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Date: Monday, 07 March 2016

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Dear Member

**COUNCIL - THURSDAY, 25 FEBRUARY 2016**

Following the decision to adjourn the Council meeting on 25 February 2016, written responses to item 7 were to be circulated to all Members following the meeting. Members answers are enclosed.

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7.	<b>Members' questions</b>	(Pages 2 - 9)

Yours sincerely

June Gurry  
Clerk

# Agenda Item 7

Meeting of the Council

Thursday, 25 February 2016

## Questions Under Standing Order A13

<b>Question (1) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</b>	<b>If he will make it his policy to publish in the minutes of the next meeting replies to tabled questions that have been prepared in advance?</b>
<b>Mayor Oliver</b>	<p>The Council's constitution provides at A13.8 that responses to questions take the form of a direct oral answer, or, where the required information is in a publication of the Council or other published work, by a reference to such publication.</p> <p>Further the Constitution provides at A20.3 that the form of minutes will include all decisions in the form and order they were taken at the meeting.</p> <p>Therefore it is not a matter that I, as Mayor, can determine.</p>
<b>Question (2) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</b>	<b>What is the Mayor's strategy for obtaining more support from central government?</b>
Mayor Oliver	<p>I met with DCLG and our local MP's last September to discuss the funding pressures being imposed upon this council. This resulted in the Corporate Peer Challenge exercise which we have all participated in.</p> <p>Members and officers have received significant support and guidance from the LGA which is ongoing and a Peer Review Action Plan will be put before Council as soon as it is ready.</p>
<b>Question (3) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</b>	<b>Pursuant to his answer, Q9 on 3<sup>rd</sup> February, when will he formally report on meetings he has held with neighbouring local authorities where the provision of local services was discussed?</b>

<p>Mayor Oliver</p>	<p>There have been discussions with the local Authorities, National Parks and Universities in Devon &amp; Cornwall in connection with a bid to Government for devolution.</p> <p>The Chairman/Leaders of the Devolution Working Party have been fully informed.</p> <p>In addition, there are informal meetings with the peninsular leaders of Devon &amp; Cornwall, but there is no formal agenda or minutes.</p>
<p><b>Question (4) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</b></p>	<p><b>How much would be in the base budget for 2015/2016 had the Council Tax been increased to the maximum amount before penalty in each year since 2011/12?</b></p>
<p>Mayor Oliver</p>	<p>If Council had raised Council tax by 1.99% each year from 2011/12 to 2015/16 an extra £5.6m per annum would be raised from Council Tax in 2016/17. The value of the Council Tax Freeze Grant in the 2016/17 settlement was £3.4m for those five years of nil increases; therefore Council would have £2.2m additional funding in 2016/17.</p> <p>Council Tax is paid by Torbay residents; therefore collectively the residents of Torbay have not had a Council Tax increase of £5.6m per annum (10.4%).</p> <p>15/16 Band D is £1,261. A 10.4% increase would be an extra £131 per annum to a total of £1,392.</p>
<p><b>Question (5) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</b></p>	<p><b>What does the Mayor see as the three major challenges facing seaside resort local authorities?</b></p>
<p>Mayor Oliver</p>	<ol style="list-style-type: none"> <li>1. Low wage, service based economy. The service sector is seasonal and therefore in part low/minimum wage. This means that part of the working population doesn't have significant available income to spend in the Bay, depressing the economy.</li> <li>2. Developing a non service sector industry base, to diversify the local economy. The opening of the new link road, and the work that the TDA and Council are doing, i.e. Oxen Cove, Long Road developments, to support new industries.</li> <li>3. Coastal flooding challenges as a result of more extreme weather caused by a changing climate. Torbay has a number of low lying areas, but</li> </ol>

	<p>notably Paignton and Preston, which have the potential to flood in more easterly based high winds/tides. Emergency Planning are working with Local Communities and Devon to ensure local response plans are resilient and to help train and prepare local people to respond.</p>
<p><b>Question (6) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</b></p>	<p><b>What targets has he set to support his mayoral resolution on sugar reduction?</b></p>
<p>Mayor Oliver</p>	<ol style="list-style-type: none"> <li>1. To introduce a sugar awareness scheme as part of the existing Food Inspection and rating system conducted by Community Services. A meeting is being held between the Assistant Director Community and Customer Services and the Consultant in Public Health to identify how we can do this. Targets can be set as part of this initiative, for instance the number of food premises signed up to the sugar awareness campaign.</li> <li>2. We are also supporting the sugar swap campaign and are developing healthy cooking and eating skills in schools as part of the Healthy Schools programme.</li> <li>3. Setting a specific target on the consumption of sugar in our diet for the Torbay area is not possible as there are no local indicators or baseline. However, there are national statistics on sugar consumption. National data shows that sugar intakes are three times higher than the 5% maximum recommended level in school-aged children and teenagers (14.7% and 15.6%) and above twice the maximum recommended level in adults (12.1%).</li> </ol>
<p><b>Question (7) by Councillor Sanders to the Executive Lead for Tourism, Culture and Harbours (Councillor Amil)</b></p>	<p><b>If he will make a statement on the effectiveness of the Torbay Tourism Company in meeting the purposes for which it is funded?</b></p>
<p>Councillor Amil</p>	<p>The English Riviera Tourism Company was set up and funded by Torbay Council as an arms length company owned and controlled by Torbay Council to achieve a number of key objectives including:</p> <ul style="list-style-type: none"> <li>• Making a 30% budget saving for Torbay Council from day one</li> <li>• Arresting the decline in Staying Visitors</li> <li>• Modernising the Visitor Information Service</li> <li>• Uniting the industry</li> </ul> <p>Ongoing monitoring and evaluation of the company's performance confirms</p>

	<p>that these key objectives have been achieved:</p> <ul style="list-style-type: none"> <li>• The ERTC is now operating on a budget that represents in a saving of 50% compared to before the ERTC was established and has increased the ROI from £34 in 2010 to £60 in 2014</li> <li>• A growth of 7% has been achieved in Staying Visitors to Torbay between 2010 to 2014. This is above the national average of 5% and the highest rate of Staying Visitor growth across Devon.</li> <li>• The official Destination web site, My Riviera App and Social Media have been instrumental in modernising the way Visitor Information is communicated with 1.5 million visiting the official site in 2015, a growth of 280% since the new site was launched by the ERTC in 2010.</li> <li>• The ERTC has operated a successful Promotional Partners Programme which has united businesses to support the marketing of the English Riviera brand and to work together through the various services that the ERTC offers. The Promotional Partner Programme can generate up to £200k per year in private sector income to contribute to the costs of Destination Marketing activities.</li> </ul>
<p><b>Question (8) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</b></p>	<p><b>If he will commit to investigating the advantages of all non-statutory services being delivered by precepting town councils across Torbay?</b></p>
<p>Mayor Oliver</p>	<p>It is already under consideration.</p>
<p><b>Question (9) by Councillor Doggett to the Council's Representative on the TOR2 Board (Councillor Bent)</b></p>	<p><b>It was unveiled at the last Full Council that there are 11 roads in Brixham 21 roads in Paignton and 46 roads in Torquay where parking restrictions are unenforceable due to poor maintenance. What progress has been made in bringing these roads up to an enforceable standard?</b></p>
<p>Councillor Bent</p>	<p>The service level agreement between Torbay Council and Tor2 includes about 190 key performance indicators which are monitored quarterly - one of these KPIs would be the condition of line markings.</p> <p>As most of these KPIs are operational and the role of the Tor2 Board, on which I sit, is to focus on strategic issues, any issues around line markings, for example, would only be flagged up in general terms.</p> <p>It is for officers of Torbay Council and the management of Tor2 (under the guidance of Councillor King who holds the portfolio) to resolve this issue, so with the greatest respect Councillor Doggett I am unable to answer the question.</p>

	<p>However, I spoke to Cllr King before this meeting and he has agreed to give you a written response.</p>
<p><b>Question (10) by Councillor Darling (S) to the Executive Lead for Community Services (Councillor Excell)</b></p>	<p><b>What consideration has been given to issuing Torbay's Civil Enforcement Officers with personal video cameras? This could both protect the officers and help settle disputes.</b></p>
<p>Councillor Excell</p>	<p>This is being considered as part of the Parking Review. Civil Enforcement Officers are requested to report all incidences of violent, threatening and abusive via the Council's reporting mechanism. We are in discussions with neighbouring authorities who are considering implementing the body-worn video camera.</p>
<p><b>Question (11) by Councillor Darling (M) to the Executive Lead for Planning, Transport and Housing (Councillor King)</b></p>	<p><b>Shedden Hall, Shedden Hill, Torquay, B&amp;Q in Torre and Conway Court Hotel, Warren Road, Torquay continue to be blots on the landscape of Torquay. What consideration has been given to serving a Section 215 Notice under the Town and Country Planning Act on the owners of these sites?</b></p>
<p>Councillor King</p>	<p>There are ongoing pre-application discussions on Shedden Hall, Sheddon Hill. We are expecting a planning application within the next few weeks.</p> <p>The planning application fee has already been paid.</p> <p>There are still pre application discussions taking place regarding the B &amp; Q site in Torre. Having said that, we expect a planning application shortly.</p> <p>We have reviewed and will continue to do so, the Conway Court site in Warren Road. Planning permission was granted for redevelopment several years ago and we would like to see this site coming forward. However, the site owner is reluctant to proceed at this moment in time.</p> <p>The site is vacant, but it is not untidy.</p> <p>There is no need to serve a Section 215 notice under the Town and Country Planning Act</p>
<p><b>Question (12) by Councillor Darling (S) to the Executive Lead for Planning, Transport and Housing (Councillor King)</b></p>	<p><b>Torbay entered into a contract for an all year round ferry service between Brixham and Torquay, this Service commenced in November 2014. To date the contracted for ferry, has not been operating on this route. When should this service start with the contracted ferry and has any of the government subsidy been held back due to the contract not being complied with?</b></p>

<p><b>Councillor King</b></p>	<p>A service has been operating since November 2014 to its planned timetable.</p> <p>This service has used a mix of chartered and Brixham's Expresses own vessels.</p> <p>Since April 2015, Brixham Express has failed to provide a vessel which meets the council's specification within the contract. No subsidy has been paid to Brixham Express since this date.</p> <p>The Council will only resume subsidy payments once a vessel which meets the contract specification is used.</p> <p>The vessel that Brixham Express intended to use from the start is awaiting final sign off following refurbishment from the Maritime &amp; Coastguard Agency.</p>								
<p><b>Question (13) by Councillor Doggett to the Executive Lead for Community Services (Councillor Excell)</b></p>	<p><b>Since September 2015 the number of fixed penalty notices issued per month by our contractor is as follows:</b></p> <table border="1" data-bbox="412 722 683 890"> <tr> <td><b>Sept</b></td> <td><b>114</b></td> </tr> <tr> <td><b>Oct</b></td> <td><b>128</b></td> </tr> <tr> <td><b>Nov</b></td> <td><b>65</b></td> </tr> <tr> <td><b>Dec</b></td> <td><b>80</b></td> </tr> </table> <p><b>Only five of these notices were issued for dog fouling. Are you satisfied with this low level of notices issued for Dog fouling?</b></p>	<b>Sept</b>	<b>114</b>	<b>Oct</b>	<b>128</b>	<b>Nov</b>	<b>65</b>	<b>Dec</b>	<b>80</b>
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<b>Dec</b>	<b>80</b>								
<p><b>Councillor Excell</b></p>	<p>During the same time period Torbay Council's dog wardens have issued 54 tickets for dog fouling and none for littering offences. This compares favourably with Barnsley who issued 187 last year, which was the highest in the country, but employs 13 staff to undertake this function.</p> <p>Some areas however, such as Sheffield and Wiltshire issued none. This hopefully shows how difficult it is to issue tickets for such an offence, as the offender needs to be witnessed allowing their dog to foul and not picking up.</p> <p>During the period from September to December the Enforcement Pilot contractors have had 1.5 staff on average, and have issued 387 Fixed Penalty Notices. Although the number is small for dog fouling, they have recently recruited more staff and are currently developing a strategy with Community Safety to increase community intelligence including that from Councillors, to allow them to target patrols for dog fouling, to allow best use of resources. By being present on the streets of Torbay they act as a visual deterrent in itself preventing fouling.</p> <p>A review of the Enforcement Pilot will be undertaken over the next few months.</p>								
<p><b>Question (14) by Councillor Darling (S) to the Mayor and Executive Lead for Finance</b></p>	<p><b>When the Council is working with a developer to enhance a Council asset, what policies does the Council have in place to deal with developers that take legal action against residents who have made objections to their planning applications?</b></p>								

<b>and Regeneration (Mayor Oliver)</b>	
Mayor Oliver	It would not be appropriate for the Council, in any circumstances, to seek to restrict a 3rd party's ability to take legal action. The Court will be the place where any legal matters are determined.
<b>Question (15) by Councillor Darling (M) to the Executive Lead for Community Services (Councillor Excell)</b>	<b>The shelter north of the foot bridge to Abbey Sands has been fenced off for some months now. When does the Council plan to ensure that this shelter is in a fit state to be reopened?</b>
Councillor Excell	<p>The structural failure of the shelter is due to spalling of steel bars/rails embedded in the concrete roof, in turn pulling render off the soffit. This unexpected failure may simply be due to age but it also coincides with the installation of the Abbey Sands development cafe decking above.</p> <p>We have therefore asked the developer and tenant what, if any consideration was made of the capacity of the original shelter to withstand any change in loading. We have also requested calculations and drawings from the architects so that we can independently assess the original and current loading and determine whether or not the developer should contribute towards the repair.</p> <p>We are chasing both the developer and architects for information and hope to resolve this issue as quickly as possible, so that the necessary remedial work can be identified and implemented.</p>
<b>Question (16) by Councillor Darling (S) to the Executive Lead for Business (Councillor Haddock)</b>	<b>In the Herald Express on the 3 February 2016 you stated that officers were failing to inform senior Councillors of major opportunities for events in Torbay such as concerts and the Radio One Big Weekend. What evidence do you have regarding these claims?</b>
Councillor Haddock	I have no further comment to add to the press statement.
<b>Question (17) by Councillor Stringer to the Executive Lead for Planning, Transport and Housing (Councillor King)</b>	<p><b>On the 5 February 2015 I put the following question:</b></p> <p><b>'In recent weeks Devon County Council have stopped Torbay residents from using the Recycling Centre at Brunel Industrial Estate Newton Abbot. What representations have you made to try to ensure that our residents continue to have use of this valued facility.'</b></p> <p><b>In light of the close working over the last few months with Devon County Council over the devolution deal, when will Torbay residents be able to access the recycling centre at Brunel Industrial Estate in Newton Abbot?</b></p>
	The answer to this question was provided at the meeting, a full response is available on the <a href="#">audio recording</a> .



<p><b>Question (18) by Councillor Darling (M) to the Executive Lead for Planning, Transport and Housing (Councillor King)</b></p>	<p><b>The Local Development Plan includes the ‘Community Investment Areas’ policy. This policy is meant to be one of the key tools to help Torbay tackle the deprivation in our communities. What work has been undertaken to progress the development of this vital policy?</b></p>
<p>Councillor King</p>	<p>The Local Plan was approved by Council in December 2015.</p> <p>The new Housing Strategy was finally agreed by Council on 3rd February this year.</p> <p>To remind everyone it includes the following:</p> <p>The Council, Torbay Development Agency and Communities need to work together to define the target projects for new investment in Community Investment Areas.</p> <p>The Action, this council agreed was:</p> <p>‘Identification and delivery of investment opportunities (at least one per CIA) in defined Community Investment areas’ so that ‘investment can be secured to pump prime projects in Community Investment Areas to help tackle social and economic disadvantage.</p> <p>The Council agreed this action to be delivered by April 2018.</p> <p>Communities can help us deliver this action by identifying development opportunities and projects, to help remedy disadvantage in their neighbourhood plans.</p> <p>All Members should be asking their Neighbourhood Forums to identify those sights and opportunities.</p> <p>I look forward to hearing from them, and I look forward to working with them to deliver in line with the timescale already agreed in the new Housing strategy.</p>