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Date: Thursday, 07 December 2023

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Dear Member

## **COUNCIL - THURSDAY, 7 DECEMBER 2023**

I am now able to enclose, for consideration at the Thursday, 7 December 2023 meeting of the Council, the following reports that were unavailable when the agenda was printed.

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Yours sincerely

June Gurry  
Clerk

## Meeting of the Council, Thursday, 7 December 2023

### Members' Questions Under Standing Order A12

A member may only submit three questions for consideration at each Council Meeting. Each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn. The time for member's questions will be limited to a total of 30 minutes.

Note: where indicated these questions were deferred at the Council meeting on 20 September 2023.

#### First Round

##### **Question 1 (formerly question 13 which was deferred at the Council meeting on 20 September 2023)**

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

Why did the Conservative administration not have a clear alternative way forward before announcing to residents that the current scheme for Crossways was unviable. What assurances can you give me that the local authority continues to have discussions with those who provide affordable housing, such as registered providers for social housing to ensure that whatever appears on that site will help with the housing crisis in Torbay.

##### **Answer: to Question 1 provided by Councillor Chris Lewis**

This administration has set out that it will put residents at the heart of what we do and we wish to be open and transparent with the residents of Torbay.

The Future High Street Fund proposal agreed by the Council and approved by Government identified Crossways as a transformational mixed use regeneration site. It is clear that the consented scheme is not viable without further significant grant support and on that basis officers have been asked to review options that are consistent with that identified use.

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##### **Question 2 (formerly question 14 which was deferred at the Council meeting on 20 September 2023)**

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

I understand that over the summer the Local Authority have undertaken a fundamental review of the workings of the TDA, including their subsidiary TorVista

Homes. Such reviews can be very supportive of new organisations as they grow into their roles, balancing social, commercial and financial issues.

Accordingly, can you please explain why a representative of TDA/TorVista Management, charged with achieving the Organisation's Goals and fully aware of the challenges involved, was not included on the Review Team?

**Answer: to Question 2 provided by Councillor Chris Lewis**

TDA is not a new organisation it has been established for twelve years. Good governance of local authority companies is essential, without effective controls and balances in place some local authority companies have created very significant liabilities for their parent Councils. In line with good practice as identified by organisations such as CIPFA, a review has been carried out testing not the workings of TDA but its ongoing purpose. Following the decision of the Council on 20 September 2023, a representative of TDA joined the project board.

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**Question 3 (formerly question 15 which was deferred at the Council meeting on 20 September 2023)**

**Councillor Mandy Darling to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

The provision of double yellow lines on Old Woods Hill and Briwere Road was advertised some months ago can you please advise when these works are due to be undertaken?

**Answer: to Question 3 provided by Councillor Billings**

The works have been held up to due to lack of capacity in the supply chain and other works with a higher safety priority. This work will be complete within six months.

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**Question 4 (formerly question 16 which was deferred at the Council meeting on 20 September 2023)**

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

Ellacombe Park on Market Street has experienced significant amounts of anti-social behaviour including drug paraphernalia, conflict amongst individuals and unauthorised camping. Do you agree with me that part of the solution to this challenge is to enhance surveillance both in person and by CCTV at this location. How is Torbay Council able to work in partnership with Devon and Cornwall Police to tackle these matters?

**Answer: to Question 4 provided by Councillor Tranter**

The Council works in close partnership with the Police with weekly operational meetings to discuss such matters and undertake joint action. This could include working with youth services if appropriate, drug and alcohol services, rough sleeping team and the community. Action is taken against individuals where appropriate including the incident referred to regarding a tent in the park and associated behaviour. Each situation is unique and there are a range of enforcement and support interventions that are used on a daily basis.

CCTV can play a role in deterring anti-social behaviour along with wider interventions. The installation of a camera was explored, and a site assessment undertaken to facilitate CCTV coverage further up Market Street, as part of the Safer Street grant funding. To enable this to occur additional infrastructure was required to enable the signal to be relayed back to the CCTV hub and unfortunately there was not sufficient funding to proceed within the grant. This will be kept under review for delivery, if additional funds become available.

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**Question 5 (formerly question 17 which was deferred at the Council meeting on 20 September 2023)**

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

Many local residents tell me breathing new life into our town centres is something the Council should be undertaking. Can you please explain why, at the time of writing this question on 4 September, there has been no meeting of the town deal and future high street steering group?

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

Over the course of the summer the Cabinet has asked that officers review the capital programme and test how swifter progress can be made in respect of the capital programme and especially the town centre projects while continuing to deal with the operational challenges brought about by market viability. A schedule of meetings for the steering group has now been updated.

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**Question 6 (formerly question 18 which was deferred at the Council meeting on 20 September 2023)**

**Councillor Steve Darling to the Cabinet Member Children's Services (Councillor Bye)**

I understand that a foster carer at a recent fostering forum put forward this question: young people in 6th form whose birthdays fall early in the school year, when they are 18 years old, may have to move into independent living as the carer/s may live in rented accommodation or have large mortgages and the staying put allowance won't cover it. Will the Council consider enhancing the staying put payments in such situations to help reach the financial cap in the interests of stability for our cared-for

young people? Can the Cabinet Member please advise how he is progressing this proposal?

**Answer: to Question 6 provided by Councillor Bye**

Local authorities provide 'staying put' type arrangements to any care leaver, this is a legal requirement (The Children and Families Act 2014 made amendments to the Children Act 1989). A duty was placed on local authorities to advise, assist and support both the young person and their former foster carers when they wish to stay living together after the 'former relevant child' reaches their 18th birthday. This is known as a 'staying put arrangement'. At this stage, the young person becomes an adult (and cannot continue to be supported as a cared for child) and the foster carer becomes a former foster carer. The Children's Partnership (2014) Staying Put Good Practice guide defines this further: 'it is the young person and their foster carer who make the joint decision to establish the arrangement. This is based on their commitment to each other and applies in the same way whether the foster carer is approved by a local authority or by an independent fostering provider'. A Staying Put arrangement is therefore governed by care experienced legislation, rather than fostering service regulations.

The funding for Staying Put arrangements is received through a central government allocation, with the requirement for financial support enshrined through Section 23CZA(4) of the Children Act 1989. Payments for staying put arrangements are set at a level which take into account any contributions by the young person (for example housing benefit); this is standard practice nationally and reflects the change in legal status of the cared for child to the care experienced young adult, in line with their preparation for independence.

In addition, this change opens up a realm of additional support for the young person, through the Local Offer as well as other education-related grants and benefits. An agreement is then reached between the care experienced young person and the former foster carer, sometimes known as a living together agreement, which includes a mutually-agreed position on the young person's contributions to their Staying Put arrangement. This is all in line with the Fostering Network and their position on Staying Put.

It is recognised and appreciated that the foster carer in question is advocating for creative ways to support our young people. We have acknowledged that the language and terminology used as part of the transition process relating to Staying Put requires review, to ensure former foster carers do not feel disempowered or at odds with their fostering principles. However, it is a requirement that we work within the established legal framework and therefore we are not in a position to consider enhanced Staying Put payments at this time.

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**Question 7 (formerly question 19 which was deferred at the Council meeting on 20 September 2023)**

**Councillor Law to Cabinet Member for Place in Place, Culture & Events and Parking (Councillor Billings)**

The Partnership Administration had identified 6 further locations for the creation of 20 mph School Zones and in February this year we were assured that we would get an update on the developed locations and estimated costs of the work.

Clearly the summer holidays would have been the ideal time to undertake such work, however as yet none of the necessary public consultations have taken place.

Can you please confirm that the 6 identified 20mph School Zones will still go ahead, and if they are to confirm when the public consultations will commence and when the work is programmed to actually take place?

**Answer: to Question 7 provided by Councillor Billings**

A revised strategy for the implementation of 20mph zones will be developed in accordance with the recommended outcome of the Transport and Parking Working Party in February 2023.

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**Question 8 (formerly question 20 which was deferred at the Council meeting on 20 September 2023)**

**Councillor Fox to the Cabinet Member for Pride in Place, Culture & Events, and Parking (Councillor Billings)**

Torbay's residents continue to suffer from lower levels of bus services since the pandemic, when does the Torbay Bus Forum next meet?

**Answer: to Question 8 provided by Councillor Billings**

There is no date yet for the first Bus Forum meeting. Following agreement of the Torbay Enhanced Bus Partnership in April, it met for the first time in late August and arrangements are now being made for the Forum to meet at least 6 weeks ahead of the next partnership meeting which will be in February as set out in the Partnership documents.

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**Question 9 (formerly question 21 which was deferred at the Council meeting on 20 September 2023)**

**Councillor Long to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

How regularly are drains/gulleys on Torbay's road network checked by the Council?

**Answer: to Question 9 provided by Councillor Billings**

Road gullies are cleaned on a rolling cyclical basis. Gullies in more vulnerable locations are cleaned at least once every 12 months and any reported blockages are attended to on a reactive basis.

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**Question 10 (formerly question 22 which was deferred at the Council meeting on 20 September 2023)**

**Councillor Joyce to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

Can the Cabinet Member for Pride in Place, Culture & Events and Parking please confirm the budget for each town for Christmas 2023 decorations and lights?

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

The council does not co-ordinate or deliver Christmas Lights in Torbay Town Centres. The lights are delivered by Torquay Town Community Partnerships, Paignton Community Partnership and Brixham Town Council. Council budget allocations for 23/24 did not include an allocation for supporting Christmas Lights.

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**Question 11 (formerly question 23 which was deferred at the Council meeting on 20 September 2023)**

**Councillor Johns to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

In my ward Clifton with Maidenway, I have had many complaints relating to dangerous driving and speeding especially on Marldon Road by Maidenway Road.

The speeding has been reported to Highways. The outcome of this reporting did not address mine and the resident's concerns. Please can you share with me what powers the Council has to address dangerous driving and speeding?

**Answer: to Question 11 provided by Councillor Billings**

Collision data is used to rank roads and look for locations where collision clusters are recorded. This ranking system determines where Road Safety measures are allocated ensuring they are at the most appropriate sites, where severe speed related collision problems exist. Therefore, any available funding must be targeted at these sites.

A collision analysis has been carried out for this area (Marldon Road by Maidenway Road) and it was found that in the last five years, there have been no speed related injury collisions recorded by the Police.

Based on this information, there are no plans for traffic calming in this area, at this time. However, we do have speed surveys scheduled on Marldon Road later this year and if any issues are identified, this information will be shared with the Police. The Council will be working with Vision Zero SW to explore the potential for Community Speedwatch partnerships to be established but specific powers to address dangerous driving and speeding and related enforcement is undertaken by the Devon and Cornwall Police.

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**Question 12 (formerly question 25 which was deferred at the Council meeting on 20 September 2023)**

**Councillor Harvey to the Chairwoman of the Planning Committee (Councillor Jackie Thomas)**

Some months ago, officers of Torbay Council advised that a viability assessment would be undertaken by an independent expert in respect of the fragrance group stating that the planned for destination hotel on the former Palace Hotel site, Babbacombe Road, Torquay, is now economically unviable. Many months have now passed, and it is reasonable to believe this report has been undertaken. Can this report now be shared with all members of the Council and the public?

**Answer: to Question 12 provided by Councillor Jackie Thomas**

Officers have not been provided with a pre-application enquiry as expected. Ordinarily pre-application information would be made public once a formal planning application is made. If the information is deemed to be commercially sensitive, then an executive summary of the viability assessment will be provided at this stage.

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**Question 13 (formerly question 27 which was deferred at the Council meeting on 20 September 2023)**

**Councillor Virdee to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

Liberal Democrat Councillors have been raising issues around the inappropriate use of the highway for vehicles. On Westhill, we have had some vehicles for sale on the highway. In Plainmoor, there have been hobby vehicles stored inappropriately on the highway, yet officers have advised that Torbay Council does not currently have the resources to investigate and use the Council's powers to tackle this antisocial behaviour. I would welcome your thoughts on how we can address this issue?

**Answer: to Question 13 provided by Councillor Billings**

Vehicles advertising on the highway if they are legally parked, taxed and insured cannot normally be addressed through Highways powers, however Licensing and Community Safety may have options they can pursue regarding this. There are powers in the "Clean Neighbourhoods' and Environment Act 2005" that allow local authorities to enforce traders who are exposing two or more vehicles for sale within 500 metres of each other.

Inspectors will visit and assess any complaints we get, however in most instances we have no legal powers to deal with them unless they are in a dangerous state, in which case they can be removed.

**Question 14 (formerly question 29 which was deferred at the Council meeting on 20 September 2023)**

**Councillor Pentney to the Council Appointed Director on the Torbay Economic Company Ltd, known as TDA (Councillor Brook, Fox and Maddison)**

The TDA recently asked for contributions from the Torquay Neighbourhood Planning Forum totalling £200,000.00 from its Community Infrastructure Levy fund to help with the redevelopment of The Strand project. I understand that this fund should be used to support community grassroots projects, can you as a Council appointed Director of the TDA please explain who authorised the above application.

**Answer to Question 14 provided by Councillor Brook, Fox and Maddison**

Community Infrastructure Levy includes for a neighbourhood portion of CIL to be spent in the neighbourhood where the CIL arises. The costs of every capital project have increased and in the case of this scheme the Town Deal Board and its community board along with a range of other community correspondents have encouraged the Council to find a way to fund the project to allow it to begin. Discussions took place between TDA and Council officers to explore this as an option.

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**Question 15**

**Councillor Douglas-Dunbar to the Cabinet Member for Housing, Finance and Corporate Services (Councillor Tyerman)**

I understand from reading of the Telegraph on the 9 September, that Newham Council will buy homes from landlords evicting tenants in order to stop families becoming homeless. What consideration has been given by Torbay Council to adopt such a scheme?

**Answer: to Question 15 provided by Councillor Tyerman**

Officers are aware of the scheme and a review of the model will be undertaken by the Council's new Head of Strategic Housing & Delivery in the New Year.

Preliminary observations highlight that such a proposal would generate considerable risk for Torbay Council, including (but not limited to): a) obligations to bring purchased properties up to an acceptable Social Housing standard, where it is possible that little/no maintenance/compliance work has been undertaken in recent time; b) the need to decant purchased homes and displace the residents, even if only briefly, to make purchased homes compliant with minimum standards (as some renovation work can be very invasive etc.); c) the risks associated with taking on a property with a sitting tenant; and d) the automatic change in tenancy terms that would be created upon the Council's ownership (i.e. changing from Assured Shorthold, to Secure Tenancy).

However, a full appraisal will be undertaken to establish what steps have been undertaken by Newham to mitigate these risks, and a report provided in due course.

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### **Question 16**

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

The Cabinet Member for Pride in Place, Culture & Events and Parking, highlighted in the roll-out of the Pay for an hour, Stay for the Day Parking Scheme, 'how important the Christmas trading season is for our local businesses.'

Could the Cabinet Member for Pride in Place, Culture & Events and Parking please advise why this scheme does not extend to include supporting St Marychurch businesses?

#### **Answer: to Question 16 provided by Councillor Billings**

Generally, the secondary shopping areas in Torbay have on street limited waiting restrictions or unrestricted parking nearby. The three town centres do not have the availability of these areas at such a short distance close to the town centres and as such the promotion in place for this season is consistent with the historic precedent where parking concessions have been offered in the town centres only.

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### **Second Round**

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#### **Question 17 (formerly question 24 which was deferred at the Council meeting on 20 September 2023)**

#### **Councillor Mandy Darling to the Council's Appointed Outside Body Representative on the Devon and Cornwall Police and Crime Panel (Councillor Tyerman)**

To ensure that there is an appropriate level of support to guide dog partnerships, has Devon and Cornwall Police signed up to a Service Level Agreement with Guide Dogs for the Blind?

#### **Answer: to Question 17 provided by Councillor Tyerman**

The Police have responded and do not have a formal agreement in place with Guide Dogs for the Blind. They inform us they do however work closely with the organisation.

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**Question 18 (formerly question 26 which was deferred at the Council meeting on 20 September 2023)**

**Councillor Nicolaou to the Cabinet Member for Housing, Finance and Corporate Services (Councillor Tyerman)**

In an Institute of Public Policy Report, it stated that a private sector-funded investment of £13bn in the NHS will actually cost a total £80bn by the time that all interest is paid with interest rates rocketing since the Liz Truss premiership. I understand that Spires College and Homelands Primary School have benefitted under the Private Finance Initiative. Can you please confirm what the Council are predicting the projected total costs of these schemes to be, what the payments have been over the past 5 years, and what the initial investment was?

**Answer: to Question 18 provided by Councillor Tyerman**

The projected total costs of the schemes (Spires and Homelands) is £63.7m., covering the period from September 2001 through to September 2027. Rising interest rates do not impact on the Council's PFI payments as rates were set at the commencement of the scheme.

Over the 5 year period from 2018/19 through 2022/23 the payments were £14.76m.

The total expenditure over the full duration of the contract, (26 years), includes relevant operating costs such as facilities and services management of the sites which are funded through School budgets. Similar costs would have been incurred irrespective of the PFI arrangement.

The original capital sum invested was c.£17m.

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**Question 19 (formerly question 28 which was deferred at the Council meeting on 20 September 2023)**

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

I understand that nine Torbay schools were built when the – now acknowledged – defective material Reinforced Autoclaved Aerated Concrete (RAAC) was being used to construct public buildings.

Given the serious risks involved, can you please advise me:

- A) How many and what type (e.g. Community Centres) of other public buildings were constructed during this period within Torbay; and
- B) What investigations the Local Authority have undertaken into their current state of structural safety and repair?

**Answer: to Question 19 provided by Councillor Chris Lewis**

The Council owns circa 575 buildings some of which pre date the establishment of the Council and the historic record doesn't provide estimated age for each of these buildings.

These are not all public buildings with some of them forming part of the Council's let estate. Reviews are underway of the Condition Surveys, which are completed on a 5-year cycle. Those surveys have not identified the presence of RAAC or deterioration of the building fabric which gives an indication of the presence of RAAC. Officers continue to review the estate and will be providing a list of any assets requiring further investigation to be certain they are not constructed of RAAC material.

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**Question 20 (formerly question 31 which was deferred at the Council meeting on 20 September 2023)**

**Councillor Steve Darling to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

A few weeks ago, I exchanged emails with SWISCo about a broken lock on a gate at the Windmill playing fields in Torquay off of Higher Audley Avenue. When I reported this to the out of hours team on 4 June, I was advised that this would be emailed to officers so it would be dealt with on Monday morning even though I was calling the out of hours team as residents were concerned that the lock had been deliberately broken by travellers who intended to gain access to the site over the weekend. Can you please explain why Torbay Council have adopted this approach to what many would see as an urgent issue?

**Answer: to Question 20 provided by Councillor Billings**

Ensuring the integrity of Torbay's open spaces is important. Regrettably the process of out of hours response did not raise this issue as urgent to the on-duty manager or highways inspector. The gate was damaged at some point leading up to the weekend and this was not reported. A chain and lock are now back in place and the entrance is regularly inspected. An amended process of out of hours response is now in place for the on-duty manager to respond and take action where possible if identified as urgent.

The amended process of out of hours response has been in operation for some weeks now and is working well. The remote call centre pass all reports to the on duty weekend manager via email who then triages them and responds as required.

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**Question 21 (formerly question 32 which was deferred at the Council meeting on 20 September 2023)**

**Councillor Long to the Council's appointed Outside Body Representative on the Devon and Somerset Fire and Rescue Authority (Councillors Fellows and Tolchard)**

You were appointed to the Devon and Somerset Fire and Rescue Authority four months Ago. Can you please explain why you have failed to keep all Torbay members up to date in respect of this body in the last few months?

**Answer: to Question 21 provided by Councillors Fellows and Tolchard**

We have attended the Devon and Somerset Fire and Rescue Authority Annual General Meeting at Service Headquarters on 12 June 2023, when a new Chairman, Councillor John Cook-Woodman, was appointed. This was followed by the Ordinary Meeting at which Councillor John Fellows was appointed to serve on the Audit Committee and Councillor Anna Tolchard to serve on the People Committee. Councillor John Fellows has since attended a meeting of the Audit Committee and Councillor Tolchard has attended the People Committee. Councillors Fellows and Tolchard have also both participated in the regular online Forums. Our annual report will be submitted to the Overview and Scrutiny Board after the Authority's annual meeting next year and we will provide ad-hoc reports on matters where we feel they are in the Council's interest.

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**Question 22 (formerly question 33 which was deferred at the Council meeting on 20 September 2023)**

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

As the Cabinet Member for Adult and Community Services, Public Health and Inequalities can you assure me that you would lobby against the privatisation of the collection of outstanding adult social care debt?

**Answer: to Question 22 provided by Councillor Tranter**

Adult Social Care is charged for, and the collection of debt is vital to ensure that funds are available for all vulnerable adults. We always seek to support people to collect their debt, including offering support with wider financial issues when people are struggling. However, some people simply won't pay what they owe, and some Local Authorities have used other agencies to collect debt in these circumstances. All options are being considered locally.

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**Question 23 (formerly question 35 which was deferred at the Council meeting on 20 September 2023)**

**Councillor Fox to the Cabinet Member for Children's Services (Councillor Bye)**

On 27<sup>th</sup> March 2023, Kevin Foster issued the following statement in respect of the £629,000 being awarded to the Acorn Centre, Torquay to support and encourage young people to socialise, develop new skills and better their physical and mental wellbeing: 'This investment from the Government into our youth services is very welcome. I now look forward to Torbay Council rapidly moving forward to deliver this project as it is vital when we receive such national funding support, residents and the

Government promptly see it making a difference for the next generation.' In light of the above, can you please advise the progress of these funds to help facilitate enhanced youth services in Torquay?

**Answer: to Question 23 provided by Councillor Bye**

The YIF (Youth Investment Fund) plan of work is now back on track with full support of our Relationship Manager from the Social Investment Business (SIB). The SIB are the relationship managers appointed on behalf of the Department of Culture, Media and Sport (DCMS) and are 'managing' the agreement. The SIB undertake the necessary due diligence checks related to the proposal which they present on our behalf to the Panel (DCMS). The SIB also monitors the work undertaken, the budget spends and the timescales for delivery ensuring that the signed contract and the agreed spend is complied with.

This followed a period in which there were requests to alter the original submission that was originally considered by DCMS. There was a change in Board of trustees at the Acorn centre and this led to some delay in the project commencing.

The Acorn Centre are working closely with TDA to accommodate the work required and a draft plan of youth activities has been proposed. The Acorn Centre have employed a new Business Manager who will be our point of contact for both the capital development work and the youth activities. All capital work is planned to be completed by December 2024 which is in the timeframe of the original scope. Those youth activities that are not dependent on the new spaces created will look to begin beforehand. The dates are to be confirmed following a meeting with the Acorn Business Manager to agree the detail required.

These youth activities alongside the Youth Service activities and the newly commissioned community-based Youth Clubs will form the wider youth offer which will cover the whole of Torbay and be linked through the Youth Hub, and as part of the wider Family Hub network.

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**Question 24**

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

What assurances can you give me that a toilet facility at Corbyn Head, Torquay will remain open for the 2024 summer season?

**Answer: to Question 24 provided by Councillor Chris Lewis**

The Corbyn Head facility for the 2023 season was supported as a temporary measure. The pre-season preparation for 2024 will begin in January and the Divisional Director for Economy, Environment & Infrastructure will review the affordability of continuing this provision for next year. The Council is also seeking to dispose of the site which may result in a more permanent provision.

## Question 25

### **Councillor Douglas-Dunbar to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

I understand that the Department for Levelling Up, Housing and Communities (DLUHC) has advised that Council's will be prohibited from being able to charge households to leave DIY waste at recycling centres. Further, I understand that the Government is not planning to cover this new burden on local taxpayers and therefore local authorities will need to meet the additional costs. Can you please advise what the anticipated burden for the local taxpayer is likely to be?

### **Answer: to Question 25 provided by Councillor Billings**

Recently the '*Controlled Waste (England and Wales) Regulations 2012*' were amended so that charges for DIY waste could not be applied at Household Waste and Recycling Centres (HWRCs) in England only. This will come into force from 31<sup>st</sup> December 2023. However, the government has set a *de minimis* quantity of what can be disposed of for free in a single visit:

- Two 50 litre bags; or
- One large item no larger than 2m x 0,75m x 0.7m

A maximum frequency of four visits over a four-week period has also been stipulated. Currently this element is already managed by SWISCo through the booking system.

The current income for DIY waste brought into the HWRC is £26k per annum, therefore a loss of income is to be expected. SWISCo are currently evaluating what the expected income could be for DIY waste charged over the prescribed limit, which is currently estimated at £10k p/a. This is an overall loss of approximately £16K per annum.

A further concern with accepting DIY waste for free (below the limit) is potential trade waste abuse. Traders could also ask residents to dispose of waste instead of taking it away themselves, following completion of works.

There is likely to be an increase in waste arisings following the change to legislation on 31<sup>st</sup> December 2023. SWISCo are currently working with the HWRC booking system provider to implement the changes required and manage any DIY waste brought in over the limit. We are also liaising with other local authorities, to ascertain what measures they are putting into place to manage this change."

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## Question 26

### **Councillor Johns to the Leader of the Council**

At the October meeting of the Oldway Mansion and Grounds Steering Group my understanding of what the Leader of Torbay Council implied was that the National Lottery Heritage Fund would not be used for Oldway and potentially a project in Brixham. Please can the Leader of the Council clarify what he meant and confirm whether the National Lottery Heritage Fund will be spent on Oldway Mansion?

**Answer: to Question 26 provided by Councillor David Thomas**

I am happy to provide clarification.

When the £10m was announced by Cllr Chris Lewis on BBC Spotlight, Oldway Mansion was chosen as the backdrop for the press release. This prompted a large volume of enquiries to myself, regarding if the money was for Oldway only.

I was able to confirm that the £10m allocation is a bay wide allocation and is spread over 10 years. It is designed to allow various heritage schemes baywide to come forward with requests for further funding from the Heritage lottery pot and hence the money is not directly for Oldway or indeed any singular scheme.

The reason Brixham was mentioned was simply because I was explaining this situation the previous evening at the Brixham Town Council.

This grant is something to be celebrated and allows the whole of the bay to benefit over the longer term of the funding and should bring in many more millions of pounds in this period.

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**Question 27**

**Councillor George Darling to the Cabinet Member for Place Development and Economic Growth**

I have been informed that the £100,000 Premier Resort Fund was absorbed was absorbed within the Place Directorate Budget this year. Will the administration be budgeting for a Premier Resort Fund in future years?

**Answer: to Question 27 provided by Councillor Chris Lewis**

The Premier Resort Fund was a one off funding commitment. In the 2023/34 budget a further £100,000 was made available to support town centres work. Cabinet is exploring options on how there can be improvements for residents and visitors in respect of a variety of street scene and resort areas through the 2024/25 budget development process.

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**Question 28**

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

I note from a Freedom of Information response in respect of the number of Public Spaces Protection Order Fixed Penalty Notice's (FPN), that the following fixed penalty notices were issued at Hopes Nose:

Erection of tent / shelter  
7th July 2023 x1 FPN  
11th July x 2 FPN

Having a fire  
7th July 2023 x 1 FPN  
12th July 2023 x 3 FPN

Exceeding mackerel catch limit  
21st July 2023 x 1 FPN

Camping  
26th July 2023 x 2 FPN

I further note, that no fixed penalty notices have been issued at Berry Head since the 9 June 2023 when these PSPO orders came into effect. Can you please clarify if this is due to a lack of visits by an enforcement officer or has the anti-social behaviour reduced at this location?

**Answer: to Question 28 provided by Councillor Tranter**

The same number of visits were conducted at Berry Head as they were at Hopes Nose. The experience was simply that when Officers were present at Berry Head there were not any offences witnessed. Much of the 'enforcement' was done by deterrent, ie engaging people before potential offences committed and making the presence of enforcement personnel known. In terms of season, it has not been very productive from a mackerel perspective and the weather has acted as a deterrent to a degree too.

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**Question 29**

**Councillor Harvey to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

In the past six months two separate collisions has resulted in significant and costly damage being caused on the Babbacombe Downs. What assurances can the administration give the community that they are committed to tackling issues of excessive speed beyond just the proposed 20mph zones?

**Answer: to Question 29 provided by Councillor Billings**

Speed enforcement is the responsibility of the Police and it is the responsibility of the individual driver to ensure that they are driving within the posted speed limit and with due regard to their surroundings. Torbay Council works closely with the Police through the Vision Zero South West Partnership and any areas of concerns for excessive speed will be considered for targeted enforcement where deemed appropriate. The Council is keen to explore with Vision Zero and community representatives the potential for community speedwatch volunteers as part of the overall approach to minimising injuries and fatalities on Torbay's roads.

Additionally, it should be borne in mind that whilst speed is a factor a many road traffic collisions, there are a number of other factors, which can contribute including loss of concentration, failure to look properly, the effects of alcohol or drugs, medical issues etc. Highways Officers carry out an annual review of collisions to identify any cluster sites or locations of concern and these are reported to the Councils Transport and Parking Working Party with recommendations on any engineering interventions.

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## **Third Round**

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### **Question 30 (formerly question 34 which was deferred at the Council meeting on 20 September 2023)**

#### **Councillor Mandy Darling to the Chairman of the Planning Committee (Councillor Jackie Thomas)**

At August's Planning meeting a scale model had been constructed by an objector to assist myself as a visually impaired member of the committee, this had previously been agreed with officers. Can you explain why you failed to make reasonable adjustments to allow me to access the scale model as part of my consideration of this application?

#### **Answer: to Question 30 provided by Councillor Jackie Thomas**

Prior to the Planning Committee the objector informed myself that he intended to bring the model to the meeting as an aid for 'Councillor Darling and other committee members'. I understand officers made enquiries with you initially as to whether the model would assist you before then discussing with me the Constitutional requirements and the best approach.

The application considered by the Planning Committee in August had previously been deferred from July in order to obtain further information in respect of whether the proposed thickness of the floor and height of the ceiling could be reduced. These were the only new matters that were before the Planning Committee in August and there was no request from the objector to present a physical model at July's Planning Committee.

In considering the objector's request, I was guided by the Council's Constitution Local Code of Good Practice for Members and Employees involved in the Planning Process which states: 'members of the public may support their verbal

representation at Planning Committee with an electronic visual presentation and are required to e-mail their presentation to the Planning Department ([planning@torbay.gov.uk](mailto:planning@torbay.gov.uk)) two clear working days prior to the meeting to enable the presentation to include in the meetings overall presentation'. A physical model did not meet this requirement and the objector was advised that they could take photographs of the model and submit them to the planning department, the objector duly did so and the photos were displayed on screen when the objector addressed the Committee. You also had these in the meeting enlarged on your personal screen to enable you to view them in the format which you can access.

As the meeting is live streamed and in the interests of fairness, transparency and accessibility to all who may be participating or watching, they were able to view the photographs whereas those viewing the live stream would not have been able to properly view a physical model in the committee room. It would not be appropriate for a model to either be passed around Members at the committee table or, if larger, for members to be getting up to view a model and perhaps discussing matters whilst doing so amongst themselves thereby undermining transparency of discussion or deliberations which could then leave the Committee open to criticism and challenge. I am sure that you will agree that the process has to be fair, transparent and accessible for everyone and asking for photographs of the model for screen presentation was a reasonable solution that maintained openness, transparency and ensured compliance with the requirements of the Council's Constitution.

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### **Question 31**

#### **Councillor Fox to the Cabinet Member for Housing, Finance and Corporate Services (Councillor Tyerman)**

Can you please confirm that Councillors who are Freemasons should declare this fact in their Register of Interests?

#### **Answer: to Question 31 provided by Councillor Tyerman**

Whilst not explicitly required, the Code of Conduct states:

- 7.3 In addition to those interests listed at 7.1 and 7.2 above which you are required to registered, you **may** wish also to declare membership of any body which, in your view, might create a conflict of interest in carrying out your duties as a Member, such as membership of the Freemasons or any similar body.

Such interests are included under the following section in Member's Register of Interests

Any Body whose principle purpose is to influence public opinion or policy or which, in your view, might create a conflict of interest in carrying out their duties as a Councillor.

*(e.g. Political Party; Trade Union, Professional Association, Local Action Forum, Civic Society or Interest Group (e.g. National Trust; RSPB: Greenpeace or membership of the Freemasons or similar body)*

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### **Question 32**

#### **Councillor Pentney to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

In Upton Park, Torquay, some dual litter and recycling bins were installed as part of the Town Deal improvements. When the dual bins were installed, the recycling element had clear bin liners inside and the residual waste element had the traditional refuse sack. Now both the recycling and residual waste parts have the traditional refuse sacks inside. Does this mean that the items that residents place in the recycling part of the bin are no longer collected for recycling?

#### **Answer: to Question 32 provided by Councillor Billings**

Dual Litter and Recycling Bins in Upton Park were used as a trial and have been in situ for a number of years. Unfortunately, despite significant signage around the bins the waste disposed of in these bins by the public has always been severely contaminated with non-recyclable materials including food and pet waste making even co-mingled recycling impossible. SWISCo do not have the infrastructure to sort this contaminated material to make it fit for recycling and collecting it as a single stream is in no way efficient or worthwhile. As a result it is now collected as general waste. SWISCo have invested in compacting Fly trucks which has resulted in a reduction in public bin rounds, greater efficiency and less mileage also reducing the carbon footprint of the operation.

At this time there are no plans to introduce a separate round for recycling or expand the provision of dual bins due to misuse and the resulting levels of contamination.

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### **Question 33**

#### **Councillor Douglas-Dunbar to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

According to the council's web page, I understand the memorial bench policy is under review. It is disappointing that at a time when people have suffered a loss, there is uncertainty from the local authority on when a review of local memorial benches will be completed. Can the council advise what the timescales are for this project please?

#### **Answer: to Question 33 provided by Councillor Billings**

The Council has approximately 800 memorial benches across Torbay and recognises the sensitivity of these sites for those who have sponsored a memorial bench and those who may be considering this following a bereavement. The review is expected to conclude in early January. Following the review there will be a period of 4-6 weeks when known sponsors will be contacted.

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#### **Question 34**

##### **Councillor Penny to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

Following a Freedom of Information request, I understand there is no provision of sanitary bins for male toilets across these 6 locations (Bank Lane, Brixham Harbour, Goodrington North, Paignton Central, Paignton Harbour and Seafront Complex) in Torbay. I have been supporting the Prostrate Cancer UK's campaign Boys need Bins. Can you advise me how much the cost would be of providing such facilities on an annual basis for these 6 locations please?

##### **Answer: to Question 34 provided by Councillor Billings**

Provision of Sanitary bins, along with the associated collection and disposal of the waste is managed through the Healthmatic contract. However, Healthmatic use PHS, a hygiene service provider to carry out this element.

An estimated guide price is £6.00 per cubicle, per empty. These bins are emptied weekly in the summer and monthly outside the summer months and that across these six sites this would equate to approximately £3,700 per annum.

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#### **Question 35**

##### **Councillor Long to the Cabinet Member for Pride in Place, Culture & Events and Parking**

What preparations will SWISCo be putting in place to stop Christmas Trees being fly tipped at the coach station in Torquay after Christmas?

##### **Answer: to Question 35 provided by Councillor Billings**

Kerbside waste subscribers will be able to dispose of real Christmas Trees as side waste to their green in January, there will be free remote green waste collections in January and SWISCo have partnered with Rowcroft Hospice to offer a paid for Christmas Tree collection service with all proceeds going to the Hospice.

As with any fly tipping in the Bay SWISCo will be reactive and remove it as soon as possible.

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### **Question 36**

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

It was good to see the expansion of 20mph zones around schools earlier this summer. Will the administration commit to further expanding 20mph restricted zones to protect our older residents as well, such as along the St Marychurch Road above Bronshill Road?

#### **Answer: to Question 36 provided by Councillor Billings**

The introduction of 20mph zones will be considered as part of Torbay Council's ongoing commitment to reducing casualty numbers from road traffic collisions. The current strategy will be focusing on areas surrounding Schools, which are adjacent to major routes, however further expansions will be considered once this programme is complete.

Recognising that a range of factors will be relevant to the consideration of locations for any future 20mph zones the Cabinet Member for Pride in Place, Culture, Events and Parking has requested that officers bring a report to the Transport & Parking Working Group so that the Working Group is able to provide its advice to the consideration of any expansion of the 20mph zones.

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### **Question 37**

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

The Government recently launched a new national suicide prevention strategy with the ambition to reduce suicide rates in England, but this can't happen without the proper investment. Sadly, in the Autumn Statement, Jeremy Hunt and the Conservative Government failed to fund suicide prevention. Would you join me in condemning the Government and what actions do you plan to take to demand better for our communities in Torbay?

#### **Answer: to Question 37 provided by Councillor Tranter**

It is unfortunate that further suicide prevention funding has not been outlined in the governments Autumn Statement. The Office of Health Improvement and Disparities (OHID) are our regional and national advocates in this area and they do continuously lobby for more funding for public mental health and suicide prevention. In December 2023, the new Torbay multi-agency suicide prevention action plan will be presented to the Health and Wellbeing Board for endorsement. This outlines our collectively agreed action areas for the next three years and ensures we deliver locally on the ambitions of the National Suicide Prevention Strategy announced in September.

One key area is harnessing passion, committing to collaborate and pooling resources to reduce suicides. This recognises that funding is scarce in this area and

that we need to work together to ensure that when funding is available, we are maximising resource by bidding in partnership with initiatives that are evidence based and support our key target groups (e.g., men, children, young people and people who self-harm). Our most recent example of partnership bidding for suicide prevention funding has been via the [National Suicide Prevention Grant Fund 2023-25](#) which was made available to non-profit organisations in September 2023. Local collaborative bids include the installation of CCTV in a local high frequency location to help prevent future deaths and continuing to provide additional support to people who are feeling suicidal via the Torbay Community Helpline.”

The House of Commons Suicide Prevention report estimated in 2011 that for every life lost, the total cost to the economy was £1.67 million and is likely to be closer to £1.9 million today. Understanding the societal and economic impact of suicide attempts and suicides within our integrated care system and making best use of our resources to deliver our action plan will be a priority for multi-agency partners in 2024.

Appendix 1 to Question 8

| Event                          | Date       | Day       | Month     |
|--------------------------------|------------|-----------|-----------|
| Torquay Town Centre            | 07/09/2023 | Thursday  | September |
| Brixham Town Centre            | 08/09/2023 | Friday    | September |
| Paignton Town Centre           | 12/09/2023 | Tuesday   | September |
| Teignmouth Library             | 29/09/2023 | Friday    | September |
| Paignton Library               | 30/09/2023 | Saturday  | September |
| Newton Abbot Library           | 05/10/2023 | Thursday  | October   |
| Post 18 Futures Fair (SDC)     | 12/10/2023 | Thursday  | October   |
| Torquay Library                | 14/10/2023 | Saturday  | October   |
| Careers Fair (SDC)             | 18/10/2023 | Wednesday | October   |
| TDA Jobs Fair- Town Hall       | 20/10/2023 | Friday    | October   |
| Paignton Library               | 21/10/2023 | Saturday  | October   |
| Teignmouth Library             | 25/10/2023 | Wednesday | October   |
| Brixham Library                | 28/10/2023 | Saturday  | October   |
| Mayfield school – pop up event | TBC        | TBC       | October   |

|                               |            |           |          |
|-------------------------------|------------|-----------|----------|
| Torquay Library               | 04/11/2023 | Saturday  | November |
| Churston Library              | 11/11/2023 | Saturday  | November |
| Totnes Christmas Market       | 05/12/2023 | Tuesday   | December |
| Newton Abbot Christmas Market | 13/12/2023 | Wednesday | December |
| Torquay Christmas Market      | TBC        | TBC       | December |
| Torquay Library               | 06/01/2024 | Saturday  | January  |
| Newton Abbot Library          | 13/01/2024 | Saturday  | January  |
| Paignton Library              | 20/01/2024 | Saturday  | January  |
| Totnes Library                | 27/01/2024 | Saturday  | January  |
| Brixham Library               | 03/02/2024 | Saturday  | February |
| Newton Abbot Library          | 15/02/2024 | Thursday  | February |
| Churston Library              | TBC        | Saturday  | February |
| Paignton Library              | TBC        | Saturday  | March    |
| Newton Abbot Library          | TBC        | Saturday  | March    |
| Brixham Library               | TBC        | Saturday  | March    |