 October. I am aware that the Council have been making representations for a bespoke furlough scheme for the tourism and hospitality sector. What representations have the Council made in recent weeks to champion this cause?</p>

<p><b>Councillor Long</b></p>	<p><b>Representations have included the Leader of the Council writing directly to the Chancellor of the Exchequer lobbying for a bespoke, tailored furlough scheme to help the tourism, leisure and hospitality sectors. A letter has also been sent to the Tourism Minister setting out the urgent requirement of our tourism and hospitality businesses for ongoing support.</b></p> <p><b>The Leader and Deputy Leader have lobbied both of Torbay's MP's directly at their regular meetings with them, and have provided case studies from business from the sector as evidence as to why the support is needed.</b></p> <p><b>Lobbying has also been done region wide via the LEP and South West Councils. The Leader of the Council has also made a presentation on this and the need for a replacement for the furlough scheme to the All Party Parliamentary Group (APPG) for the South West. A replacement for the furlough scheme is even more pressing in light of recent government announcements placing limitations on businesses ability to trade over the next 6 months.</b></p> <p><b>It had been hoped that the Leader would have been able to meet with the Tourism Minister when he visited Torbay last week to discuss the vital support that is needed but unfortunately he was not invited.</b></p>
<p>Question (10) by Councillor Doggett to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p>	<p>Can you please confirm that the CPO for Crossways was served this summer?</p>
	<p><b>Please note this question has been withdrawn by Councillor Doggett.</b></p>
<p>Question (11) by Councillor Bye to Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>Overnight parking and encampments on Ilsham Marine Drive and the road by Meadfoot Beach are causing a nuisance to local residents, also deter residents and visitors from enjoying this beautiful part of Torbay. Litter and worse is left behind. Vehicles are unsightly. When will Torbay Council introduce a properly enforceable traffic regulation order so this is no longer a problem?</p>



<b>Councillor Morey</b>	<p>We are aware that there has been an increase in the use of camper vans in various areas of Torbay this year and that some have been used for overnight camping on the highway and other public areas. There are no current plans to introduce further parking restrictions for camper vans on the highway, unless there is a specific highway obstruction or safety issue to address. It does however remain an offence for anyone to discharge litter or effluent from a vehicle, when using any public space, and therefore if such instances are witnessed, then this should be passed to the Environmental Protection Team. The situation will continue to be monitored however, I have asked the Director of Place to work with the Highway team and Parking Services team to try to identify a suitable solution to this ongoing nuisance, which could include a revised Traffic Regulation Order.</p>
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## Second Round

<p>Question (12) by Councillor O'Dwyer to the Cabinet Member for Finance (Councillor Cowell)</p>	<p>Following the proposal to increase the children's services budget by approximately £10million pounds for this financial year in February, we are currently reporting an underspend of £1.5million this financial year. How will this underspend be used?</p>
<p><b>Councillor Cowell</b></p>	<p><b>The latest budget monitoring reports presented to Cabinet on 22<sup>nd</sup> September show the Council is facing £18.7m of Covid-19 pressures. With an estimated £12.2m of Government funding. As a result the Council is left to balance the books through use of service underspends, such as this one.</b></p> <p><b>The Covid-19 shortfall after applying the Council's revenue underspend and use of specific reserves is £4.5m, so the latest Children's Services underspend, which is now £2.1m, is serving the purpose of ensuring that shortfall isn't £6.5m.</b></p>
<p>Question (13) by Councillor Kennedy to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p>	<p>In the last financial year you received £1.9m in Government funding to provide, and I quote, "upfront infrastructure improvements which need to be delivered in the very early development process but the cost of which is putting a barrier in the way of development". Among the specific infrastructure items listed for Collaton St Mary is 350 metres of new sewage pipe. The money has now been largely spent and Collaton St Mary have still not received the 350 metres of sewage pipe the LRF was to fund. With all the development that is due to descend on this area, when will the residents be benefitting from this new pipe?</p>
<p><b>Councillor Long</b></p>	<p><b>The Land Release Fund allocation will be spent in line with the terms of the funding award and the Council will meet its requirements in this respect. Although funds will remain earmarked for spending on this drainage infrastructure the question about timing cannot be answered until the land disposal has been concluded.</b></p>

### Third Round

<p>Question (14) by Councillor O'Dwyer to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>One of the regular complaints and issues raised by the authority with the former Tor2 waste and recycling contract was that the compensation to the authority for missed collections was that if approximately 20 homes were missed in a single day it then didn't matter how many more were missed as it was a set small fixed compensation fee. Therefore there was no incentive for the service provider to catch up that day, and in some cases the waste and recycling would be left until the following week. This led to cases of rubbish strewn across roads and associated smell. Could Cllr Morey please provide details on the penalties and service levels set out in the contract with Swisco especially in regards to rubbish collections and indicate that this has been rectified in the new Swisco contract.</p>
<p><b>Councillor Morey</b></p>	<p><b>The operating arrangements between Torbay Council and SWISCo are covered by an overarching Commissioning Agreement, along with a number of service specific Service Level Agreements (SLAs). There are no penalties imposed on SWISCo and these are not required as the Council retains full control. I can send Councillor O'Dwyer a copy of the relevant SLA if so required.</b></p>