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Date: Thursday, 03 December 2020

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Torquay  
TQ1 3DR

Dear Member

## **COUNCIL - THURSDAY, 3 DECEMBER 2020**

I am now able to enclose, for consideration at the Thursday, 3 December 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

# Agenda Item 5

Meeting of the Council, Thursday, 3 December 2020

## 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

Question (1) by Councillor O'Dwyer to the Cabinet Member for Finance (Councillor Cowell)	<p>In order to assist Members during the budget setting period, could Councillor Cowell please provide full details of our current investments and regeneration portfolio? Providing a breakdown of all assets individually including:</p> <ul style="list-style-type: none"><li>• the date the asset was purchased and or loan agreed,</li><li>• Whether the asset is currently in construction or built</li><li>• whether there are any outstanding loan amounts;</li><li>• the date and amount of the last independent validated valuation, tenant, income and any outstanding rental payments or write offs.</li></ul>
<b>Councillor Cowell</b>	<b>The response to Question 1 is set out in Appendix 1</b>
Question (2) by Councillor Chris Lewis to the Leader of the Council (Councillor Steve Darling)	<p>At the Community Conference held on the 30th September there were in the region of 115 participants. Can the Leader of the Council please provide the following information:-</p> <p>How many BAME were invited and how many attended? How many LGBT were invited and how many attended? How many young people were invited and how many attended? How many schools were invited and how many attended? How many religious organisations were invited and how many attended? How many individuals (not representing organisations) were invited and how many attended? How many looked after children were invited and how many attended? How many organisation were invited and how many attended?</p>
<b>Councillor Steve Darling</b>	<b>No specific groups or individuals were invited to attend the Community Conference. The event was promoted through the Council's social media channels and by Torbay Community Development Trust through their networks. We also contacted TDA, the CCG and the ICO to ask them to share through their networks.</b>

<p>Question (3) by Councillor Barbara Lewis to the Cabinet Member Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>The Partnership have declared that they wish Torbay to be the Premier Resort in the United Kingdom. Can the Portfolio Holder for Infrastructure, Environment and Culture please provide an update on when the lights on Paignton Seafront will be repaired and returned to their former glory?</p>
<p><b>Councillor Morey</b></p>	<p><b>As with all of our illuminations, the lights on Paignton Seafront have recently been inspected in line with regulations and safety standards that are aimed at protecting the general public. The next step is to re-string these illuminations with new wires where it is necessary. We will then work within the budget to undertake repairs to the lights and this work will be progressed over the coming weeks.</b></p>
<p>Question (4) by Councillor Foster to the Civic Mayor (Councillor Douglas-Dunbar)</p>	<p>When abusive or hurtful comments are said by a councillor about other councillors, at a Council meeting. Can the Civic Mayor share with colleagues how she will deal with such incidents?</p>
<p><b>Councillor Douglas-Dunbar</b></p>	<p><b>I make it clear at the start of council meetings my expectations of members' behaviour and the need for respectful speeches. Council meetings are our main business meetings and therefore I expect councillors to act with utmost integrity. I rely on councillors to ensure such behaviour and demonstrating respect for colleagues particularly on virtual meetings.</b></p> <p><b>I have reviewed councillors' conduct at virtual Council meetings with the Interim Chief Executive and Monitoring Officer and I will be enforcing standing orders in respect of members' behaviour where I feel necessary.</b></p>
<p>Question (5) by Councillor Bye to the Cabinet Member for Corporate and Community Services (Councillor Carter)</p>	<p>Could you please provide me with the number of prosecutions for fly tipping over the last eighteen months?</p>

<b>Councillor Carter</b>	<b>There have been no prosecutions for Fly-Tipping over the past 18 months. It is however worth note that a person or organisation found to be Fly-Tipping may accept a fixed penalty notice (FPN) in order to discharge their liability. Over the past 18 months 8 FPNs have been issued to individuals. The most recent of these FPNs was issued on 10 July 2020.</b>
Question (6) by Councillor David Thomas to the Leader of the Council (Councillor Steve Darling)	Many of us are delighted that the Torwood Street development is nearing completion. I recall visiting London with my deputy Cllr. Alan Tyerman to speak in some detail with the main financial backer of this scheme. Do the administration acknowledge the determination of certain Conservative members in enabling this scheme to get off the ground?
<b>Councillor Steve Darling</b>	<b>I am sure that all Councillors are delighted to see that the redevelopment is nearing completion, and believe that this site along with other proposals coming forward, including as part of the Town Deal, provide a great basis for delivering economic regeneration in Torquay.</b>
Question (7) by Councillor Hill to the Cabinet Member for Finance (Councillor Cowell)	How much has the Council's borrowing or commitment to borrow increased over the last eighteen months?
<b>Councillor Cowell</b>	<p><b>Council Borrowing at 31 March 2019                      £302m</b></p> <p><b>Council Borrowing at 1 December 2020                      £392m</b></p> <p><b>As at 1 December 2020, the Council has borrowing commitments of £167m.</b></p>

## Second Round

Question (8) by Councillor O'Dwyer to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)	<p>Under the Public Sector Equality Duty which all local councils are obligated to follow. There are two duties one being the general duty, the other being the specific duty. All public bodies have general duties which states that in the exercise of their functions, public authorities must have due regard to the need to:</p> <ol style="list-style-type: none"> <li>1. Eliminate unlawful discrimination, harassment and victimisation and any other conduct that is unlawful under the Equality Act.</li> <li>2. Advance equality of opportunity.</li> <li>3. Foster good relations.</li> </ol>
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	<p>Assessing the impact on equality of policies and practices is an important part of complying with the general duty. Case law indicated that assessments should be done before a decision is made.</p> <p>Across Torbay how many raised public pavements or locations on a public pavement do we have that are currently impassable for those in a wheel chair.</p> <p>In addition, and based upon this could you also provide the assessments for these locations or the policy that currently precludes action to help those less able pavement users?</p>
<p><b>Councillor Morey</b></p>	<p><b>As the Highway Authority, Torbay Council is aware of the requirements to ensure that all new developments and new highway schemes are inclusively designed to current design guidance and will ensure that facilities for vulnerable pedestrians are included. In addition a considerable amount of improvement works have been undertaken in recent years to upgrade our existing principal roads and controlled pedestrian crossings to be fully compliant with current guidance.</b></p> <p><b>However, it is accepted that throughout our road network there are a number of raised public pavements or locations on a public pavement that are currently impassable for those in a wheel chair. Unfortunately I cannot provide you with the exact number of locations. The Council has maintained a small annual capital budget within its Local Transport Plan funding to undertake reasonable adjustments, usually in the form of pedestrian dropped crossings or similar to existing footways, and this programme of work is ongoing.</b></p> <p><b>Like many local authorities there remains a significant maintenance backlog across our highway network and at current funding levels it will still take many years to bring the entire network up to a fully compliant standard. For the foreseeable future we will generally prioritise our improvements to areas where we receive specific requests or concerns regarding persons who are experiencing difficulties, to ensure we target works to locations where they are most needed prior to any other locations.</b></p> <p><b>The authority does have a duty to consider reasonable adjustments to existing infrastructure and clearly there will always be some areas where such adjustments are not considered to be reasonable, perhaps due to physical constraints or because such adjustments may be detrimental to safety. The more historic areas of the Bay are particularly prone to these types of issues and regrettably the Council are not always able to implement effective solutions.</b></p>
<p>Question (9) by Councillor Foster to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>To help increase the very poor recycling rates we have here in Torbay and to help achieve a budget proposal saving of circa £500k, when a waste bin in one of our many parks, open spaces and sea side venues is damaged and needs replacing, could they be replaced with suitable recycling bins? For example a 'Dual Bin' similar to those used by neighbouring authorities.</p>

Councillor Morey	<p>When we have one of our bins that needs replacing in a park, beach or other open spaces I will see if we can get a demonstration bin of this type so that we can undertake a trial and get some data to see how much recycling is collected and what levels of contamination are experienced. Depending on the outcome of our Waste Strategy consultation we could introduce this type of bin earlier but we need to back up such an initiative with an education programme.</p> <p>Valpak a leading recycling research company says that 48% of local authorities provide schemes for drink containers to be collected separately in litter bins and although many local authorities would like to introduce schemes, and some are planning trials, it can be difficult to make a clear business case. For example, multi-compartment bins, where recycling is collected alongside waste for disposal in the same bin unit, require more than one emptying process which is likely to increase operating costs.</p> <p>Also, the financial value of the recycled materials can be unreliable as cross-contamination of these bins can be a problem. The Valpak study found that 50% of the contents of these bins was non-target materials, including food waste, bagged dog waste, and plastic film such as sweet wrappers and crisp packets. If this happens the recycled waste is rejected, which adds more cost and makes no impact on recycling rates. Litter bins generally represent a small amount of waste generated in the Bay (2.4%). I am sure that we can experiment with this option but the Valpak study, industry experience and waste volume figures all indicate that the gains will be marginal.</p>
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### Third Round

Question (10) by Councillor O'Dwyer to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)	Please can the Cabinet Member for Infrastructure, Environment and Culture provide a monthly breakdown for the period from January 2020 until present day of the number of missed bin collections, contacts, compliments and complaints and the number of, and costs of agency workers employed in connection with the collection of waste.																																																								
Councillor Morey	<p>This is the number of missed collections reported by the public – therefore not all may be genuine missed collections i.e. their waste may not have been presented on time or incorrect items put in recycling boxes.</p> <p>While 5,475 might seem like a lot, it has to be taken in perspective that during this reporting period both TOR2 and since July 1<sup>st</sup> SWISCo have undertaken 5,040,000 individual collections between them and only 0.11% have been reported as missed.</p>																																																								
<table border="1"> <thead> <tr> <th>Type</th> <th>Jan</th> <th>Feb</th> <th>Mar</th> <th>Apr</th> <th>May</th> <th>Jun</th> <th>Jul</th> <th>Aug</th> <th>Sep</th> <th>Oct</th> <th>Totals</th> <th>Collections</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Residual</td> <td>164</td> <td>212</td> <td>127</td> <td>129</td> <td>94</td> <td>145</td> <td>168</td> <td>213</td> <td>224</td> <td>189</td> <td>1,665</td> <td>3,120,000</td> <td>0.05%</td> </tr> <tr> <td>Recycling</td> <td>730</td> <td>306</td> <td>256</td> <td>279</td> <td>293</td> <td>374</td> <td>365</td> <td>490</td> <td>422</td> <td>295</td> <td>3,810</td> <td>1,920,000</td> <td>0.20%</td> </tr> <tr> <td></td> <td>894</td> <td>518</td> <td>383</td> <td>408</td> <td>387</td> <td>519</td> <td>533</td> <td>703</td> <td>646</td> <td>484</td> <td>5,475</td> <td>5,040,000</td> <td>0.11%</td> </tr> </tbody> </table>		Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Totals	Collections	%	Residual	164	212	127	129	94	145	168	213	224	189	1,665	3,120,000	0.05%	Recycling	730	306	256	279	293	374	365	490	422	295	3,810	1,920,000	0.20%		894	518	383	408	387	519	533	703	646	484	5,475	5,040,000	0.11%
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**The agency workers employed by TOR2 from January to June 2020 were £79k more expensive than permanent staff and from July to October 2020 SWISCo agency workers were £63k more expensive than permanent staff.**

**A number of changes are being implemented since TOR2 was taken over by SWISCo and the current difference should significantly reduce due to SWISCo's strategy of moving staff from temporary contracts (agency) to permanent employment. SWISCo are also re-procuring the agency contract and this will result in lower agency fees.**

**There will always be some requirement to hire in agency staff to allow for peaks and troughs but this process is already being managed more efficiently.**

Investment Portfolio	Start Date	Last Valuation* 31/03/20 £m	Tenant	Annual Rent £k (fully occupied)	Arrears**
Wren Park	Mar 17	11.5	Various	1150	Part 2
Ferndown Dorset Retail	Jul 17	26.2	Tesco	1569	0
Exeter Offices	Jul 17	15.4	EDF	985	0
Wallingford Oxon Industrial	Sep 17	19.6	Fugro	1283	0
Kent Distribution Centre	Dec 17	31.2	Wincanton	1740	0
Gloucester Offices	Apl 18	12.8	DHCMS	705	0
Exeter Offices	Aug 18	9.5	Michelmores	665	0
Torquay Retail	Sep 18	7.8	The Range	486	0
Bodmin Industrial	Dec 18	2.9	Proper Cornish	200	0
Crown Exeter Storage facility	Jul 19	1.7	Crown Data	120	0
Didcot Oxon Distribution Centre	Sep 19	32.8	Booker	2273	0
Chippenham Wilts Hotel	Sep 19	6.5	Travelodge	363	0
Exeter Distribution Centre	Feb 19	13.4	Amazon	812	0
Taunton Cinema	Dec 19	10.5	Odeon Cinemas	224	Part 2

All properties complete

\*= All investment properties are required to have a valuation, in accordance with the CIPFA Accounting Code, once every 5 years

\*\*= Details of rent arrears are in Part 2 table below



Investment Loans	Start Date	Loan Amount	Outstanding	Arrears
THAT Group	April 2019	£9.25m	£9.25m	0
Effect Photonics	March 2020	£0.5m	£0.5m	0

Both loans in interest-only repayment phase

Economic Growth Fund	In construction	£ value	Tenant	Annual Income £k
Harbour View Hotel	Yes	£13.8m	Whitbread	630 (rent)
Old Toll House	Yes	£1.2m	Venus	65 (rent)
Solar Farm Brokenbury	Planning stage	£1.2m (up to £2.75m)	N/A	168 (net sales)
Solar Farm Nightingale Park	Planning Stage	£1.99m	N/A	276 (net sales)
TCCT Development Loan	In preparation	£1.2m	TCCT	74 (repayment and income)

Other Regen investments	£ value	Tenant	Arrears**
Graphics Controls	£6.74m	GC	0
Debenhams	£1.73m	D	0
Fleet Walk	£16.7m	Various	Part 2

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