

Meeting of the Council, Wednesday, 5 December 2018

Questions Under Standing Order A13

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.

<p><b>Question (1) by Councillor Darling (M) to the Executive Lead for Planning and Waste (Councillor Mills)</b></p>	<p><b>The following question and answer was considered at the 20 September 2018 Council Meeting:</b></p> <p><b>“With the development of the Pavilion in limbo, are you confident that MDL Ltd are maintaining the building in accordance with the terms of the lease?</b></p> <p><b>There is a major planning application for comprehensive redevelopment of the Pavilion and adjacent marina car park pending, which is still “live” and waiting for additional information from the developer before it can be considered by the council as Local Planning Authority. If approved and implemented this would see the Pavilion extensively repaired as part of the redevelopment.</b></p> <p><b>In the interim, the Council continues to monitor the condition of the building regularly, and only recently carried out another inspection. I can confirm therefore that MDL are carrying out routine maintenance and we are keeping a close eye on its condition.</b></p> <p><b>If no deliverable redevelopment is approved and implemented then the Council has a number of remedies and actions it can take if necessary in consultation with the tenant to bring the property back up to a standard to the satisfaction of the Council.”</b></p> <p><b>In light of the above response how long will Torbay Council wait for the additional information from the developer before pursuing alternative remedies to get the Pavilion in a fit state?</b></p>
<p><b>Question (2) by Councillor Pentney to the Council's representative on the TOR2 Board (Councillor Bent)</b></p>	<p><b>In light of the decision by Torbay Council not to acquire Kiers shares in TOR2 at the present time. What additional management capacity do you think is needed to improve the performance of this Joint Venture Company?</b></p>
<p><b>Question (3) by Councillor Darling (S) to the Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and</b></p>	<p><b>The following question and reply was received at the last Full Council in 18 October 2018.</b></p> <p><b>“At the Council meeting on 20 September 2018 I asked the following question and received the below reply:</b></p> <p><b>On the 1st of August 2018, due to the severe financial pressure that the Council faces, Torbay Council introduced a moratorium on non-essential spending for all parts of the Local Authority. Since then what meetings have you held with the two MPs who represent Torbay to put pressure on the Government to adequately fund the Council?</b></p>

<p><b>Transformation (Elected Mayor Oliver)</b></p>	<p>I contacted both MPs to request a meeting to discuss Torbay's finances as a matter of urgency. I met with Sarah Wollaston MP on 30 August 2018, however, Kevin Foster MP has declined to meet with me.</p> <p>So, since the 20 September has Kevin Foster MP made himself available to discuss the financial challenges that Torbay Council faces in light of his Governments cuts?</p> <p><b>Elected Mayor Oliver</b> No. I have written to Kevin Foster MP on a number of occasions and he has declined to meet with me. In one email to me he stated "Both Sarah and I regularly consult with the Leader and Deputy Leader of the Majority Group on the Council, Cllrs Thomas and Tyerman, about the future challenges for the Council and how we can support them in dealing with this. This is with reference to not only next year's Budget, but also looking ahead to the time when the Council will be run by a Leader with Cabinet Model."</p> <p>In light of the above is Kevin Foster still refusing to meet with you about the financial challenges of Torbay?</p>
<p><b>Question (4) by Councillor Carter to the Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (Mayor Oliver)</b></p>	<p>In the 2018 Budget it was announced that a £675 million Future High Streets Fund will be set up to help local areas to respond to and adapt to changes. It will support local areas to prepare long-term strategies for their high streets and town centres, with a focus on replacing retail with residential development. I understand that further detail in the prospectus is expected later this year with Expressions of Interest in Spring 2019. Mr Mayor are you gearing up for this opportunity with Paignton Town Centre in mind?</p>
<p><b>Question (5) by Councillor Long to the Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (Mayor Oliver)</b></p>	<p>What actions are the Council taking to prepare for a No Deal Brexit?</p>

## Second Round

<p><b>Question (6) by Councillor Darling</b></p>	<p>Why has TOR2 hired in two gritting vehicles for this winter. Could this be a reflection on the poor state of the gritting fleet?</p>
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<b>(S) to the Council's representative on the TOR2 Board (Councillor Bent)</b>	
<b>Question (7) by Councillor Pentney to the Council's representative on the Police and Crime Panel (Councillor Excell)</b>	Torquay has suffered a massive reduction in the numbers of PCSOs who are integral to the delivery of neighbourhood policing reducing the numbers from 25 to 5 in Torquay. Earlier this year the Police and Crime Commissioner and Chief Constable of Devon and Cornwall Constabulary assured the Overview and Scrutiny Board that a review would be undertaken and more PCSOs recruited. When will we see more uniformed officers on the streets of Torquay?
<b>Question (8) by Councillor Darling (M) to the Executive Lead for Community Services (Councillor Excell)</b>	Since the introduction of the Torre traffic reversal, residents of Morgan Avenue have raised concerns about the volume and speed of traffic passing through this road. They were promised that following this reversal the wishes of the Morgan Avenue residents would be considered with a view to making this road safe. Could the member please advise what progress has been made to discourage drivers from using this road as a cut through?
<b>Question (9) by Councillor Carter to the Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (Mayor Oliver)</b>	<p>The attached decision (Appendix 1) was published in February of this year.</p> <p>Your decision was in response to a motion submitted to Council over nine months ago. Can you please advise what progress has been made on the number of actions identified below:</p> <ol style="list-style-type: none"> <li>1. Instigating a council-led Plastic Free Torbay Task Force that involves all sections of the local community to be in place by July 2018. This task force will create an action plan that works towards moving away from the unnecessary single use plastics in Torbay and campaign to reduce and discourage single use plastics from retail premises;</li> <li>2. Start phasing out the use of unnecessary 'single use plastic' products such as bottles, cups, cutlery and drinking straws in all Council buildings and at all Council events by July 2020</li> <li>5. Working with local businesses and the Tourism Sector to participate in this initiative;</li> </ol> <p><b>Actions:</b></p> <p>Torbay Council is leading the South West Marine Plastics Initiative, in conjunction with Groundwork Trust. The project will be applying for substantial funding from the Big Lottery Fund to cover initiatives in the South Devon area (Plymouth CC, South Hams DC, Torbay Council (waste team, beaches and harbours) Teignbridge DC Exeter CC, Devon CC and East Devon DC), working with various partners including Torbay Cleaner Coasts Initiative, Torbay Coast and Countryside Trust, Beach Care (part funded by Tidy Britain), Fathoms Free, South Devon AONB, The National Trust, MVV and Groundwork South who are all committed to dealing with plastic waste washed up on our beaches and in our seas,.</p>

The project will focus on the collection, recycling and reuse of marine plastics through the collection of plastic waste from beaches and seas during organised community beach cleans/litter picks, alongside the fishing industry being enabled to recycle their unwanted nets, along with any other plastic collected in the course of their work.

The plastic will be collected separately and taken to Exeter CC's Material Reclamation Facility, where it will be sorted into different polymers. This will then be delivered to a company in Germany who will turn the plastic into pellets. The pellets will then be made into kayaks and hopefully surfboards by a company in Somerset.

Kayaks will then be distributed to beach clean groups to enable them to continue to collect waste and plastic from the sea.

Funding will also be requested for the purchase of items to replace single use plastics in all council and partner's buildings.- glasses, cutlery etc.

This project has the potential to be a flagship scheme for the whole of the UK, if the trial is successful.

Torbay Council is also signed up to the Refill Devon scheme, this is a practical tap water campaign that aims to make refilling your water bottle as easy, convenient and cheap as possible by introducing refill points on every street.

Participating cafes, bars, restaurants, banks, galleries, museums and other businesses display a round, blue sticker in their window, inviting thirsty passers-by to come on in and fill up their bottle – for free.

The aim is to reduce the amount of plastic bottles ending up in our oceans, whilst keeping residents and visitors healthy, hydrated and saving money at the same time.

Refill Devon launched last year with the support of Beach Care and City Seas (see <https://www.recycledevon.org/welcome-to-refill-devon> and <http://www.torbay.gov.uk/> for more information).

**3. Installing a free drinking water fountain in Paignton Library;**

**Action:**

Whilst waiting for the drinking water fountain to be installed, Paignton Library could offer the Refill Devon scheme.

	<p>4. Increasing the amount of plastic that can be recycled through doorstep recycling and instigating a strategy to reduce the amount of litter on Torbay's streets;</p> <p>Actions:</p> <p>TOR2 already collect a comprehensive range of plastics at the kerbside including drinks bottles, shampoo, milk and detergent bottles, plastic pots like yoghurt pots, plastic tubs like margarine and ice cream tubs and plastic trays that fruit and meat are sold in.</p> <p>Torbay Council does not take black plastic, film or hard plastic as this cannot easily be recycled and can contaminate plastic loads resulting in rejection of whole loads of otherwise recyclable plastic.</p> <p>The Council will continue to look for new markets that can accept all these more difficult plastics, but with the Chinese market restrictions from January this year plastic recycling is becoming increasingly difficult.</p> <p>6. Sign up to the Herald Express and SAS campaign for Torbay to become a Plastic Free community by 2020.</p> <p>Action:</p> <p>The Elected Mayor supports working with the Herald Express and SAS on board with our marine plastics initiative.</p>
Question (10) by Councillor Long to the Executive Lead for Adults (Councillor Parrott)	<p>For the last three years that figures are available, how many complaints have the Council received regarding Third Party Top Ups in relation to care home placements for adults, and how many of those complaints have been upheld?</p>

### Third Round

Question (11) by Councillor Darling (M) to the Elected Mayor and Executive Lead for Assets, Finance, Governance and Corporate Services, Economic Regeneration and Transformation (Mayor Oliver)	<p>In the 2018 Budget it was announced that a £675 million Future High Streets Fund will be set up to help local areas to respond to and adapt to changes. It will support local areas to prepare long-term strategies for their high streets and town centres, with a focus on replacing retail with residential development. I understand that further detail in the prospectus is expected later this year with Expressions of Interest in Spring 2019. Mr Mayor are you gearing up for this opportunity with Torquay Town Centre in mind?</p>
Question (12) by Councillor Long to the Executive Lead for Customer	<p>I understand that there is a loophole whereby second home owners can potentially avoid paying any council tax on their second homes by making their properties 'available for let' for 140 days per year so</p>

Services (Councillor Haddock)	that they qualify as a business. The homes do not actually need to be let – just available for let. What representations have the Council made to Government or other agencies to get this loophole closed?
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## **Appendix 1**

### **Record of Decision**

#### **Notice of Motion - Plastic Free Torbay**

##### **Decision Taker**

Elected Mayor on 22 February 2018

##### **Decision**

That the motion be supported in principle, however, a number of actions are already being taken by the Council to support a plastic free Torbay as follows:

1. Instigating a council-led Plastic Free Torbay Task Force that involves all sections of the local community to be in place by July 2018. This task force will create an action plan that works towards moving away from the unnecessary single use plastics in Torbay and campaign to reduce and discourage single use plastics from retail premises;
2. Start phasing out the use of unnecessary 'single use plastic' products such as bottles, cups, cutlery and drinking straws in all Council buildings and at all Council events by July 2020
5. Working with local businesses and the Tourism Sector to participate in this initiative;

##### **Actions:**

Torbay Council is leading the South West Marine Plastics Initiative, in conjunction with Groundwork Trust. The project will be applying for substantial funding from the Big Lottery Fund to cover initiatives in the South Devon area (Plymouth CC, South Hams DC, Torbay Council (waste team, beaches and harbours) Teignbridge DC Exeter CC, Devon CC and East Devon DC), working with various partners including Torbay Cleaner Coasts Initiative, Torbay Coast and Countryside Trust, Beach Care (part funded by Tidy Britain), Fathoms Free, South Devon AONB, The National Trust, MVV and Groundwork South who are all committed to dealing with plastic waste washed up on our beaches and in our seas,.

The project will focus on the collection, recycling and reuse of marine plastics through the collection of plastic waste from beaches and seas during organised community beach cleans/litter picks, alongside the fishing industry being enabled to recycle their unwanted nets, along with any other plastic collected in the course of their work.

The plastic will be collected separately and taken to Exeter CC's Material Reclamation Facility, where it will be sorted into different polymers. This will then be delivered to a company in Germany who will turn the plastic into pellets. The pellets will then be made into kayaks and hopefully surfboards by a company in Somerset.

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Funding will also be requested for the purchase of items to replace single use plastics in all council and partner's buildings.- glasses, cutlery etc.

This project has the potential to be a flagship scheme for the whole of the UK, if the trial is successful.

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3. Installing a free drinking water fountain in Paignton Library;

Action:

Whilst waiting for the drinking water fountain to be installed, Paignton Library could offer the Refill Devon scheme.

4. Increasing the amount of plastic that can be recycled through doorstep recycling and instigating a strategy to reduce the amount of litter on Torbay's streets;

Actions:

TOR2 already collect a comprehensive range of plastics at the kerbside including drinks bottles, shampoo, milk and detergent bottles, plastic pots like yoghurt pots, plastic tubs like margarine and ice cream tubs and plastic trays that fruit and meat are sold in.

Torbay Council does not take black plastic, film or hard plastic as this cannot easily be recycled and can contaminate plastic loads resulting in rejection of whole loads of otherwise recyclable plastic.

The Council will continue to look for new markets that can accept all these more difficult plastics, but with the Chinese market restrictions from January this year plastic recycling is becoming increasingly difficult.



6. Sign up to the Herald Express and SAS campaign for Torbay to become a Plastic Free community by 2020.

Action:

The Elected Mayor supports working with the Herald Express and SAS on board with our marine plastics initiative.

### **Reason for the Decision**

To respond to the motion.

### **Implementation**

This decision will come into force and may be implemented on Wednesday, 7 March 2018 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

### **Information**

At the Council meeting held on 22 February 2018, the Elected Mayor considered a motion on a plastic free Torbay notice of which was given in accordance with Standing Order A14 by Councillors Long and Carter as set out below:

Torbay is an important UNESCO accredited Global Geopark. The sea has shaped our communities and history and is a vital contributor to our economy and premier tourism offer.

This Council notes that in 2016 the Ellen MacArthur Foundation estimated that by weight, there could be more plastic in our oceans than fish as soon as 2050. Columbia University has estimated that plastic can last for up to 600 years in our environment, often finding its way into marine life thus affecting the food chain, and the water we eventually drink.

Torbay Council also congratulates the Herald Express newspaper and 'Devon Live' for launching a campaign with 'Surfers Against Sewage' (SAS) to encourage 125 communities to become plastic free by 2020.

Following the public outcry on this issue after the BBC 'Blue Planet II' programme, this Council resolves to provide leadership on this issue by:

- 1) Instigating a council-led Plastic Free Torbay Task Force that involves all sections of the local community to be in place by July 2018. This task force will create an action plan that works towards moving away from the unnecessary single use plastics in Torbay and campaign to reduce and discourage single use plastics from retail premises;
- 2) Start phasing out the use of unnecessary 'single use plastic' products such as bottles, cups, cutlery and drinking straws in all Council buildings and at all Council events by July 2020;
- 3) Installing a free drinking water fountain in Paignton Library;

- 4) Increasing the amount of plastic that can be recycled through doorstep recycling and instigating a strategy to reduce the amount of litter on Torbay's streets;
- 5) Working with local businesses and the Tourism Sector to participate in this initiative; and
- 6) Sign up to the Herald Express and SAS campaign for Torbay to become a Plastic Free community by 2020.

In accordance with Standing Order A14.3(a), the motion stood referred to the Elected Mayor.

The Elected Mayor responded to the motion at the meeting and his decision is set out above.

**Alternative Options considered and rejected at the time of the decision**

None

**Is this a Key Decision?**

No – Reference Number: I037242

**Does the call-in procedure apply?**

Yes

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None

**Published**

27 February 2018

Signed: \_\_\_\_\_  
The Elected Mayor of Torbay

Date: 27 February 2018