

Meeting of the Council, Thursday, 3 March 2022

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) from Councillor O'Dwyer to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>The recent £1 a day Christmas car parking offer, offered parking in a limited number of car parks near to the three main town centres only. Please can you provide the total use figures of the car parks, evidence of the numbers of additional shoppers encouraged into the 3 towns by this promotion and any benefit to our town centres of this scheme in terms of additional uses and income generation compared to November preceding the introduction of the offer and the corresponding months in both 2020 and 2019 pre pandemic. As a comparison with an area that did not benefit from the offer can you also include the data for the three car parks in St Marychurch and on street parking in Paignton Town Centre that was not included in the promotion.</p>											
<p>Councillor Morey</p>	<p>The attached spreadsheet provides the full data requested.</p> <p>The pay for an hour and park all day (£1.40) promotion ran during December in 2021 and 2020 in the following car parks, Victoria, Lower Union Lane, Union Square, Freshwater, Oxen Cove, Brixham Central (3 hour maximum stay). Comparisons with 2019 and 2021 have been made and are set out below, but these comparisons should be considered in the knowledge that the parking promotion in 2019 was not the same as it only applied to single days of the week.</p> <table border="1" data-bbox="469 1400 1540 2128"> <thead> <tr> <th data-bbox="469 1400 815 1473">Comparison</th> <th data-bbox="820 1400 1193 1473">Car parks with a promotion</th> <th data-bbox="1198 1400 1540 1473">Car parks without a promotion</th> </tr> </thead> <tbody> <tr> <td data-bbox="469 1480 815 1765">Income comparison December 2019 with December 2021</td> <td data-bbox="820 1480 1193 1765">Less income in 2021 - £43466.95 This loss was expected and allowance was made for this promotion in the budget.</td> <td data-bbox="1198 1480 1540 1765">Off Street St Marychurch Over all income - £135.25 On Street Paignton Overall income +£1737.24</td> </tr> <tr> <td data-bbox="469 1771 815 2128">Transaction comparison December 2019 with December 2021</td> <td data-bbox="820 1771 1193 2128">Increased transactions in the following car parks: Brixham Central, Freshwater, Oxen Cove. +1644 overall Decreased transactions in the following car parks:</td> <td data-bbox="1198 1771 1540 2128">Off Street St Marychurch Overall transactions -275 On Street Paignton Overall transactions -1224</td> </tr> </tbody> </table>			Comparison	Car parks with a promotion	Car parks without a promotion	Income comparison December 2019 with December 2021	Less income in 2021 - £43466.95 This loss was expected and allowance was made for this promotion in the budget.	Off Street St Marychurch Over all income - £135.25 On Street Paignton Overall income +£1737.24	Transaction comparison December 2019 with December 2021	Increased transactions in the following car parks: Brixham Central, Freshwater, Oxen Cove. +1644 overall Decreased transactions in the following car parks:	Off Street St Marychurch Overall transactions -275 On Street Paignton Overall transactions -1224
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	Victoria, Lower Union Lane, Union Square -10377 overall	
Income comparison November and December 2019 Parking promotion was for one Saturday in November, three Saturdays in December	December 2019 increased income from November £14,215.05 overall	Off Street St Marychurch Overall income +£1,009,75 On Street Paignton Overall income + £1,803.45
Transaction comparison November and December 2019	December 19 increased transactions from November +7451 overall	Off Street St Marychurch Overall transactions +411 On Street Paignton Overall transactions + 965
Income comparison November and December 2021 Parking promotion for 24 days	December 2021 decrease in income from November - £18,010.95 overall	Off Street St Marychurch Over all income + £44.30 On Street Paignton Overall income +£4336.00
Transaction comparison November and December 2021	December 2021 increased transactions from November +6903 overall	Off Street St Marychurch Overall transactions +176 On Street Paignton Overall transactions +1764

It should be noted in local shopping areas, i.e. St Marychurch there was the availability of a considerable amount of unrestricted parking without payment. Therefore, the offer of a parking promotions supports the town centres where the majority of parking is in car parks and there is a charge.

A comparison for 2020 November and December income and transactions is not a true comparison as during November 2020, there was a national lockdown.

Off street figures include VAT – off street figures are not subject to VAT.

Question (2) from Councillor Kennedy to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)

Councillors and residents have been heavily involved in the consultation on the LCWIP but have not been provided with many updates or timelines, particularly at the southern end of the Bay. I also understand that the Cabinet Member for Corporate and Community Services attended a ‘Creating Better Streets’ webinar on 19 November 2021 covering how our streets can be converted into shared spaces and how to promote a reduction in short car journeys locally. Please could the Cabinet Member for Infrastructure, Environment and Culture advise how the learning from the webinar will be incorporated into the LCWIP and local strategies and provide regular updates to Councillors that can be shared with our

	communities as to what schemes will be delivered, when they will be delivered, in particular those between Goodrington and Brixham.
Councillor Morey	<p>The Council's LCWIP was adopted by Council in April 2021. Over the past months, Council officers have focused on a number of areas of work, including:</p> <ul style="list-style-type: none"> - delivering against projects where there are time critical funding grants in place (such as those related to the Active Travel Fund) - developing new funding bids to deliver projects identified in the LCWIP - building skills capacity and awareness within the authority to deliver to the Government's LTN1/20 design standards - joining up work across the authority from an active travel perspective (inc. TDA, SWISCO and the Council) through the creation of a new Active Travel Group and joint-working practices - commissioning more detailed design of key sections of the LCWIP (including through Sustrans and the TDA) <p>Regarding the southern end of Torbay (Brixham), the Council has an Active Travel Project supporting 'creating safe routes for Brixham'. This project has been combined with further resource successfully gained through the Government to allow the Brixham section of the LCWIP to be further designed in greater detail. Some public engagement has taken place previously which is informing the design investigations work currently taking place and further public engagement will take place during the Spring once a set of concept plans and options have been worked up in sufficient detail. Local councillors, key stakeholders and Brixham Town Council will also be engaged as part of this work.</p> <p>Officers are currently working on a substantially revised web resource for the Council, to be completed within the coming weeks, with a key aim to provide greater clarity and transparency on ongoing projects (including the Brixham project mentioned above) in relation to wider transport delivery and the LCWIP. This exercise will bring together information currently spread across the Council website and substantially update the list of projects and priorities. It is envisaged this will greatly improve communication with the public and be a more efficient resource to update on a regular basis, keeping people better informed.</p>
Question (3) from Councillor Chris Lewis to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)	Can the Cabinet Member for Infrastructure, Environment and Culture please outline the consultation that took place before the new Zone Parking Scheme was agreed and published. Can he please advise in his response if the business community, the tourist sector and Local Councillors were consulted. If they were consulted can the Cabinet Member please advise when and what the responses were.
Councillor Morey	A public consultation exercise was not undertaken. Any changes or increases in parking charges will always divide opinion, with various suggestions and feedback. Our experience of consulting and engaging with stakeholders on matters related to parking has shown that any consensus of opinion is a rare commodity. However, it is important that we are able to provide quality car parking facilities that not only support Torbay's town centres as they recover from Covid, but that also form a

	<p>central part of our offer of Torbay being a premier resort for visitors. To invest in parking facilities, it is important that an appropriate level of income can be generated.</p>
<p>Question (4) from Barbara Lewis to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>Some of the buildings on Torbay Road and opposite Paignton Train Station have trees growing out of their gutters, filthy windows and look as if they are derelict. If we are to make the Bay a Premier Resort we need to get the basics right before we spend millions of pounds. With the Government providing over £13m for the improvement of Paignton Town Centre can the Cabinet Member for Infrastructure, Environment and Culture please provide details of what action and enforcement the Council is taking to force Landlords to clean-up their buildings in the main areas of the Town.</p>
<p>Councillor Morey</p>	<p>Under the current planning legislation there are a range of ways of tackling alleged breaches of planning control, and local planning authorities should act in a proportionate way.</p> <p>National Planning Policy Guidance states that Local Planning Authorities (LPAs) have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations. This includes a local enforcement plan, where it is not part of the development plan. The provisions of the <u>European Convention on Human Rights</u> such as <u>Article 1 of the First Protocol</u>, <u>Article 8</u> and <u>Article 14</u> are still relevant when considering enforcement action. There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, LPA's should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control.</p> <p>As such, each case must be assessed on a case by case basis. When investigating an alleged or apparent breach of planning control, a crucial first step is for the LPA to attempt to contact the owner or occupier of the site in question. <u>Section 330 of the Town and Country Planning Act 1990</u> provides local planning authorities with the power to require information as to interests in land. Where it is possible, early engagement is vitally important to establish whether:</p> <ul style="list-style-type: none"> • there is a breach of planning control and the degree of harm which may be resulting; and • those responsible for any breach are receptive to taking action to remedy the breach. <p>Enforcement action should, however, be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. Where the balance of public interest lies will vary from case to case. In deciding, in each case, what is the most appropriate way forward, local planning authorities should usually avoid taking formal enforcement action where:</p> <ul style="list-style-type: none"> • there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;

	<ul style="list-style-type: none"> • development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development; • in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed. <p>In addition to other enforcement powers to serve a variety of Enforcement Notices, Sections 215 to 219 of the Town and Country Planning Act 1990 give LPA's the power to serve on the owner and occupier of land a notice setting out the steps required to remedy the condition of land (including buildings) which appears to be adversely affecting the amenity of the area. Examples of the condition of land adversely affecting an area could include overgrown gardens, graffiti, broken or damaged windows, abandoned or unused vehicles or caravans, or derelict properties, though may not include matters of aesthetics or taste such as lawful painting schemes. However, in some cases it may be more appropriate to serve other Notices though each site will need to be assessed on a case by case basis as to which Notice is the most appropriate to serve.</p> <p>A more pro-active scheme was initiated in June of last year – ‘Operation Torbay Tidy-up’ where a list of properties were initially identified in the Bay that were thought to benefit from improvement. Investigations were carried out into these cases, the work stalled with limited resources and the sheer volume of other complaints received, but the work will now be a focus for the recently appointed Senior Enforcement Officer. This site will be added to that existing list, where some pro-active work will be undertaken to pursue Section 215 Notices, or action from the site owners. I fully agree that planning enforcement can be a very useful tool to assist in the regeneration of the bay as a whole.</p>
<p>Question (5) from Councillor Mandy Darling to the Cabinet Member for Children’s Services (Councillor Law)</p>	<p>The Children’s commissioner for England, Rachel de Souza has identified that during the pandemic there have been thousands of missing children from classrooms. What action is Torbay Council taking to tackle this concerning issue raised by the commissioner?</p>
<p>Councillor Law</p>	<p>Children’s services, including both education, children social care, Youth Offending Service and early help have worked tirelessly alongside our school leaders to ensure our children attend school provision. During the pandemic daily reports and updates of children absent from school were received by children’s services. A coordinated response was agreed to ensure children who were highly vulnerable were seen and those who were showing school anxiety were supported to return to the school setting. We also offered consultation for Headteachers and Dedicated Safeguarding Leads in schools if they were concerned about a pupil absence and any safeguarding concerns. We have continued to monitor those children who have not returned to school and are conducting a thematic quality assurance activity for children who are elected home educated which will be reported to the Children’s Continuous Improvement Board.</p>
<p>Question (6) from Councillor Dudley to the Cabinet Member</p>	<p>Treasury Minister Lord Agnew resigned from his role as the Government had shown a “lamentable” oversight of Covid loan schemes which has resulted an industrial level of fraud being</p>

for Finance (Councillor Cowell)	committed. The National Audit Office has estimated that as much as £5bn of grants could have been fraudulently claimed. How has Torbay Council tried to tackle fraudulent claims from businesses?
Councillor Cowell	<p>Due to the volume, value and speed required to process and pay applications for covid related support to businesses and individuals there is a risk of fraud which the Council has been acutely aware of.</p> <p>The Council has however tried to mitigate this risk in a number of ways. These include establishing clear procedures for the processing of applications including a number of checks including bank statements, the full involvement of the council's fraud and error team, review of processes and payments by internal audit, post payment assurance and use of data matching.</p>
Question (7) from Councillor Douglas-Dunbar to the Cabinet Member Infrastructure, Environment and Culture (Councillor Morey)	A recent study by Lancaster University found that Britain could grow up to 40% of its own fruit and vegetables by using urban green spaces. How can SWISCo nurture and allow this opportunity to flourish in Torbay?
Councillor Morey	<p>SWISCo are already reviewing the current offer of allotment/community growing sites with an emerging plan to offer more opportunities for further allotments and open access opportunities for growing fruit and vegetable. We are already working with community groups for orchard planting as part of the pollinator patch scheme. If a community group comes forward with ideas and options for future change of use of green space to grow fruit or vegetables SWISCo would always support such projects, at this time no groups to our knowledge have expressed specific interests, however we will ask our communities' network.</p>
Question (8) from Councillor Pentney to the Cabinet Member for Corporate and Community Services (Councillor Carter)	The spiking of drinks and the physical spiking of potential victims of sexual assault or robbery appears to be growing in some parts of the UK. Do we understand what prevalence there may be in Torbay of this activity and what training or awareness raising is undertaken both for our taxi trade, door staff and the community and holiday makers?
Councillor Carter	<p>Obtaining accurate data on incidents of drink spiking is challenging because many people do not report suspected incidents to the police for a variety of reasons. The Licensing Team is working in collaboration with the Police and the Safer Communities Team to assess the prevalence of drink spiking in Torbay and we will use this data to inform our approach to awareness raising at licensed premises, with the taxi trade, and our wider messaging to the Torbay community. Most premises have access to drink spiking kits to assist in this matter. Initial feedback from the Police is that alleged drink spiking has been negative. As such there is currently no reliable data to support this issue, but further work is being undertaken.</p>
Question (9) from Councillor Johns to the Cabinet Member for Economic Regeneration, Tourism	After successfully obtaining the CPO for Crossways, can you please advise on progress and when the demolition work will commence on site?

and Housing (Councillor Long)	
Councillor Long	<p>After successfully obtaining the Compulsory Purchase Order, the process will finally conclude at the end of April where the Council will take formal possession of the property.</p> <p>Work has already begun on preparing the contract specification for the demolition phase which will be subject to a Cabinet decision, to commence as soon as possible after formal possession of the property.</p>
Question (10) from Councillor Foster to the Cabinet Member for Finance (Councillor Cowell)	At the cabinet meeting on 14th December 2021, I welcomed the ‘Domestic Abuse Safe Accommodation Strategy’ report including the good news of the Government money of £308,541.00 (New Burdens Money) to support the needs of victims of domestic violence and their children in safe accommodation. At that meeting, Cllr Cowell was unable at that time to confirm that all of this un-ringfenced money would be spent for this purpose. Could Councillor Cowell now confirm all the Governments allocated money will be spent to support the needs of victims of domestic abuse and their children in safe accommodation?
Councillor Cowell	I can confirm that this funding was received by the Council in August 2021. This funding and the relevant expenditure are separately identified in the Council’s finance system and these funds will absolutely be ring fenced for the delivery of the domestic abuse safe accommodation duties. Any unspent funds at year end will be carried forward.

Second Round

Question (11) from Councillor Kennedy to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)	In June/July last year, Ward Councillors attended a meeting at Broadsands car park regarding the proposed rewilding. No information has since been received regarding progress. Please provide our community with updates as to actions completed so far, next stages, and a rough timetable to completion.
Councillor Morey	<p>A Ward Councillor update was provided on 14th January 2022, which stated:</p> <p>The Project Plan for the rewilding at Broadsands is progressing, the aim is to have a project brief by Spring 2022. Unfortunately, the company that we engaged with regarding detailed information on land contamination and risks has ceased trading and are no longer responding to communications. We have engaged the support of a further company who have the project plan and we are waiting to hear from them to progress further. It is frustrating that this has caused delays, however we are doing our utmost to move this project forward.</p> <p>The project brief is still expected before the end of Spring 2022.</p>
Question (12) from Councillor O’Dwyer to the Cabinet Member for Children’s Services (Councillor Law)	<p>How many children in Torbay:</p> <ul style="list-style-type: none"> • Are classed as missing from education, • what is the total school population and how does it compare to Torbay’s overall Planned Admission Number; • how many are classed as being in elective home learning; and

	<ul style="list-style-type: none"> • how is the overall percentage of attendance looking across the bay for primary and secondary school aged children.
Councillor Law	<p>How many children in Torbay:</p> <ul style="list-style-type: none"> • Are classed as missing from education, There are currently four children who are classified as missing from Education and being followed up through interagency checks. There are currently 39 children and young people that are within the admission process and will have a school place confirmed within the statutory period. These children are predominately moving to our area or returning to school provision. There are some children that have poor attendance at school, these are not classed as missing education but are of high priority to ensure that persistent absence reduces. • what is the total school population and how does it compare to Torbay's overall Planned Admission Number; The position as of September 2021 (the latest census data we have available) there were 9,782 primary aged pupils and 7,744 secondary aged pupils. The current PAN Capacity across Torbay is 10,259 places for primary and 8,260 places for secondary pupils. • how many are classed as being in elective home learning; There are currently 287 children and young people that are registered as electively home educated, This is broken down to 173 secondary aged pupils and 114 primary aged pupils. • how is the overall percentage of attendance looking across the bay for primary and secondary school aged children. Overall attendance figures stand at an average 95.1 for Primary, 87.1 for Secondary, 92.8 for Special Schools.

Third Round

Question (13) from Councillor Kennedy to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)	At the Council meeting on 30th September 2021 the Leader of the Council stated that it was recognised that a different strategy was needed in the provision of litter bins and that a new strategy was being considered in consultation with Ward Councillors. That was five months ago. It has been recognised for three years that the bin provision at Broadsands was wholly inadequate. What is the start date for the consultation with Ward Councillors? How much longer do our residents and visitors at Broadsands have to wait for the appropriate bin provision to be put in place?
Councillor Morey	SWISCo are still working toward a consultation document for a Bin Infrastructure Plan. This will include 'Right bin right place' and seasonal uplift of waste bins and recycling receptacles at Broadsands. SWISCo are currently focusing on an intelligent bin software solution for SWISCo to ensure that every bin is fit for purpose, in the right place and is emptied at appropriate times. It is recognised that this is taking time to develop however this plan needs to be carefully considered for all sites around Torbay and within the budget envelope.
Question (14) from Councillor O'Dwyer to the Cabinet Member for Corporate and Community Services (Councillor Carter)	Torbay Council recently procured the services of an entire hotel to provide temporary accommodation for families, agency and other staff contracts. Please could you provide the current figures for: <ul style="list-style-type: none"> • the number of families supported and the average size of the family; • any individuals that may have been accommodated

	<ul style="list-style-type: none"> • the number of agency or other contracted staff housed over the 6 months; • the capacity of the accommodation and the average number of times that the capacity may have been reached; • the costs for the project so far; and • any learning from the scheme.
Councillor Carter	<p>The procured hotel provision has assisted in enabling the Council to accommodate families within Torbay and provide stability of accommodation whilst self-contained temporary accommodation has been sought or permanent homes established. During this time:</p> <ul style="list-style-type: none"> • 68 families have been supported. The average family size accommodated has been 2 children. • 28 single individuals have been accommodated. These have been carefully selected and have been individuals that have been appropriate to accommodate within a family environment. • 6 rooms have been let to keyworkers. • The hotel provides 47 rooms. We have not reached full capacity on any given day which has allowed for flexibility and immediate access by the team for when a family approaches with an immediate need. • The project has cost £300,240. <p>In respect of our learning from this scheme, the early and on-going engagement with residents in the surrounding area has been invaluable. There have been no concerns associated with ASB.</p> <p>In respect of our support for residents in the hotel, having a dedicated member of staff onsite to work with individuals and address any concerns immediately has proved to be incredibly beneficial.</p> <p>Clients have had access to laundry facilities, microwaves and some cooking facilities. Free fresh fruit and other goods have been provided along with food vouchers as required. Access to additional facilities and how people can use them has been important to the overall success of the hotel.</p>
Urgent Question submitted by Councillor Pentney to the Cabinet Member for Children’s Services (Councillor Law)	I read on Kevin Foster’s social media that Torbay Council has objected to being part of the national system for Unaccompanied Asylum Seeking Children (UASC) and that the Home Secretary has just written to Torbay to direct them “to do their bit”. However I had understood that the Council was supporting these children. What is the position please?
Councillor Law	In July 2021 due to the increase in numbers of Unaccompanied Asylum Seeking Children (UASC) arriving in the UK, and the impact on a small number of Local Authorities a request was made that all local authorities comply and, voluntarily agree to implement the National Transfer scheme and take a number of UASC. The coordination of the voluntary scheme was that children would be allocated on a regional basis and, each local authority in that region would take an agreed allocation of children.

Torbay immediately agreed and welcomed our first child in August 2021 as part of a regional Rota. Torbay has, actively offered to take children on each South West cycle and is continuing to do so.

In response to the letter from the Minister for Safe and Legal Migration on 23 November 2021 giving notice to all Local Authorities, to comply with National Transfer Scheme, essentially making the scheme mandatory, the Director of Children's Services (DCS) responded on 2 December 2021 advising that Torbay was fully committed to complying with the Scheme. The DCS provided feedback as to the adequacy of funding being provided, as well as highlighting the need for a national long-term plan to address the complex challenges - questioning whether the mandatory scheme appropriately took account of a number of issues for children. At no point in the correspondence did the Director of Children's Services request an exemption.

We were therefore totally surprised to receive correspondence from the Secretary of State advising that she had considered our request for an exemption but had refused the same. Her letter referenced our request for an exemption on the grounds of the pressures on local authorities. However, whilst we are acutely aware of the pressures, we made no such representations.

Immediately upon receipt of the Direction, the Director for Children's Services liaised with the Asylum and Protection Unit, and they confirmed that Torbay's position was understood and thanked us for our support of the National Transfer Scheme.

However, the Chief Executive was concerned to ensure that the position was more formally acknowledged by the Home Office and therefore wrote to the Home Secretary on 23 February 2022, requesting that the Direction be re-issued in recognition that no request for an exemption was made.

I can advise that Torbay Council have, in accordance with our commitment to support the National Transfer Scheme, accepted 7 Unaccompanied Asylum Seeking Children, although have offered to 9 children which is in excess of our allocation. Two of the children felt that the offer would not meet their needs. I can confirm that we will continue to offer placements in accordance with the Scheme and, have actually currently offered support to neighbouring authorities who are struggling to place their nominated amount of children.