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Dear Member

## **COUNCIL - THURSDAY, 27 FEBRUARY 2025**

I am now able to enclose, for consideration at the Thursday, 27 February 2025 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>
6.	<b>Members' questions</b>	(Pages 3 - 14)

Yours sincerely

June Gurry  
Clerk

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## Meeting of the Council, Thursday, 27 February 2025

### Members' 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

#### **Councillor Penny to the Cabinet Member for Housing and Finance (Councillor Tyerman)**

Two fields off Preston Down Road have long been identified as homes for local people. Torbay Council previously entered into negotiations with LiveWest and a local developer to deliver 50% affordable housing for local people on this site. These much-needed homes for local people could have been under construction by now. Can the Cabinet Member for Housing and Finance advise me when these homes are likely to become available to house those on Torbay's housing waiting list.

#### **Answer to Question 1 provided Councillor Tyerman**

The Council are in the advanced stages of agreeing to dispose of the land to a housebuilder. The two sites will be sold with planning permission in place that provides for the provision of 30% affordable housing. The decision of Cabinet from the 11 July 2024 provides for the entirety of the surplus received on the site to be ringfenced for the delivery of affordable housing (with 50% to deliver affordable housing in Paignton) and therefore ultimately there will be a greater than 50% net increase in the affordable homes delivered. The housebuilder has given every indication that they intend to commence work on site as soon as they have ownership, and the Council are progressing consideration for how to best utilise the capital surplus to deliver affordable housing.

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##### Question 2

#### **Councillor Mandy Darling to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)**

In the Healthwatch Unpaid Carers report titled The Impact of Providing Unpaid Care at Home dated May 2024, one of the recommendations was to draw on the valuable insight and suggestions from Carers in this report to develop and improve access to training and awareness resources to help Carers to manage their own health and wellbeing. Can the Cabinet Member please advise whether this recommendation is being implemented, and if so, please provide an update on progress?

### **Answer to Question 2 provided by Councillor Tranter**

Particular issues were raised in the report about training and awareness for Carers of people with dementia. We have worked with Torbay and South Devon Foundation Trust's dementia team and devised a series of dementia Carers training modules as a pilot both in-person and on-line. These have recently started, and the feedback has been excellent.

Torbay Carers education booklet includes courses that provide breaks from caring and links to courses (such as HOPE) that support Carers' health and wellbeing. Across Devon we have also commissioned a web-based platform (with National funding) which will use AI to enable Carers to more easily find the many resources that already exist.

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### **Question 3**

#### **Councillor Fox to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)**

In the Healthwatch Unpaid Carers report titled The Impact of Providing Unpaid Care at Home dated May 2024, one of the recommendations was to develop a systemwide publicity campaign to:

- Identify Carers and raise awareness of Carers Services and
- Support Carers to register with relevant Carer's services raise awareness of the full range of support available to them

Can the Cabinet Member please advise whether this recommendation is being implemented, and if so, please provide an update on progress?

### **Answer to Question 3 provided by Councillor Tranter**

Healthwatch and the Integrated Care Board have created a Carers page on the One Devon website and the three Carers Services are able to advertise their events for Young Carers' Action Day, Carers' Week and Carers' Rights Day on this page.

The three local authorities have received national funding and will soon be launching a Devon-wide webpage which uses AI to find tailored information for Carers (known as Bridgit). Once set up, there will be system-wide publicity to raise awareness.

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### **Question 4**

#### **Councillor George Darling to the Cabinet Member for Place Development and Economic Growth (Councillor Chris Lewis)**

Babbacombe Downs, Promenade and Beach all lie within the Core Tourism Investment Area, and a key to the area's tourism offering and economy. Glen Sannox and the paths linking Babbacombe Downs to Babbacombe Beach have

fallen into a state of disrepair. What investment will the council be putting into the core tourism area to see these vital links repaired and maintained?

**Answer to Question 4 provided by Councillor Chris Lewis**

Thank you for the opportunity to again highlight the importance of the Brighter Bay initiative of the Council which, this year, if Council approve the draft budget, will see an additional £300,000 invested into our Bay following on from the almost £300,000 that was invested last year.

As you no doubt agree with me this investment is much needed. In your ward for example, the paths and steps had become overgrown for many years. My understanding is that in 2022 residents and the St Marychurch Community Partnership successfully applied for CIL money to improve the area, but clearly such funding should be for capital improvement works not revenue funding for annual maintenance.

Last year saw significant improvements to the management and maintenance of Babbacombe Downs including areas of restored planting, additional staff resources and an increased mowing regime and was noted by the judges during the South West in Bloom process. Improvements will continue this year under the Brighter Bay initiative and will include replacing existing flower beds that have fallen into disrepair.

SWISCo are looking forward to engaging with local Councillors and the Community Group in the coming weeks to discuss a partnership approach to improving the access through Glen Sannox and with the additional staff made possible by Brighter Bay this year it is anticipated that when improvement works are complete management of the path can be added to the cyclical services provided by SWISCo.

The Neighbourhood Enforcement Service, now delivered by SWISCo are now operating across the Bay and will be focusing on key areas such as Babbacombe Downs and Beach during the summer to deter and enforce against enviro crime such as littering and dog fouling creating an improved and safer environment for local residents and tourists.

The pathway between Oddicombe and Babbacombe Beach is managed by Beach Services along with any infrastructure issues, recently a large sink hole was discovered along the promenade which was urgently repaired due to safety concerns at a cost of £20k. The surface of the promenade and the beach is leased out to the Cary Arms and so they are responsible for this area. SWISCo has been liaising with Council colleagues who are in touch with the Cary Arms regarding this matter.

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**Question 5**

**Councillor Long to the Cabinet Member for Place Development and Economic Growth (Councillor Chris Lewis)**

Please could the Council confirm whether there is an overspend on the Harbour Public Realm project in Torquay, and if so, to confirm the amount and how it is planned to plug this gap?

**Answer to Question 5 provided by Councillor Chris Lewis**

We have reported to the Town Deal Board that the project will likely exceeded its original budget due to two main changes:

- The shallow depth and different on-site alignment of a SWW culvert that required a considerable amount of re-design.
- The re-phasing of the works to provide two-way traffic over easter, bank holidays and summer holidays.

We have not concluded the final account with the appointed Contractor therefore we are currently unable state figures in the public domain to avoid breaching commercial confidentiality.

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**Question 6**

**Councillor Steve Darling to the Cabinet Member for Tourism, Culture & Events and Corporate Services (Councillor Jackie Thomas)**

What has been the total cost to the local authority, including in officer time and the commissioning of an independent investigation into the complaint against Councillor Katya Maddison?

**Answer to Question 6 provided by Councillor Jackie Thomas**

I am advised by the Monitoring Officer that the total external cost relating to the complaint is £9,901.50, which included the investigator's report, and their preparation and attendance at the Standards Hearing Sub-Committee on the 11 February 2025. There is no additional cost to the Local Authority as time spent by officers, is covered within their contracted hours.

The Standards Hearing Sub-Committee were advised such independent investigation was not usually required, but that it was required in the circumstances of this case. Quoting from the published record of decision it clarifies why this was the case, namely;

'Members noted that Councillor Maddison had failed to respond to the letter from the Monitoring Officer, dated 20 May 2024, which set out that the alleged behaviour could amount to a breach of the Code of Conduct.

Members further noted that in the absence of a response from Councillor Maddison, and to enable the Monitoring Officer to determine the complaint which the Monitoring Officer deemed to be sufficiently serious, the Monitoring Officer required that the complaint be investigated to determine whether there had been a breach of the Code

of Conduct for Members and the seriousness of the breach, in accordance with the Council's Local Protocol for the Assessment and Determination of Allegations of Breaches of the Members Code of Conduct. This provided Councillor Maddison with a second opportunity to respond to the allegations made against her by the complainant.

Given that the complaint had been made by the Council's Chief Executive, who was also the Head of Paid Service, and to ensure no conflict of interest arose and to protect the integrity of the process and in turn, provide for complete fairness to all parties, Members agreed with the Monitoring Officer's determination that it was appropriate that an external and independent Investigator be appointed. Had Councillor Maddison responded to the letter of the 20 May 2024, it is likely that an investigation would not have been required.'

I am further advised that during the course of the investigation the actions of Cllr Maddison caused additional costs, which were ultimately not relevant to the complaint made.

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## **Question 7**

### **Councillor Carter to the Leader of the Council (Councillor David Thomas)**

In the schedule attached to their letter to Torbay from Minister McMahon, inviting us to submit our proposals for Local Government Reorganisation (LGR) by 21 March 2025, the Guidance from the Secretary of State states that:

"We expect local leaders to work collaboratively and proactively, including by sharing information, to develop robust and sustainable unitary proposals that are in the best interest of the whole area to which this invitation is issued, rather than developing competing proposals."

The invitation was issued to Torbay, Plymouth, Devon County Council and the Districts. What discussions have taken place with the above authorities? What proposals have been discussed and which proposals are being advanced, based on what criteria/data? Is there sufficient capacity to undertake the above consultations in a manner that would inform the proposals?

The guidance also further states that wider engagement should inform the development of proposals:

"We also expect local leaders to engage their Members of Parliament, and to ensure there is wide engagement with local partners and stakeholders, residents, workforce and their representatives, and businesses on a proposal."

Included in this wider partners are the Integrated Care Board, Police and Fire Authorities, Education Providers and the Voluntary and Community Centre. What wider engagement has taken place with these organisations and with residents?"

### **Answer to Question 7 provided by Councillor David Thomas**

Following on from the English Devolution White Paper that was published on 16 December 2024, on the 5 February 2025 Minister McMahon OBE MP, wrote to the Leaders of two-tier councils and unitary councils in Devon to formally invite us to work to develop a proposal for local government reorganisation, with an interim plan to be submitted by 21 March 2025 and a full proposal to be submitted by 28 November 2025.

The schedule to the letter sets out the criteria for unitary local government, which proposals will be judged against.

Since the White Paper was published, I have been in regular contact with Leaders across the whole of Devon. Whilst the government have an ambition for a single proposal for an area, it appears unlikely that will be achieved in Devon by the interim plan submission date.

Government is clear that the interim plan can include a range of options under consideration and is non-binding. Feedback on the interim plans will be given.

Engagement within Torbay is underway. The Cabinet has met with Shadow Cabinet; an all Member briefing is planned as is a meeting with key partners (including our MPs) at a special meeting of the Torbay Place Leadership Board. A wider engagement event is planned for 11 March 2025, whereby partners and residents will be helped to understand what government has asked for, some of Torbay's options and the timelines that have been laid out. There will also be a chance to ask questions.

Wide engagement and consultation will be undertaken in the development of the proposal to be submitted in November. Additional capacity is being sourced to facilitate the engagement and consultation that will be required.

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## **Second Round**

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### **Question 8**

#### **Councillor Mandy Darling to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)**

In the Healthwatch Unpaid Carers report titled The Impact of Providing Unpaid Care at Home dated May 2024, one of the recommendations was to improve access to health and social care services for Carers. Can the Cabinet Member please advise whether this recommendation is being implemented, and if so, please provide an update on progress?

#### **Answer to Question 8 provided by Councillor Tranter**

It is envisaged that Bridgit (as referenced in Question 4) will improve Carers' awareness of how to access health and social care services.



Devon Link-up, which Torbay Carers commissions to provide services to Carers of Adults with a Learning Disability, has recently co-located with Adult Social Care (ASC) to improve communication between services. They are also piloting having direct email access to ASC Complex Care Team leads and if this is successful, it will be rolled out to other Carers of people with ongoing complex needs.

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### **Question 9**

#### **Councillor Fox to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)**

In the Healthwatch Unpaid Carers report titled The Impact of Providing Unpaid Care at Home dated May 2024, one of the recommendations was to identify why, in some areas, Carers and / or the cared for person's needs are not being met by paid care services. Can the Cabinet Member please advise whether this recommendation is being implemented, and if so, please provide an update on progress?

#### **Answer to Question 9 provided by Councillor Tranter**

As mentioned in response to Question 8, work is taking place to improve Adult Social Care's inclusion of Carers in care planning so that their needs are being met.

Torbay Carers is working with Torbay Communities to set up 'Time for you, Torbay'. This is a volunteer-delivered sitting / companionship service to enable Carers to have a break from caring for an hour or two.

Torbay Council's commissioning team continues to prioritise sourcing replacement care, but this remains a challenge due to market conditions.

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### **Question 10**

#### **Councillor George Darling to the Cabinet Member for Pride in Place, Transport and Parking (Councillor Billings)**

A resident has raised concerns to me that the remote green waste collection services for Torquay Town Hall Carpark and Brixham College have been stopped. Is the council planning to cancel these services entirely?

#### **Answer to Question 10 provided by Councillor Billings**

Residents can recycle their green waste by taking it to the Household Waste Recycling Centre at Yalberton or by joining the Green Waste Collection Service. The Council recently made joining the Green Waste Collection Service even easier by offering a £5 per month direct debit payment option and I am pleased to report that we now have over 11,000 subscriptions and the tonnage collected increasing year on year. Going forward, we will be launching a refer a friend offer and more information will be available once the system has been adapted to offer this service in the next few weeks.

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The Council has previously run a Remote Green Waste Collection Service during the main growing season. I am pleased to confirm these will again be running this year, on Sundays, monthly in Torquay and Brixham between March and October. Historically, the service has operated in Torquay on a fortnightly basis and in Brixham on a monthly basis. We will be trialling moving both services to a monthly service, i.e., providing a slightly reduced frequency for Torquay, and engaging with stakeholders to seek their input on the change. In my view it would be appropriate to consider this option given the success of the Council's Green Waste Collection Service and the increased cost due to the need to comply with environmental waste legislation and this has been suggested to me as a compromise which balances the service we deliver to residents and the sustainability of the Councils waste services.

The first collection will be on Sunday 16 March in Brixham and Sunday 23 March in Torquay between 9:30am and 1:30pm and the Council's websites and social media channels have been updated to promote this and also make it clear it is not a year-round service.

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### **Question 11**

#### **Councillor Long to the Cabinet Member for Place Development and Economic Growth (Councillor Chris Lewis)**

How are the Council making use of the Community Board for maximum effect for engagement on regeneration and Town Deal issues in Torquay?

#### **Answer to Question 11 provided by Councillor Chris Lewis**

I presume the question refers to the Town Deal Community Board, and I can confirm that this Board is engaged as per its terms of reference relating solely to the Town Deal monies, with Council Officers attending the community board meetings which precedes the Town Deal Board meetings in order to feed into any decision making at the Town Deal Board itself.

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### **Third Round**

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### **Question 12**

#### **Councillor Mandy Darling to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)**

In the Healthwatch Unpaid Carers report titled The Impact of Providing Unpaid Care at Home dated May 2024, one of the recommendations was to draw on the evidence in this report to codesign with Carers and Carers Ambassadors a risk scale or checklist for Carers. Can the Cabinet Member please advise whether this recommendation is being implemented, and if so, please provide an update on progress?

### **Answer to Question 12 provided by Councillor Tranter**

The purpose of this checklist is to help medical professionals, social workers, parent-Carers services and Carers themselves to identify when a Carer may be reaching a tipping point in their ability to manage their caring role and their own health and wellbeing and for this to be reviewed on a regular basis, either through Carers' health and wellbeing checks or Carer's annual review.

The Torbay Interagency Carers Strategy and Action Plan was co-produced with carers, and one of the five priorities is 'I want the care and support to the person that I care for to also meet my needs as their Carer' - Risk is a core component of all social care assessments and is a complex and personalised matter. It is vital that professionals understand risk in order to meet needs. Professionals are trained to identify risk and address it with carers, and this is common practice.

In addition, Carers Awareness training is widely available, and includes this topic. There is also an extensive offer for carers in Torbay, which can be accessed online. This includes the Carer's Wellbeing Check, which is available online.

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### **Question 13**

#### **Councillor Fox to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)**

In the Healthwatch Unpaid Carers report titled The Impact of Providing Unpaid Care at Home dated May 2024, one of the recommendations was that NHS and Adult Social Care Leaders in Devon, Plymouth and Torbay use the evidence and the findings in this report to further inform local Carer strategies, and action plans as they move forward and that service leaders take a joined-up approach to ensure local plans for Carers are aligned across the whole Devon system. Can the Cabinet Member please advise whether this recommendation is being implemented, and if so, please provide an update on progress?

### **Answer to Question 13 provided by Councillor Tranter**

NHS Devon is committed to working with all agencies to support carers and are signed up to a Devon-wide Commitment to Carers. All the health and care organisations are signed up to a Devon-wide Commitment to Carers, based on the seven principles below:

1. Identifying Carers and supporting them
2. Effective Support for Carers
3. Enabling Carers to make informed choices re their caring role
4. Staff awareness
5. Information-sharing
6. Respecting Carers as expert partners in care
7. Carers whose roles are changing or who are more vulnerable

NHS Devon have been approached for an update on their plans to align services across the ICB footprint.

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Local NHS partners are signed up to the Torbay Inter Agency Carers Strategy and are active partners.

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#### **Question 14**

##### **Councillor George Darling to the Cabinet Member for Pride in Place, Transport and Parking (Councillor Billings)**

Residents of York Road were reassured that their Controlled Parking Zone application would be allowed to progress this year following reassurances that the new CPZ Policy would be published. The CPZ policy was published in January, however, the toolkit for assessing CPZs which underpins the policy was not. This is again holding up their CPZ application; they have been waiting for almost 3 years. Could you please advise when York Road residents will be able to progress their Controlled Parking Zone application?

##### **Answer to Question 14 provided by Councillor Billings**

I am pleased that the Council has now been able to adopt the new CPZ Policy in December 2024. Unfortunately, as we know, the Council had for some extended time been in a policy vacuum on this important matter and the last CPZ was made a very long time ago back in 2016. The previous policy was deemed to be not fit for purpose due to lack of detail around the required level of public consultation and the source of funding for CPZ's leaving the Council open to challenge with the Ombudsman and so since that time no further CPZ's had progressed. This Administration, through the Road Network and Travel Working Party made the introduction of this new policy a priority and as such the Council can once again work with residents against a clear and defensible policy.

To ensure the CPZ Policy can be put to greatest advantage for our residents there is a Toolkit to support the new CPZ Policy. The Toolkit will assist Ward Councillors to lead on a consultation exercise with affected residents and ensure that the information obtained provides the appropriate evidence to inform the decision-making process. The publication of the Toolkit has been delayed due to recent resource issues within SWISCo's Traffic team and the direction of the Road Network and Travel Working Party to prioritise the implementation of 20mph zones around schools above other traffic initiatives and which have accordingly seen a step change in their delivery. I can confirm however that the toolkit is expected to be ready for publication in early March 2025. While this is a little later than I would have hoped, I would highlight this needs to be seen in context and I would like to say thank you for the hard work of our staff who have enabled this to be delivered.

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#### **Question 15**

##### **Councillor Long to the Chairman of the Local Plan Working Party (Councillor Chris Lewis)**

Why is the Local Plan Working Party not open for members of the public to attend either in person or virtually: and why are councillors who are not members of this working party now not able to attend virtually?

**Answer to Question 15 provided by Councillor Chris Lewis**

The setting up of a Council Local Plan Working Party was agreed by Council last year,

*To assist Officers with the preparation of the revised draft Local Plan including the content, timing and scope of key consultation and submission documents in accordance with the timetable as set by the Local Development Scheme (or similar document required by subsequent legislation); to make appropriate recommendations to Cabinet and Council; and to respond to issues that may arise during examination.*

[Decision - Establishment of Cabinet Working Parties and Council Local Plan Working Party](#)

[Cabinet Record of Decision Cabinet and Council Working Parties.pdf](#)

The Council Local Plan Working party is not a decision making body but makes recommendations to Council on the contents of the Draft Local Plan. The draft proposals will be subject to at least two further stages of detailed public consultation and engagement. After that it will be examined by an Inspector.

Local Plans set a framework for the development and use of land over a 15-20 year period. Inevitably they require difficult and contentious decisions, this is especially the case given the Government's binding housing need methodology. The identification of strategic sites is a duty for the Local Planning Authority. It is right that there is engagement from all stakeholders, but this needs to be at the appropriate time. At this time there is a need for Members to consider initial sites and ideas in a protected space within the Working Party.

In this protected space, officers are able to report and discuss issues and sites with Members which enables the preparation of the draft proposals for future consultation.

Making the working party public or involving specific stakeholders would inevitably change their dynamic, which at this point is not considered appropriate. However, the meetings are open to all Councillors to represent their wards.

In terms of physical verses virtual meetings, the Working party sometimes needs to view large scale maps, which are more easily viewed in-person rather than online, hence the decision to hold them in person.

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