

## Meeting of the Council, Thursday, 13 October 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

<b>Question (1) from Councillor Kennedy to the Cabinet Member for Corporate and Community Services (Councillor Carter)</b>	<b>We have a number of Members who sit on external Boards, Panels or outside bodies, such as the Torbay Economic Development Company Ltd (known as TDA) Board, Strategic Housing Board, Devon &amp; Somerset Fire Authority and Devon and Cornwall Police and Crime Panel. How are all Councillors kept informed as to matters raised and discussed at these meetings, and where can the general public find the printed minutes?</b>
Councillor Carter	Standing Order E22 sets out the Outside Bodies Reporting Protocol and requires the Council's representatives for those bodies listed in Standing Order E22 to report on the activities of those bodies. For those bodies who are not listed under Standing Order E22, there is provision for councillors to ask questions of any member on an outside body at Council meetings. In respect of accessing the printed minutes, it is for the organisations and bodies constitutional arrangements to state how and if their minutes are made public.
<b>Question (2) from Councillor O'Dwyer to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</b>	<b>I understand that the individual who has kept the Clocktower on the roundabout on Torquay's The Strand in good working order and wound up for nearly 60 years has unfortunately passed away recently. Please could you let us know what options the authority is looking at to ensure this iconic monument is kept in good working order and maintained, plus wound up now and into the future, and how has the authority recognised this individual's amazing service and passed on our condolences to his family.</b>
Councillor Long	<p>For almost 60 years, Keith Fursdon made a weekly trip to the Mallock Clock Tower on Torquay's harbourside to wind the clock mechanism. Sadly, after a short illness, Keith passed away in early August but prior to his death he had trained staff at the TDA, on how to wind the Mallock clock. An order has been raised by the Council for this activity to be undertaken on a scheduled basis until further notice. In the meantime, a clock specialist has been commissioned to put together a comprehensive report and maintenance programme for both the Mallock clock and the Town Hall clock, so both timepieces will be fully maintained going forward.</p> <p>Condolences were passed to Keith's wife Elaine, and to the family. A representative also attended the funeral on behalf of the Council and TDA.</p>

	<p>It is the Council's intention to provide Keith's wife Elaine with a framed picture of the Mallock Clock Tower, in recognition of Keith's amazing service.</p>
<p><b>Question (3) from Councillor Barrant to the Cabinet Member for Children's Services (Councillor Law)</b></p>	<p><b>The OFSTED inspection of Children's Services in March 2022 highlighted a lack of housing options for care experienced young people. The report did however recognise that senior leaders were actively trying to respond through a range of approaches. Can the Cabinet Member please provide an update of how this work is progressing and whether she is content that it is meeting expectations?</b></p>
<p>Councillor Law</p>	<p>We do have a housing challenge in Torbay and as such our care experienced young people are impacted. We currently have 29% of care experienced in "Staying Put Arrangements" with their foster carers. Although this is a positive this is not a long-term arrangement as there is still a requirement that there is permanent 'move-on' accommodation when care experienced young people reach the age of 21. The Torbay Housing Delivery Group have made a recommendation that new accommodation for care experienced young people should be a priority for TorVista Homes and also that care experienced young people have access to a consistent higher banding in Devon Home Choice.</p> <p>Contracts remain in place with Young Devon and Livewest in respect of sixteen plus semi-independent accommodation for care experienced young people, and young parents or those young people at risk of homelessness. Ofsted were concerned because a very small number of young people were being supported in Bed and Breakfast accommodation which is not appropriate to meet their needs. Any young person whether they are care experienced or at risk of youth homelessness are subject to Director oversight at the Independent Placements Overview Panel. Currently, we only have one care experienced young person in temporary accommodation; this young person has been offered five other placements, however, has made the informed decision to remain in his temporary accommodation.</p> <p>We are in the process of further discussions with a number of local providers in regard to additional semi-independent, transitional accommodation.</p> <p>We still do not have enough provision and are looking at opportunities to increase our housing offer to our care experienced young people, but this is challenged due to the lack of affordable homes in the area.</p>
<p><b>Question (4) from Councillor Loxton to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</b></p>	<p><b>What would the annual cost to Torbay's taxpayers be if public toilets were to be free to use and would there be any one-off costs to terminate the current agreement with Healthmatic?</b></p>

Councillor Morey	There would be a minimum of £355, 000 per year, in addition there would be some one-off costs estimated to be in the region of £1 million comprising of the need to change the access controls, early termination costs to Healthmatic and allied costs.
<b>Question (5) from Councillor Johns to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</b>	<b>There are proposals for Parking Regulations on Colley End Park and Marldon Road both in the Clifton with Maidenway and Kings Ash wards. I have been advised by Highways Officers that they do not have capacity to undertake a public consultation exercise, can I please have an explanation why a public consultation will not be undertaken?</b>
Councillor Morey	<p>Informal consultation and discussions have taken place with Ward Councillors and residents in the immediately affected properties regarding the proposed parking regulations on Colley End Park and Marldon Road, both in the Clifton with Maidenway and Kings Ash wards.</p> <p>The consultation comprised of the proposals and a plan requesting comments/feedback. A highways officer is currently analysing the responses and amending the proposals considering the feedback received. If this scheme progresses, it will be formally advertised with the opportunity for all residents in the area to provide feedback.</p>
<b>Question (6) from Councillor Atiya-Alla to the Cabinet Member for Children’s Services (Councillor Law)</b>	<b>I understand that according to the National Association of Head Teachers Union that 800,000 children who live in poverty in the UK do not qualify for free school meals. How many children in Torbay would be part of those not qualifying and do you agree that these children should qualify for free school meals?</b>
Councillor Law	<p>All children in reception, year 1 and year 2 in England’s state-funded schools receive Free School Meals (FSM) under the Department for Education’s universal infant free school meal policy. After that, provision of FSMs is means-tested, with the threshold to be eligible to receive FSM being a combined household income of £7,400 or less before benefits.</p> <p>In Torbay the latest Free School Meal (FSM) figures show that overall, 25.8% of children in Torbay are in receipt of FSM, the JSNA tells us that approx. 25% of children in Torbay are living in poverty. However, we all know that many families are struggling due to fuel and food poverty and because of the low-income limit around eligibility, there will be families that may be living below the poverty line but will still not be eligible for FSM. There are a number of children who may further miss out on the support due to various reasons including:</p> <ul style="list-style-type: none"> <li>➤ Children attending independent schools (some independent schools can assist parents with funding/bursaries)</li> <li>➤ Nursery children who only attend part time</li> <li>➤ Households who are in receipt of Working Tax Credits and have an annual gross income of more than £16,190</li> </ul>

	<ul style="list-style-type: none"> <li>➤ Households on Universal Credit earning more than £7,400 a year</li> <li>➤ Year 3 children when transitional protection on Universal Credit no longer applies</li> </ul>
<b>Question (7) from Councillor Pentney to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</b>	<b>I understand that according to the LGA there has been 22 per cent spike in the cost of road maintenance in the last six months, with a 38 per cent increase in the bill for running and repairing streetlights, with some councils having seen their costs double. Can you please advise me what cost increases Torbay Council may have faced in these two areas of service?</b>
Councillor Morey	<p>In line with other Local Authorities Torbay Council and SWSICo have seen an increase in costs in these two areas of 15 -20%. This increase is due to a number of factors including labour, materials and the cost of electricity supply.</p> <p>The review of contractors and suppliers costs is however an ongoing process and it is likely that we may see some further cost increases in some areas over forthcoming months.</p>
<b>Question (8) from Councillor Douglas-Dunbar to the Cabinet Member for Adults and Public Health (Councillor Stockman)</b>	<b>A number of local authorities are establishing warm banks for people who have difficulties warming their own home during the day to keep warm. What plans do Torbay Council have in place to achieve this with partners?</b>
Councillor Stockman	Torbay Council is working with the Voluntary Sector Health and Wellbeing Partnership, to scope the current Warm Spaces, and where the gaps might be. We are aware that a number of community partners are already offering Warm Spaces to the community, and plan to continue to do so over the winter – we want to support them to do this. We are now finalizing a grant scheme, which will enable partners to apply for funding to support or enhance their warm space offer; which will include allowing them to purchase energy saving items for residents. We intend to launch this grant in late October, to include a formal call-out to partners; particularly where there are gaps in provision. In the meantime, we have been, and will continue to engage with partners in the community to encourage the provision of warm spaces; and to understand what support they might need in terms of training or guidance. We have also developed a Warm Spaces Charter which sets out what people can expect when they visit a warm space. For example, they won't be asked why they are visiting, and their anonymity will be assured.

## Second Round

<b>Question (9) from Councillor Kennedy to the Cabinet Member for Corporate and</b>	<b>The Torbay Economic Development Company Ltd (known as TDA) Board membership includes one Conservative Councillor and two</b>
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<b>Community Services (Councillor Carter)</b>	<b>Liberal Democrat Councillors. How does this reflect the current political balance?</b>
Councillor Carter	<p>The Annual Council meeting determines political balance across all Council appointed Outside Bodies in their totality after the local elections. This means individual bodies do not necessarily reflect pure political balance as the overall calculation for all outside bodies has to be taken into account. Standing Order A1.3 refers – the following link gives you details of the Council’s decision taken in May 2019 (Minute 11 refers) <a href="https://www.torbay.gov.uk/Agenda-for-Council-on-Tuesday-28-May-2019-5.30-pm">Agenda for Council on Tuesday, 28 May 2019, 5.30 pm (torbay.gov.uk)</a></p>
<b>Question (10) from Councillor O’Dwyer to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</b>	<p><b>Could the Cabinet Member for Infrastructure, Environment and Culture please provide details of the following for each of the last 5 years:-</b></p> <ul style="list-style-type: none"> <li>• <b>The number of Council Employees that have applied for planning permission;</b></li> <li>• <b>The number of planning enforcement notices issued; and</b></li> <li>• <b>The number of planning enforcement orders and breach of conditions notices issued.</b></li> </ul>
Councillor Morey	<p>We are unable to provide the number of Council Employees that have applied for planning permission, as we do not record whether the applicant is a staff member or related to one. With regards to the number of planning enforcement notices, orders and breach of conditions notices issued the figures are set out in Appendix 1.</p>
<b>Question (11) from Councillor Barrand to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</b>	<p><b>Can the Cabinet Member tell the Council what action he has taken, or he intends to take in response to the “Visitor Connection Torquay to Cockington” petition dated 1 August 2022, presented to him by businesses in Cockington. Does he agree that there is an urgent need for support to increase footfall in Cockington Village to ensure traders can survive and thrive?</b></p>
Councillor Long	<p>Cockington, the village and the country park, is a much-loved part of Torquay and the wider English Riviera offer. Promotion of the businesses and raising awareness of the offer to residents and visitors in Cockington is something that the Council has encouraged. I recognise that the businesses of Cockington are very passionate about the area as demonstrated by the correspondence handed to me with a number of signatories, whilst the correspondence would not meet the requirements of the Council’s Petition Scheme as set out in the Constitution. I have none the less understood the strength of feeling conveyed regarding the need to raise footfall to Cockington.</p>

	<p>Cockington and raising footfall is the responsibility of all businesses and partners in Cockington. The Council, through the TDA and its management of Cockington Court plays a role here by organising events and promotion of the Court to drive footfall.</p> <p>Prior to the receipt of the petition Councillor Amil had already initiated discussions with officers to review connection and access options. The community is keen to retain and ensure viability of the bus service that serves both residents and visitors. This service runs Monday-Friday with the first bus running from Chelston to Torquay town centre at 09:30 and then running from the Harbour to Cockington and back on 5 return journeys, ending at the harbour at 15:00.</p> <p>This, as with other services works with a school service and which keeps the costs down. However, the service is subsidised by Torbay Council.</p> <p>This service will be retendered in early 2023 and the intention is to add a further service that includes weekend routes into Cockington. The Council encourages the provider alongside businesses and partners to promote the bus route. Cockington Court will promote the service on future promotional material, and will agree new bus wrapping to promote the Cockington offer. It is also intended to make clear where the Cockington bus stops for passengers making Cockington more accessible for bus users.</p>
<p><b>Question (12) from Councillor Johns to the Cabinet Member for Children’s Services (Councillor Law)</b></p>	<p><b>According to the Association of Directors of Children’s Services (ADCS) over 20 councils in England and Wales spent the equivalent of £1 million a year or more to place a single child in a private children’s home due to the rise in the cost of specialised care. As the Cabinet Member for Children’s Services do you agree that profits should be taken out of specialised care for children and that the Government should legislate on this?</b></p>
<p>Councillor Law</p>	<p>In my view there needs to be change within the independent market and providers who deliver placements for some of our most vulnerable and complex children.</p> <p>The findings of the Competition and Markets Authority study are particularly relevant which stated:</p> <p><i>“Overall, our view is that there are significant problems in how the placements market is functioning, particularly in England and Wales. We found that:</i></p> <ul style="list-style-type: none"> <li><i>• a lack of placements of the right kind, in the right places, means that children are not consistently getting access to care and accommodation that meets their needs;</i></li> <li><i>• the largest private providers of placements are making materially higher profits, and charging materially higher prices, than we would expect if this market were functioning effectively; and</i></li> <li><i>• some of the largest private providers are carrying very high levels of debt, creating a risk that disorderly failure of highly- highly-leveraged firms could disrupt the placements of children in care.”</i></li> </ul>

	<p>The national, regional and local sufficiency challenges are well-known, and finding the right local placement at the right time for our children is becoming more and more difficult. In addition, placements costs are escalating as a result of the gaps in the market and the significant demand for placements.</p> <p>The ban on the use of unregulated provision for under sixteens has reduced the provision for children and young people predominantly in situations whereby there is an emergency need, or immediate placement notice has been given by an independent provider of care , this is not acceptable and does not place children at the centre of the decision making providers in the independent sector are able to charge a significant amount for provision, whether this is registered or unregistered and this is increasing.</p> <p>The focus, in our view, should be on providing the highest quality of care in a placement for children who need it. We need an effective and sufficient placements market which does not focus on making of profit but focuses on the needs of our most vulnerable children.</p>
<p><b>Question (13) from Councillor Pentney to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</b></p>	<p><b>I am aware that many local authorities across the country are facing soaring inflation around regeneration opportunities for town centres. With many of the Torquay town deal projects based in the ward I represent, can you please advise how this could impact on the schemes that were originally proposed to central Government?</b></p>
<p>Councillor Long</p>	<p>In addition to the challenges from the level of inflation on projects global and regional events have also created other issues in the delivery of the capital programme in Torquay and across Torbay. There are supply chain pressures which are expected to bring cost and time pressures to bear on the Town Deal and other capital projects in addition the extent of other available work across the South West and labour market issues are all making project delivery more difficult. The need for successful delivery of these projects for our community is understood by Cabinet who have asked officers to identify how we can accelerate procurement to get schemes on site while also exploring other options to ensure that the outcomes the community wants to see can be delivered.</p>
<p><b>Question (14) from Councillor Atiya-Alla to the Cabinet Member for Corporate and Community Services (Councillor Carter)</b></p>	<p><b>According to a survey undertaken on behalf of the Liberal Democrats, almost a quarter of households are planning not to turn the heating on this winter. Whilst it is shocking that the Government fail to include support to households in August, can you please advise me what the council is doing to support households in need at this time of national crisis?</b></p>
<p>Councillor Carter</p>	<p>Post office and meal vouchers, food bank support and warm spaces are just some of the ways that residents will be supported this winter as the temperatures drop and the cost of living rises.</p>

	<p>A Cost of Living summit was held on 5 October 2022 and was attended by council leaders and representatives from the voluntary and community sector in Torbay. The summit was informed that £1.2m had been allocated to the Bay as part of the Household Support Fund.</p> <p>This money will be apportioned in a variety of ways so that as many households as possible are assisted during the coming months.</p> <p>Money from the Household Support Fund will be spent on:</p> <ul style="list-style-type: none"> <li>▪ Christmas holiday meal vouchers for children on free school meals</li> <li>▪ Vouchers handed out through Children’s Hubs for pre-school aged children</li> <li>▪ Warm Spaces in community settings</li> <li>▪ Supporting food providers through the Torbay Food Alliance</li> <li>▪ Support to low-income households who missed out on the £650 cost of living payment</li> <li>▪ Support to people on pension credit</li> <li>▪ the Welfare Support Scheme for those who need help paying fuel bills</li> <li>▪ Vouchers given to community partners to distribute directly to residents</li> </ul> <p>The summit also saw the launch of the first of a series of videos that the Council has helped to fund alongside Healthwatch, the Torbay Community Development Trust and the Citizens Advice Bureau.</p> <p>The videos show practical and simple ways to save money on fuel, food and general living costs over the coming months.</p> <p>The Council webpages are also being reviewed to help with additional signposting for other assistance, for example, the Welfare Support Scheme provided by the Council to assist with wider financial challenges such as fuel, white good repairs and other emergency essentials, with an additional £100,000 allocated to provide increased support. An additional £100,000 has also been provided to Discretionary Housing Payments (now totalling £417,000) to assist with the prevention of homelessness.</p>
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### Third Round

<p><b>Question (15) from Councillor O’Dwyer to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</b></p>	<p><b>Please could the Cabinet Member for Infrastructure, Environment and Culture confirm that Torbay Council has a technically "Up to date" Local Plan, if not, could the Cabinet Member for Infrastructure, Environment and Culture detail what the possible implications are in its absence for having to accept government policy and how this affects the weighting given to our other planning policies.</b></p>
<p>Councillor Morey</p>	<p>The council is unable to demonstrate five years’ worth of housing land supply. The decision taken by Cabinet in November 2020 approved a review and agreed to an update of the housing policies as necessary, recognising the situation. A change in housing need is the most common</p>



reason why Local Plans need updating. The National Planning Policy Framework (NPPF) states that strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly. According to CPRE research in 2020 about 70% of English Local Planning Authorities were in this position.

The implication of this is that the Council must apply the Presumption in Favour of Sustainable Development when determining planning applications involving the provision of housing. This is sometimes referred to as the “tilted balance” in favour of granting planning permission. The Local Plan also needs to be updated because housing completions have not kept pace with the number of homes that were planned for. The operation of the current planning system, including the Housing Delivery Test means that councils’ performance is judged on how many homes have been completed, and not on how many planning approvals have been granted.

The Torbay Local Plan (and the Neighbourhood Plans) are “deemed” out of date for applications involving the supply of housing and planning applications must be considered on the basis of the Presumption in Favour of Sustainable Development. It is of note that the existing Torbay Local Plan already contains a policy aiming to achieve this presumption. However, for non-housing planning applications, the 2020 Review found that the Local Plan remains reasonably up to date and consistent with government policy (set out in the NPPF). It would therefore be reasonable to conclude that the Local Plan remains up to date for many non-housing related applications, and may be afforded full weight (although this judgement would need to be made by the decision taker, taking into account the facts of specific applications).

The presumption in summary and without breaking down each element of extensive Court rulings on how it operates means that:

- The development plan (The Local Plan and relevant Neighbourhood Plan) is the legal starting point for determining planning applications.
- The NPPF is a material consideration. It is likely to have increased weight due to the shortfall in housing supply in Torbay.
- Other factors may make a plan out of date – for example changes in economic circumstances.
- Applications involving the provision of housing should be approved unless: (i) The impact upon a limited number of NPPF policies provides a **clear reason** to refuse planning permission. These policies are listed in Footnote 7 of the NPPF and relate to Habitats sites, SSSIs, Green Belt, Local Green Space, National Parks, AONB, irreplaceable habitats, designated heritage assets, and areas at risk of flooding and coastal change. Harm to them needs to be sufficiently bad to constitute a “clear reason for refusal”.

Where a clear reason for refusal isn’t activated, paragraph 11(d)(ii), referred to as the “tilted balance” takes effect. This states that “Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole”. The Courts have ruled that the development plan can be taken into account in the “tilted balance”, and that the weight given to it is a matter for the decision maker (acting reasonably).

<p><b>Question (16) from Councillor Pentney to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</b></p>	<p><b>I was delighted that the council was successful to secure £1.1m for the Safer Streets initiative in Torquay to make women and girls safer in darker hours. Can you please explain how this project will support residents in Torquay town centre?</b></p>
<p>Councillor Long</p>	<p>There are several ways in which the Safer Streets funds will help provide a safer environment for women and girls in Torquay Town Centre as well as improvements for all residents. Torbay residents can expect to see graffiti removed, more police on the beat, mobile CCTV cameras operating, through the night, street lighting across the Town Centre and many other improvements.</p> <p>We also have an ambitious plan for our Night Time Economy (NTE), which focus around the development of a 'Safety at Night Charter'. The introduction of a charter is key to getting a consistent understanding, vision, and commitment in addressing the safety of women at night across all organisations in the NTE. This will involve staff training, running campaigns, implementing Champion schemes within organisations (businesses) and provision of safe places.</p> <p>Next summer residents and visitors to the Bay will be reassured by extra street marshals, funded by this programme, to support the extra policing effort.</p> <p>A community innovation fund will make £30,000 available to reclaim public spaces like parks and seating areas. This approach has worked wonders in Stonehouse, Plymouth, the beneficiary of an earlier round of Safer Streets funding, because it has engaged local residents and been run by them.</p> <p>In addition Torquay will have an additional 13 new CCTV cameras installed this month and monitored by an additional member of staff to operate the equipment. New areas which will now be covered include Melville Street and Torre Hill Road and there will be extra cameras on Abbey Road, the Harbourside and Lower Union Lane.</p> <p>The cameras are currently monitored in person until 2am on weeknights but the funding means this will be extended until 4am. The new machinery will sit alongside the 260 existing cameras which watch the Bay's streets, car parks, lifts and other public areas 24/7. The high-definition images are recorded, and the control room is linked to local police so that messages can be instantly passed on about any suspicious activity.</p>