

Adjourned Annual Meeting of the Council, Thursday, 21 July 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

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| <p>Question (1) from Councillor Dudley to the Cabinet Member for Children's Services (Councillor Law)</p> | <p>Further to Councillor Pentney's question considered at the Council Meeting on 3 March 2022, can you please update the Council as to what communications may have come from the Home Office regarding the responsibilities of Torbay Council and the unaccompanied asylum-seeking children?</p> |
| <p>Councillor Law</p> | <p>In February 2022, the Home Office erroneously thought Torbay was requesting an exemption to taking part in the National Transfer Scheme for unaccompanied asylum-seeking children. This was not the case.</p> <p>Following a meeting between Senior Managers from Torbay Children's Services and representatives of the National Transfer Scheme on 11th May 2022, the representatives of the scheme acknowledged and confirmed in writing the error which had arisen from the Home Office's misinterpretation of Torbay's position.</p> <p>Torbay has been working with the National Transfer Scheme (NTS), firstly on a voluntary basis and then since the scheme was mandated; Torbay has welcomed 14 unaccompanied young people as part of this scheme to date, with 4 more UASC due to be welcomed in the coming weeks. Torbay's confirmed 0.07% number is 19, however this does not include those who have become care experienced at eighteen.</p> |
| <p>Question (2) from Councillor Pentney to the Cabinet Member for Corporate and Community Services (Councillor Carter)</p> | <p>I note that an independent party undertook an investigation into a standards complaint against Cllr D Thomas and Cllr Foster. Can you please advise me what the cost to the local authority of this investigation has been?</p> |
| <p>Councillor Carter</p> | <p>The Independent Investigation cost £9,000 and entailed, two separate investigations (arising out of 7 complainants), the provision of a subsequent report for each Councillor and the Independent Investigators virtual attendance at both of the Standards Hearings.</p> |
| <p>Question (3) from Councillor Bye to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p> | <p>Writing in the May edition of the Beach Hut magazine the Deputy Mayor was clearly over optimistic regarding the likely completion of repairs at Torwood Street; likewise the re commencement of work at the Premier Inn Hotel on the Harbour Car Park site "work is likely to recommence in May"; also possibly the Strand Regeneration project "work is due to start later this year".</p> <p>Could the Cabinet Member for Economic Regeneration, Tourism and Housing, please give a definite date for when work will start on site at the Premier Inn and explain why work was not underway in May and</p> |

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| | <p>when work will commence on the Strand Regeneration project and whether a contractor is in place?</p> |
| <p>Councillor Long</p> | <p>The construction industry continues to be adversely affected by the uncertainty caused by the cost-of-living crisis, inflation, which is running in the region of 25% for building materials, and the continued disruption caused to supply chains by the conflict in Ukraine and ongoing pandemic issues has impacted both projects. We are also aware that the market for contractors within the region is tightening with Councils and other developers also advertising for works meaning that contractors are being more selective in what they price and bid for.</p> <p>However, progress has been made. Morgan Sindall has been appointed and works have begun this week on site. It was delayed owing to the circumstances of the failure of the previous contractor, Midas, who owed several of their sub-contractors fees for works already carried out. Resolving these issues prevented an easier transition from Midas to the new contractor as several of these sub-contractors have responsibility for key drawings and schematics required for the build. We will receive an updated programme shortly and are keen to be able to see the scheme complete as quickly as possible.</p> <p>The project team has an indicative programme from the contractor, this programme and the budget required to complete the build will be informed by the next 8 weeks of work on the site.</p> <p>With regard to the Strand, work was intended to begin in early autumn to complement the public art commission where work is already underway. However the increasing level of demand within the construction market has resulted in unsuccessful tenders via a procurement framework. The wish of the Town Board is that we get work underway over the autumn and winter of this year, I have requested that officers bring forward options which have included exploring the potential for direct delivery through SWISCo, to allow that to happen.</p> |
| <p>Question (4) from Councillor David Thomas to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p> | <p>The Council recently embarked on a consultation for the Local Plan update offering the community 5 options. It was stated at the time that a quick consultation was required and hence the remit of the areas to be looked at within the plan was truncated.</p> <p>I understood the findings were due to be presented to Overview and Scrutiny in April, for a decision by the cabinet in May. Could the portfolio holder please make available the consultation results and explain the new timeline that is in place.</p> |
| <p>Councillor Morey</p> | <p>The original Consultation results have been circulated as part of the Appendices to the 12 July Cabinet report. It was agreed by Cabinet that a further regulation 18 Consultation will take place in September 2022. The Local Development Scheme (LDS) showing the dates for all consultations and submissions has been revised accordingly see below:</p> <ul style="list-style-type: none"> • Regulation 18(3) Proposed broad option consultation: September-October 2022 (6 weeks minimum). • Preparation of Preferred Option and completion of evidence base November 2022-May 2023 • Consultation on Regulation 19 Preferred Option (post-election) June 2023-August 2023 (Needs Full Council approval). |

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| | <ul style="list-style-type: none"> • Submission to Secretary of State: October 2023 (Needs Full Council approval). |
| <p>Question (5) from Councillor Kennedy to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p> | <p>At Broadsands we have lost a number of bits of green space to concrete through the Council disposing of land by way of lease. This has caused me a concern in a number of respects;</p> <ol style="list-style-type: none"> 1. The advertisement of the disposal (which is required by the Local Government Act 1972) does not inform the public how the land for disposal is proposed to be used; 2. It would appear that the Council does not give any consideration as to whether the intended use conflicts with our Development Plans. 3. It would appear that the Council does not give any consideration as to whether the intended use will impact upon the natural drainage in a critical flood zone. <p>Would you please explain why we are not informing the public as to the intended use of land disposed of by way of lease, why we give no consideration to our Development Policies when we do this and, most importantly, why we do not consider how losing sections of natural drainage to concrete in a critical flood zone fits with our Climate Change policies?</p> |
| <p>Councillor Long</p> | <p>The Council is obliged under the Local Government Act 1972 Section 123 to seek any objections from the public when there is an intention to dispose of public open space. The Act is prescriptive in setting out what information should be presented, where and how frequently. In the disposal of land adjacent to the kiosk at Broadsands Beach, by way of a lease, I can confirm the intention was published on 1st February 2022. Over and above the prescriptive requirement of the Act, the TDA on behalf of the Council, also included a supplementary note to help inform the public of the Council's intention. Alongside the actual notice this information was made available at Paignton Library, advertised in the Herald Express on consecutive weeks and site notices erected in the vicinity to inform the public of the proposal. The supplementary information did state it was the Council's intention to grant a lease to the operators of the Kiosk, concerning the land surrounding the Kiosk to enable the land to be developed for additional outside seating for the public. Whilst the Section 123 notice purely deals with the loss of public open space, the Council did provide supplementary information to inform the public of the intended use on disposal. Supplementary information is provided with all loss of public space disposals.</p> <p>In relation to the second element of the question and in addition to the loss of public space, the TDA on behalf of the Council, ensures a requirement is also placed on the Tenant to satisfy themselves, and the Council as landlord, whether a proposed development requires planning consent. In the case of the kiosk, I can confirm that planning consent was obtained on the 23rd January 2020 for the single storey extension, construction of the elevated seating area and the provision of detached gazebo to the west of</p> |

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| | <p>the kiosk. All planning applications place a duty on the local planning authority to determine whether proposals are in accordance with the Local Development Plan. Fundamental to that is to establish whether a proposal conflicts with the Local Development Plan. The Planning Officer's report in relation to the planning application is quite clear. The proposal was considered in detail against the Local Plan and is supported by multiple policies within the Local Development Plan, including the improvement of existing tourism facilities appropriate to the rural area, supporting existing businesses, and designed to an acceptable level of amenity. The Local Plan also states the Council will support measures that are compatible with or actively support coastal change management. It was considered by the Planning Officer that the proposal did not adversely affect the natural environment and was in an appropriate coastal location. The Council, as the landlord did consider the application in relation to the Local Development Plan because the planning application was approved. If planning consent had not been approved the Council, as landlord, would have reconsidered the land disposal.</p> <p>The third element of the question relates to whether the Council gives consideration on how the development impacted on the natural drainage in a critical flood zone. As the development is situated within a Flood Zone 2 and 3, a site-specific flood risk assessment was requested and provided by the applicant. This was assessed by the Statutory Consultee, the Local Authority Drainage Engineer. It was evidenced that the development discharges surface water drainage into a soakaway and was therefore considered acceptable following Environment Agency guidance and the National Planning Practice Guidance. The Council considers all applications when these occur in Flood Zones.</p> |
| <p>Question (6) from Councillor O'Dwyer to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p> | <p>With regard to the recent levelling up funding bid made by the authority, that required each of the two individual projects, to meet one of the three criteria of Transport Investment, Cultural Investment and Town Centre Regeneration. Could the Cabinet Member for Economic Regeneration, Tourism and Housing indicate which essential criteria each project met and indicate how the two schemes will work towards supporting the net zero aims as specified in the prospectus and in tackling crime and community safety issues.</p> |
| <p>Councillor Long</p> | <p>It is recognised that the extension to Brixham Fish Quay and the Market extension will not directly contribute to net zero aims – as the cost of developing such an industrial building would render the project unviable - however the increased market space will enable Brixham Trawler Agency (BTA) to ensure the vehicles that bring the fish overland to be more efficiently filled. Currently vehicles arrive at Brixham only 30% full – this can be improved with more market capacity. It should be recognised that the sector is making attempts to improve its resource efficiency through:</p> <ul style="list-style-type: none"> • Completion of a successful gear trial of Sumwing, an innovative trawl design that uses a wing to lift the gear off the seabed and reduce drag and seabed impact • Trialling 'Ecomotus' technology on a vessel. The technology splits hydrogen from water and injects it into the fuel to improve the |

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| | <p>efficiency of the burn, reducing fuel use and improving engine power so the skipper can throttle back</p> <ul style="list-style-type: none"> • Stakeholders are Members of the Maritime UK SW innovation group focusing on decarbonization of fishing • Working with Exeter University Centre for Future Clean Mobility • Working with Bangor University on a research project which will gather empirical evidence to quantify blue carbon released by mobile benthic gears • Working with Keep Britain Tidy, Odyssey Innovation and Millspeed recycling on ensuring all part of the net that can be recycled do get recycled • Engaging with a Centre for Environment Food and Rural Affairs project on 'pathways to net zero for fishing' project. <p>The Electronics and photonics sector has a vital role to play in providing and supporting solutions on multiple fronts from improving renewable energy generation, enhancing energy efficiency in manufacturing and communications and increasing reuse both in photonics and beyond. This is Torbay's opportunity to capitalise on this but investment in its future is needed to enable this.</p> <p>Tackling crime and community safety is also a priority within the Levelling Up Fund prospectus and should be considered 'where applicable.' It is not considered applicable in this application.</p> |
| <p>Question (7) from Councillor Johns to the Cabinet Member for Adult Services and Public Health (Councillor Stockman)</p> | <p>The Government have announced that a Covid booster jab will be offered to the over 50's this autumn to avoid winter pressures on the NHS. This equates to an extra six million middle-aged people who are expected to be offered a fourth dose as an Omicron sub-variant continues to push up cases and hospital admissions. Throughout the pandemic, Torbay Council have played their part in facilitating the roll out of the vaccine. How do we plan to continue support of the continued roll out with the vaccine programme this Autumn?</p> |
| <p>Councillor Stockman</p> | <p>Latest government guidance for the Autumn Booster campaign was published on 15 July. Those eligible for vaccination are health and social care staff, carers, adults aged 50 and over, and people aged 5 years and over in a clinical risk group. Systems were asked to plan for this broader vaccination programme whilst the final eligibility criteria were confirmed. In Torbay, those aged 65+ (including the vulnerable, housebound and in care homes) equate to approximately 69,000. The 50-64 cohort is a further 29,000.</p> <p>Torbay Council, and the Public Health team, are concerned committed to doing their utmost to ensure high uptake of both Covid and Flu vaccines in Autumn 2022 both to protect the health of our population and the capacity of health and care services in the Torbay.</p> <p>The vaccine programme is coordinated centrally across Devon but with local delivery. Torbay Council will continue to support and promote local offers including through the vaccination centre at the Riviera Centre. At their peak for the first booster in late 2021, the Riviera Centre could deliver up to a maximum of around 2,500 jabs per day. The Public Health Team also support and promote the local pharmacy clinics in Brixham, Paignton, Wellswood and Shiphay. Whilst also monitoring uptake across the different population groups and work with partners in the NHS, Care and voluntary</p> |

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| | <p>sectors to increase vaccination rates in lower uptake areas, whether particular geographies or risk groups.</p> <p>Public Health also arranges the delivery of pop-up walk-in vaccination clinics with the NHS Devon Outreach team. The Summer schedule delivers a four weekly rolling programme in the four low uptake areas, being the three town centres and Barton. The Autumn Booster roll out, is likely to commence on 5 September, there are plans for twice weekly pop-up clinics being delivered in Torbay.</p> <p>Further to the rolling programme, there are individual bespoke clinics to meet specific needs. We have held successful clinics for the homeless/vulnerably housed and these are planned to recommence in October. This should help maximise vaccination in this cohort and has been delivered alongside a successful promotion programme in partnership with the hostel and outreach teams.</p> |
| <p>Question (8) from Councillor Atiya-Alla to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p> | <p>Planning permission was granted at Hatfield House, Torquay on the 13 December 2021 for 31 apartments and an office building with 43 rented apartments. How are the Council encouraging Sanctuary Housing to progress this development to meet some small way of the housing need in Torbay with approximately 1,400 households on the Council's housing needs list?</p> |
| <p>Councillor Long</p> | <p>Councillors and Officers hold regular liaison meetings with Sanctuary Housing and this site has been discussed. It is understood that Sanctuary Housing have agreed the contract for Hatfield. The contractor was due to sign the contract by the end of June. There are several pre-commencement planning conditions to discharge first which the contractor is working on before work on site can commence.</p> |
| <p>Question (9) from Councillor Loxton to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p> | <p>With the cost-of-living crisis and growing inflation, how is the Council seeking to support local traders particularly around Christmas time?</p> |
| <p>Councillor Long</p> | <p>The Council has recently opened a small grant programme that allows business groups to bring forward bids which could include activity at Christmas time and this has been communicated out to the Chambers of Commerce and the Business Forum. Subject to budget we will review the opportunities for parking promotions to support traders in key locations.</p> <p>Officers are also working to bring forward under Torquay's Town Deal programme a Christmas event that will provide another reason for people to come to Torquay in the run up to Christmas. Tenders for this project have recently closed and I am looking forward, with the Cabinet Member for Culture, to being able to report progress in the near future.</p> |
| <p>Question (10) from Councillor Douglas-Dunbar to the Cabinet Member for Economic Regeneration, Tourism</p> | <p>Paignton has a proud heritage and continually highly successful high-tech cluster. In May 2021 the Cabinet agreed to invest in a high-tech company called Nanusens through Torbay Growth Scheme. Can you please give us an update on the progress of this company?</p> |

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| and Housing (Councillor Long) | |
| Councillor Long | <p>I'm pleased to advise that Nanusens are now employing a total of 7 staff at EPIC. This represents 6 new starters since they joined the community at EPIC and they have taken a second unit within the centre which gives them a total of 125m2 of space.</p> <p>Last month they took delivery of a 3D optical profiler which they have housed within the Cleanroom in the centre and the business owner has settled well into the local area.</p> <p>The attraction of international businesses is a continued objective and there has also been another dutch owned business take occupation at EPIC in recent weeks demonstrating the ongoing attraction that the centre and Torbay has - making it important that Government recognises the ongoing opportunity here and supports the Levelling Up Fund bid which will provide vitally important grow on space.</p> |

Second Round

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| Question (11) from Councillor O'Dwyer to the Cabinet Member for Corporate and Community Services (Councillor Carter) | <p>Could the Cabinet Member for Corporate and Community Services provide the last 3 years data on the</p> <ul style="list-style-type: none"> • number of Subject Access Requests submitted by the public; • the number dealt with within the required timescale; • our targets, national expectations and neighbouring authorities performance; • What actions have been taken to support meeting our performance targets. |
| | <p>The figures below are the total number of Subject Access Requests received, some are later withdrawn or closed where we have asked for clarification / ID and this has not been received within 3 months of the request being made.</p> <p>2019-20: 55 2020-21: 132 2021-22: 152</p> <p>The figures below are based on those Subject Access Requests which became full requests and were due in the period i.e. some requests received in March 2021 would have been due in April or June 2021.</p> <p>2019-20: 20% 2020-21: 28% 2021-22: 16%</p> <p>The statutory requirement under the UK GDPR is that requests should be handled within 1 month or can be extended by a further 2 months where a case is complex. The Information Commissioner's Office who is responsible for regulating and enforcing the UK GDPR expects that 95% of requests are handled within this timeframe.</p> <p>In terms of performance of neighbouring authorities, we do not regularly collect this information. So in order to provide a response to this question information has been requested from neighbouring authorities, however,</p> |

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| | <p>not all councils have provided responses. For those that have responded compliance rates range between 50%-100% of SARs being completed on time, however it must be noted that it is difficult to benchmark neighbouring councils as they are a mix of unitary, district and upper tier councils and therefore all providing a different range of services, serving different population sizes and some only receive a small number of requests in a year (particularly those which don't provide social care services i.e. 11 in 2021-22), therefore comparisons are not necessarily like for like.</p> <p>In January 2021 a dedicated Subject Access Request post was recruited to and they are handling the current backlog of requests. Additional funding has been secured and recruitment is currently taking place for another 1FTE dedicated Subject Access Request officer. In addition to this a small re-structure within the Information Governance team has enabled an additional 0.2FTE to be recruited as further Subject Access Request resource.</p> |
| <p>Question (12) from Councillor Dudley to the Cabinet Member for Corporate and Community Services (Councillor Carter)</p> | <p>In light of a report from the consumer group Which, claiming that more than 2 million households have missed a bill payment every month this year as people struggle to keep their heads above water, how are the Council seeking to support our families in need in Torbay as we face the storm of the cost-of-living crisis?</p> |
| <p>Councillor Carter</p> | <p>It is recognised that this is a challenging time for many people. Our response forms part of Torbay Turning the Tide of Poverty program, which includes a number of measures. From a practical perspective additional funds have been allocated to help people financially, through Discretionary Housing Payments to help with rent and deposits. The government allocation for this fund is £308K and Torbay Council has provided an additional £100K to assist. Torbay Council also provides an discretionary Welfare Support Fund to help with those unexpected urgent items and this has been increased this by £100K to help meet some of the additional need.</p> <p>The local authority is also administering the Household Support Fund, in quarter 1 of this year £103K has been distributed directly to people. In the next 2 weeks we will be writing to approximately 4000 households who are on pension credits to offer them an additional £200 towards their cost-of-living crisis.</p> <p>The Council has also provided additional financial assistance to support the Food Alliance in Torbay enabling the provision of over half a million meals to those experiencing food poverty. Information and advice is also being provided and will be rolled out through different networks, so that people can access support or make informed decisions.</p> |
| <p>Question (13) from Councillor Pentney to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p> | <p>Local residents remain concerned about ensuring that our town centres are kept to a good state of cleanliness. What investment have SWISCo undertaken since their inception two years ago to drive positive change around cleansing our town centres?</p> |
| <p>Councillor Morey</p> | <p>SWISCo delivers under a service level agreement street cleansing services for the Council which includes hot washing of pavements.</p> |

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| | <p>So far this summer with the Jubilee weekend, English Riviera airshow and just last weekend Electric Bay SWISCo has been meeting additional needs and has delivered well in these events. We recognise that the town centres are important for our residents, visitors and businesses and the Council has supported SWISCo with the acquisition of new equipment to improve our capability with a HAKO street scrubbing machine which washes and scrubs hard areas, following investment by Torbay Council we have ordered a second HAKO unit which is due to arrive in the next few weeks. The HAKO's also offer a non chemical weed control solution when fitted with specialist weed ripping brushes. The HAKO machines are £85,000 each.</p> <p>At the beginning of June, two Glutton street vacuums were funded by the Council at a total cost of £34,000 which replace the traditional brush and dustbin and provide a far superior cleaning service. The units are electric and also provide a disinfectant spray where required.</p> <p>In the last few weeks SWISCo have been able to recommission the mobile hotwash unit at a cost of £30,000 which is deployable for the cleaning of graffiti and gum on pavements and infrastructure maintained by us. The unit is a very high powered hot jetwash which can also be used when required as an additional street scrubber.</p> <p>These machines are now being used across the Bay and making an improvement to the streets. Whilst these have started to make an improvement to our street scene in Torbay there is 10 years of grime to catch up on and we are developing a programme of activity.</p> |
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Third Round

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| <p>Question (14) from Councillor O'Dwyer to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p> | <p>Back in March the Cabinet Member for Economic Regeneration, Tourism and Housing stated that works would resume in April on the new Harbour View Hotel on The Terrace, following the appointment of new architects and a contractor under the SCAPE Framework. Now we are in July no one has been completing the build on the site in fact they have recently removed the crane and parts of the scaffolding from the incomplete premises. Please could you provide an update on the expectations for the completion in time for the client's handover, plus any penalty payments to the client, the new expected costings or estimates to complete the project on behalf of the council as landowners and the developers and the new expected returns from this development on completion in line with the regeneration and investment strategy frameworks.</p> |
| <p>Councillor Long</p> | <p>Following the collapse of our contractor (Midas) it is clear that the project, initiated by the previous administration and inherited by the Partnership, will not complete to the original timescale. We are sorry for the frustration that this is causing neighbouring businesses with the ongoing disruption to the area and the parking capacity in the location.</p> <p>We are working with the tenant to review the terms, including those related to penalties, in the agreement to lease. Penalties related to delay are now being incurred in line with the agreement for lease.</p> |

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| | <p>I set out in my earlier response to Councillor Bye's question that the new contractor is engaged on the site this week and that will provide an updated programme and full costing for the outstanding works to complete the build. This will allow the project team to report those costings and set out what the impact of that will be. Again, I reiterate the unprecedented circumstances that are being faced by the construction industry across the whole country that may continue to impact this as well as many other development sites up and down the country.</p> |
| <p>Question (15) from Councillor Dudley to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p> | <p>Sanctuary Housing have been undertaking works to prepare for the development of affordable housing on the former Hatchcombe nursery site off Barton Hill Road, Torquay. How has the Council been working with Sanctuary Housing to bring forward this site in light of the housing crisis in Torbay?</p> |
| <p>Councillor Long</p> | <p>Councillors and Officers hold regular liaison meetings with Sanctuary Housing and this site has been discussed. Demolition of the existing bungalow known as 22 Treesdale has been completed and the design for the new scheme is progressing. Sanctuary representatives have met with TDA and Council representatives to present to them a sketch of the new design and to request permission to access the new development from a revised access point, further down the hill from the existing turning head. Previously agreement was sought to access the development from the existing turning head, however, the site is heavily constrained in terms of levels, ecology buffer zones and flood risk zones and so by using a new access further down the hill enables the creation a much better scheme and delivery of more affordable homes.</p> |
| <p>Question (16) from Councillor Pentney to the Cabinet Member Corporate and Community Services (Councillor Carter)</p> | <p>At the time of writing this question there is uncertainty as to whether Torquay have been successful in the Torquay Safer Towns bid to the Government. Can you please update us on this and if successful what the potential outcomes are?</p> |
| <p>Councillor Carter</p> | <p>We are still awaiting formal announcement of the funding and are expecting this immanently. If successful the bid will deliver in total approximately £1m of improvement measures including match funding from Torbay Council and partners. This will deliver measures aimed at improving the feeling of safety in the town centre area and reduce Anti-Social Behaviour. This will include additional fixed and mobile CCTV cameras, upgrades to street lighting, town centre warden and provision of hot spot units for the Police.</p> |