

Clerk: June Gurry  
Telephone: 01803 207013  
E-mail address: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)  
Date: Thursday, 25 February 2021

Governance Support  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

Dear Member

## **COUNCIL - THURSDAY, 25 FEBRUARY 2021**

I am now able to enclose, for consideration at the Thursday, 25 February 2021 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>5.</b>	<b>Members' questions</b>	(Pages 2 - 13)

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

<b>Question (1) by Councillor O'Dwyer to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</b>	<p><b>Could the relevant member please provide up to date figures around planning and local searches please with comparisons for the last year.</b></p> <p><b>Numbers of applications this financial year by month.</b></p> <p><b>Numbers completed in the relevant timescales depending on type of application including those with or without agreed extensions.</b></p> <p><b>Longest, shortest and average time taken.</b></p> <p><b>Percentage of delegation also.</b></p> <p><b>Appeal numbers won and lost.</b></p> <p><b>Costs awarded for and against up to date.</b></p> <p><b>Numbers of local searches requests undertaken.</b></p> <p><b>Current and comparable times taken to undertake those local searches.</b></p> <p><b>Our cost of searches this year and proposed.</b></p> <p><b>Along with all of the statutory and local targets and timescales for each answer.</b></p>																				
	<p>The first 4 items are covered in Appendix 1, the remainder of the information requested is set out below.</p> <p><b>Land Charges:</b></p> <table><tr><td>No. of searches received 1/4/2020- 31/1/21</td><td>Average days turnaround time</td></tr><tr><td>April 26</td><td>10.9</td></tr><tr><td>May 230</td><td>12.7</td></tr><tr><td>June 155</td><td>13.5</td></tr><tr><td>July 280</td><td>14.6</td></tr><tr><td>August 290</td><td>4.1</td></tr><tr><td>September 340</td><td>15.1</td></tr><tr><td>October 347</td><td>18.1</td></tr><tr><td>November 310</td><td>27.8</td></tr><tr><td>December 200</td><td>28.3</td></tr></table>	No. of searches received 1/4/2020- 31/1/21	Average days turnaround time	April 26	10.9	May 230	12.7	June 155	13.5	July 280	14.6	August 290	4.1	September 340	15.1	October 347	18.1	November 310	27.8	December 200	28.3
No. of searches received 1/4/2020- 31/1/21	Average days turnaround time																				
April 26	10.9																				
May 230	12.7																				
June 155	13.5																				
July 280	14.6																				
August 290	4.1																				
September 340	15.1																				
October 347	18.1																				
November 310	27.8																				
December 200	28.3																				

	<p>January 260</p> <p>Cannot give an average turnaround time as there are too many outstanding</p> <p>No of searches received 1/4/19 31/1/20 Average days turnaround time (up until January so same as above)</p> <p>April 238 11 days</p> <p>May 216 13 days</p> <p>June 228 10.5 days</p> <p>July 272 13.1 days</p> <p>August 221 12.8 days</p> <p>September 212 12.7 days</p> <p>October 242 2.4 days</p> <p>November 221 14 days</p> <p>December 116 16 days</p> <p>January 164 15.1 days</p> <p>New Government target for turnaround 10 days</p> <p>Land Charges Fees and Charges See Appendix 2</p>
<p><b>Question (2) by Councillor Bye to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</b></p>	<p><b>Could the relevant Cabinet member please tell me the number of new homes completed in Torbay in 2020 and 2019; if not too much trouble could they please advise the numbers from 2000 and explain what is being done to increase numbers in line with the recently approved Housing Strategy.</b></p>
<p>Councillor Long</p>	<p>Much pro-active work has been taking place with regards to the Priority Sites (Stalled Sites) List, liaison with Registered providers and with Homes England, to help unlock sites. The revamped Housing Delivery Group, made up from Officers across the Authority is regularly meeting and addressing matters on the Delivery Plan with it's own Action Tracker. Further work with the new Housing Strategy &amp; Enabling Officer and with the additional resource in the Future Planning Team will assist with maximising the sites coming forward. The development management officers are then processing applications as quickly and efficiently as possible and getting those larger residential sites in front of planning committees for determination. In addition, TorVista will hopefully be receiving Registered Provider status at the beginning of March and as a result be progressing on sites such as Tweenaway Cross.</p> <p>For statistical information please refer to Appendix 2.</p>
<p><b>Question (3) by Councillor Thomas (J) to the Cabinet Member for Infrastructure, Environment and</b></p>	<p><b>Proposed new parking regulations in Foxhole.</b></p> <p><b>An order was advertised on 11th November 2020 in the Herald Express and online at Devon Live, the closing date for representations was 1st December 2020. Despite these new regulations affecting many hundreds of residents across the Foxhole</b></p>

<p><b>Culture (Councillor Morey)</b></p>	<p>area, not a single representation was made - my concern is this is because nobody knew they were being consulted upon.</p> <p>Despite not a single letter or concern, the portfolio holder gave this scheme tacit approval and the scheme is now going ahead. No consultation with the community - a complete surprise and goes against everything that the administration stand for, with no surprises for the community.</p> <p>Now that this has come to light, and is clearly an error, will the portfolio holder put an urgent stop on this and ensure that the proper consultation does take place in order for residents to have a say in any scheme, before it is rolled out.</p>
<p>Councillor Morey</p>	<p>The proposals for a Traffic Regulation Order, which will impact on the Foxhole area, were advertised on 11th November 2020. The public notice was placed in the Herald Express as legally required, with a further advert on the Devon Live site, with full paperwork accessible on the Torbay Council website. Unfortunately, no advertisement was placed on the site in the Foxhole area. Officers were following the current guidelines, which recommended that the placing of local notices, typically on lampposts, should not go ahead during the Covid-19 pandemic to mitigate the potential public health risks both to the staff and the public. This would explain why the community don't feel they have been adequately consulted, albeit that the ward Councillors had been made aware of these proposals.</p> <p>Ward Councillors were sent an email from the Highways department about the proposals for the 20mph zone, including the initial plans for parking restrictions, on 21st November 2019 along with drawings of the proposed scheme. A further email, including drawings, was sent to the ward Councillors on the 21st January 2020, which included extra parking restrictions to overcome access problems for the SWISCo refuse vehicles.</p> <p>Highways officers also contacted the TDCT and dropped copies of the plans to them directly to allow them to discuss with residents. This happened on the 16th January 2020 and we asked for responses by the 7th February 2020 so that we could get on with the works of planning and designing the scheme.</p> <p>In summary, it is clear that community leaders were made aware of these plans over 12 months ago and early consultation took place before the Covid-19 pandemic. However, I do accept that our normal method of consultation was compromised in November last year, which has meant that some in the community don't feel that they were sufficiently engaged in the process. This is an important decision for the Foxhole community and it impacts on road safety and the timely collection of household waste. Given the circumstances and as soon as I became aware that we had departed from the normal process of raising awareness, I paused further progress on this work. I have asked officers to undertake further community consultation, using the normal advertising process i.e. notices on lampposts. However, there is an important role for ward Councillors to play in helping us to explain why these proposals are coming forward and in particular the issue of vehicles blocking access for the waste collection vehicles.</p>

<b>Question (4) by Councillor Atiya-Alla to the Infrastructure, Environment and Culture (Councillor Mike Morey)</b>	<p>Over the past couple of years myself, the residents of Ellacombe and the Torbay Community Development Trust have been working hard to re-establish the 65 bus service which included Ellacombe, St Marychurch and Hele. Can I be reassured that the new subsidy that the Council is introducing for this forthcoming financial year could be applied to support this bus service in Torquay?</p>
<p>Councillor Morey</p>	<p>The Council has previously supported the reintroduction of this service through a capital grant to TCDT in February 2018, as part of a package to reinstate services in accordance with a business case that the TCDT provided.</p> <p>In respect of the funding allocation for bus subsidies going forward, a needs, demand and accessibility assessment is being undertaken over the whole of Torbay, to provide an evidence base for long term decision making. This process will help us to consider the demand, understand appropriate service levels and where services are needed, but also whether there are alternative service models that we should be considering, and will ultimately inform appropriate procurement processes.</p> <p>However in the interim and pending long term decisions, Officers are progressing the award of a 6 month subsidy for the number 61 and 65 bus services.</p> <p>Finally, we also plan to write a Bus Strategy later this year. The Government are expected to publish their long overdue national Bus Strategy any day now and we intend to build on what it says and apply it locally to our own situation, based on our knowledge gathered from the above mentioned needs assessment.</p>

## Second Round

<b>Question (5) by Councillor Bye to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</b>	<p><b>What thought was given to a Children's Play Facility in Torquay similar to the hugely popular Geo Playpark at Paignton being included as one of the Town Deal projects?</b></p> <p><b>Especially given the Council's vision for a Family Friendly Torbay?</b></p>
<p>Councillor Morey</p>	<p>Some thought has been given to trying to locate a high profile community and tourist resource in Torquay, similar to the Geo Playpark, but unfortunately COVID-19 has delayed progress with this matter. We will of course revisit this opportunity, although it is unlikely to become a Town Deal project as such a proposal was not included in the original bid document.</p> <p>The Geoplay Park on Paignton was largely supported by lottery funding, to the tune of about £700k with the Council adding about another £100k.</p>

	<p>This is the level of capital funding required for this type of project and there will also be significant ongoing revenue costs that need to be considered.</p>
<p><b>Question (6) by Councillor Atiya-Alla to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</b></p>	<p><b>I understand that a new bid is being promoted by the MP's for Totnes and Torbay regarding opening up the rail line between Paignton and Churston to main line train services. Can the local authority advise what representations the MP's may have made in recent weeks around this new bid to the local authority and what does the Council see as the pros and cons around such a bid.</b></p>
<p>Councillor Morey</p>	<p>The local authority hold regular update meetings with our local MPs and this matter was discussed at the most recent meeting. There is clearly much support for this from our MPs. However the Council has been provided with a copy of the correspondence sent from the Dartmouth Steam Railway and River Boat Company to Anthony Mangnall MP, which clearly sets out many concerns (Appendix 3).</p> <p>The meantime the local authority will continue to work strategically with the main railway stakeholders, including GWR and others, to secure the best provision of rail services both into and out of the Bay</p>

Application types reported to MHCLG							
Number of decisions issued	Number of decisions issued on time (inc those issued within extension of time period)			Time taken (days)			% delegated
	Major	Minor	Other	Longest	Shortest	Average	
40	0	10	21	271	31	89	100
29	2	8	9	555	57	144	89
34	1	8	16	421	48	179	97
86	2	15	54	426	42	111	96
53	0	8	35	295	38	100	100
67	2	10	38	575	34	117	97
81	1	12	49	368	29	107	98
67	1	7	43	378	29	98	95
85	2	16	51	940	31	105	96
85	0	10	53	1149	26	123	97
46	1	9	26	417	30	115	97

Application types not reported to MHCLG				
Number of decisions issued	Number of decisions issued on time	Time taken (days)		
		Longest	Shortest	Average
7	2	211	9	67
9	3	202	14	72
8	4	251	9	64
20	5	317	14	102
17	8	323	21	79
19	5	305	19	83
20	10	554	13	95
19	8	231	15	71
13	6	164	16	66
21	6	195	9	68
7	0	386	85	209

Appeals		
Allowed	Dismissed	Split
3	1	0
0	1	0
0	2	0
4	2	0
1	3	0
0	1	0
3	2	0
2	2	0
2	5	1
0	1	1
0	3	0



## Land Charges Costs.

## Local Land Charges Department Fees and Charges

<http://www.torbay.gov.uk/planning-and-building/land-charges/land-charges-fees/>

	£ Current 2020/21	£ Proposed 2021/22
<b>Official search in the whole or any one part of the Local Land Charges (LLC) Register (including the issue of an Official Certificate of Search):</b> VAT Rate O/S		
In respect of one parcel of land <b>(a)</b>	28.60	29.46
In respect of each additional parcel of land (subject to agreement) <b>(c)</b>	5.50	5.67
Personal search in the whole or any one part of the LLC Register (regardless of the number of parcels of land)	FOC	FOC
<b>Replies to all Required Enquiries of Local Authorities (Form Con 29R):</b> VAT Rate SR		
In respect of one parcel of land <b>(b)</b>	84.48	87.01
In respect of each additional parcel of land (subject to agreement) <b>(d)</b>	15.84	16.32
Total cost of providing 'Standard' (LLC1 and CON29) Search on one parcel of land. <b>(a+b)</b>	113.08	116.47
Total cost of providing 'Standard' (LLC1 and CON29) Search on each additional parcel of Land. <b>(c+d)</b>	21.34	21.98
Ask a question of your own	19.80	20.39
<b>Replies to individual enquiries on Form Con 29R:</b>		0.00
Administration fee	13.20	13.60
Question 1.1 (a) to (i) - Planning decisions and pending applications	9.24	9.52
Question 1.1 (j) to (l) - Building regulation decisions and pending applications	6.60	6.80
Question 1.2 - Local development plans	FOC	FOC
Question 2.1 (a) - Roads, footways and footpaths	5.28	5.44
Question 2.1 (b) to (d) - Roads, footways and footpaths	3.96	4.08
CON29 Question 2.2 to 2.5 Public rights of way	5.28	5.44
Question 3.1 - Land required for public purposes	1.32	1.36

Question 3.2 - Land to be acquired for road works	1.32	1.36
Question 3.3 (a) to (c) - Sustainable drainage systems	FOC	FOC
Question 3.4 (a) to (f) - Nearby road schemes	1.32	1.36
Question 3.5 (a) to (b) - Nearby railway schemes	1.32	1.36
Question 3.6 (a) to (l) - Traffic schemes	7.92	8.16
Question 3.7 (a) to (g) - Outstanding notices	9.24	9.52
Question 3.8 - Contravention of building regulations	2.64	2.72
Question 3.9 - Notices, orders, directions & proceedings under Planning acts	5.28	5.44
Question 3.10 (a) to (h) - Community Infrastructure Levy	6.60	6.80
Question 3.11 - (a) to (b) - Conservation area	1.32	1.36
Question 3.12 - Compulsory purchase	1.32	1.36
CON29 Question 3.13 (a) to (c) - Contaminated land	1.32	1.36
Question 3.14 - Radon gas	FOC	FOC
Question 3.15 (a) to (b) - Assets of community value	FOC	FOC
Replies to Optional Enquiries of Local Authority (Con 290) – each enquiry	13.20	13.60
Additional enquiry – each (subject to agreement)	19.80	20.39

Number of new Homes

Year	2000 /01	01/0 2	02/0 3	03/0 4	04/0 5	05/0 6	06/0 7	07/0 8	08/0 9	09/1 0	10/1 1	11/1 2	12/1 3	13/1 4	14/1 5	15/1 6	16/1 7	17/1 8	18/1 9	2019 /20
Actual Delivery (Net)	447	568	494	482	402	418	743	809	450	322	402	268	249	446	349	408	326	410	531	188



Tuesday, 02 February 2021

Mr A Mangnall, MP  
Constituency Office  
Conservative Club  
Station Road  
Totnes  
Devon TQ9 5HW

Mr A Mangnall  
Member of Parliament for Totnes  
Westminster Office  
House of Commons  
London  
SW1A 0AA

Email: anthony.mangnall.mp@parliament.uk

Dear Anthony

**Re: Goodrington & Churston stations**

I do hope you are well!

I was surprised to see in the local media that you are proposing to increase services to our Churston and Goodrington stations. As I mentioned in our meeting, these stations have remained open since the Dart Valley Railway acquired the line (although they were closed last year to allow us to ensure all customers were socially distanced on our services). When we discussed the subject previously, I mentioned a number of significant hurdles that would need to be resolved to bring mainline services onto our line. This of course does not mean it is impossible and I am more than happy to look at a workable proposal should you be able to produce one.

I thought it would be wise to write to you to remind you of some of the issues your proposal will need to address. As you are applying for public funds, I would ask that you include this letter with your application so that we ensure that the decision makers have as full a picture as possible.

**Infrastructure**

- Track & signalling are currently at heritage line standards rather than mainline standards.
- It is the same for maintenance staff and plant & equipment in that these are currently at heritage railway standards not mainline standards.

**Interruption**

- The track is closed for at least 6 weeks each year for maintenance.
- Further adhoc closures occur throughout the year.

**Churston Station**

- The station is closed for 8 weeks per year for our Christmas Train of Lights. It would not be possible to use the station for public service during this period.

**DARTMOUTH STEAM RAILWAY & RIVER BOAT COMPANY**

Kingswear Signal Box, The Square, Kingswear, Devon, TQ6 0AA

Enquiries: 01803 555872 Accounts: 01803 752370 Web: [www.dartmouthrailriver.co.uk](http://www.dartmouthrailriver.co.uk)

A Dart Valley Railway LTD Company Company Reg Numbers 01045776 and 00852020 England



- Access to the station is limited and lacks adequate parking. Increased usage of the station could lead to an increase in traffic congestion. If this was the case it would be of particular concern if it increases pressure around Churston school at drop off and pick-up times.

### **Line Capacity**

- The line is at full capacity for large parts of the year. In July and August a steam passenger service leaves Paignton & Kingswear roughly every c.35 minutes.
- As the line from Paignton to Kingswear is single track the services pass at Churston. There is currently no space for a third mainline service. This is difficult but not impossible to solve, you would need to consider how to acquire enough land to extend the station but please keep in mind the station is a very historic structure and it would not be appropriate to just start redeveloping it.
- As outlined above, the railway is a single line and is often at full capacity. This means that you would need to significantly increase the capacity between Paignton and Churston and in practical terms this means a second track. This would be quite a civil engineering task as we are close to the sea (not to mention the need for a new viaduct at Broadsands). I am not a civil engineer but I would guess it would cost many millions of pounds.

### **General Practicalities**

- Whilst steam engines are wonderful machines, they are not particularly practical. They frequently breakdown and small lineside fires are a common occurrence. This inevitably leads to delays (sometimes significant.) Any mainline operator would have to accept delays are unavoidable when working with a heritage railway. The mainline operator would need to confirm that they accepted this - we cannot be held responsible for the penalties that the operator will incur when re-joining the mainline network late.

I have tried to give a reasonable overview of the issues that I am aware of but please be aware this is by no means an exhaustive list, there will be many issues we have not yet considered.

Finally, as I previously mentioned to you during our call, the Dart Valley Railway is a privately owned line and permission to gain access would need to be sought and provided. We view ourselves as custodians of this incredible business and, as I'm sure you will understand, we will not agree to any proposals that put the business at risk. Any proposal would need to 100% guarantee the business is kept financially secure and ensure that all jobs are protected.

Best wishes and I look forward to hearing from you should you be able to produce a workable proposal.

Best wishes 



**John Jones**  
Managing Director