

Meeting of the Council

Wednesday, 13 July 2011

Questions Under Standing Order A13

Question (1) by Councillor Stringer to the Executive Lead for Safer Communities and Transport – Councillor Excell	Can you please advise over the past 5 Years how many prosecutions have been taken by the local authority of utility companies who have failed to reinstate the highway appropriately? I would welcome this information on a year by year basis.
Councillor Excell	<p>Torbay Council has not taken any Statutory Undertaker to court for failing to comply with the New Roads and Street Works Act 1991 (NRSWA) or its associated codes of practice within the last 5 years.</p> <p>There are inspection and default procedures integral to legislation which Torbay Council has utilised since the introduction of the New Road and Street Works Act. As an example of the number of inspections undertaken in Torbay, we receive payment for undertaking approximately 1200 Random Sample Inspections each year. Last year we actually undertook 4700 inspections with 95 of the inspections revealing Undertakers works failed to meet the required standards. The 95 failures required remedial action by Undertakers which were completed to our satisfaction.</p> <p>Legislation covering street works is constantly being updated to both increase the success of reinstating the highway and to expedite procedures should Undertakers fail to meet specifications. The latest incarnation of the Traffic Management Act has introduced Fixed Penalty Notices (FPN) for breach of Regulation in regards the issuing of street works notices. The Undertaker can now pay an £80 FPN in acceptance of breach of Regulation and the Street Authority no longer takes the breach to court. As an Example of this new procedure, Torbay Council has issued 16 FPN's to Statutory Undertakers in the first 3 months of this financial year.</p>
Question (2) by Councillor Parrott to the Executive Lead for Adult Social Care and Older People – Councillor Scouler	Given that Cllr Scouler chose not to answer my questions during the debate on the approval of the draft Annual Strategic Agreement between the council and the Care Trust (24 May 2011), will she now tell us how it came about that she changed her position from voting against the draft Agreement on 23 March to promoting approval on 24 May – this despite the fact that the draft under consideration was line for line the same?
Councillor Scouler	The reason I voted against the draft Annual Strategic Agreement between the Council and the Care Trust on 23 March was I felt it had not been through Scrutiny, and felt it would be wise to take time in considering the reduced Budget of the Care Trust.

	Therefore all things considered I voted FOR the Annual Strategic Agreement in May 2011.
Question (3) by Councillor Parrott to the Executive Lead for Adult Social Care and Older People – Councillor Scouler	Given that Councillor Scouler chose not to answer my questions during the debate on the approval of the draft Annual Strategic Agreement between the council and the Care Trust (24 May 2011), will she now tell us what extra and particular measures she has put in place to minimise the risk of a budget overspend by the Care Trust during 2011/12 and thereby minimise any consequent impact on Torbay Council's budgets and reserves? And can she confirm whether she agrees that this is particularly necessary in the light of the Care Trust's record of overspend in previous years?
Councillor Scouler	Given that Adult Social Care is a complex area and making budget reductions will require both consultation and clear decision making. An action plan is in place to deal with both short and long term issues; this will be monitored and discussed at the Policy Development Group meetings and regular meetings with the Director of Adult Social Services and Commissioner.
Question (4) by Councillor Parrott to the Mayor	Is the Mayor aware that coalition plans to close coastguard stations, including the station at Brixham, may well be linked to the EU proposals for a pan-European coastguard service? And will he confirm that, whatever the motives of the coalition government, he will continue to use all his authority to fight the closure of the Brixham coastguard station?
Mayor Oliver	Yes
Question (5) by Councillor Cowell to the Mayor	Since your election as Mayor, what have you done, or plan to do, to achieve your pledge to give the residents of Torbay the opportunity to determine the future of an elected Mayor for Torbay?
Mayor Oliver	Under the current legislation a referendum to change the system of governance from an Elected Mayor cannot be held for ten years after the last referendum i.e. 2015. Furthermore following such a referendum any change to the governance of the Council cannot be implemented until 2019, when the next Local Election would be due. Therefore I will pursue this when any change to legislation will allow.

<p>Question (6) by Councillor Cowell to the Mayor</p>	<p>Does the Mayor agree that the timing of several meetings of committees and the Policy Development Groups means several councillors and members of the public cannot easily attend?</p>
<p>Mayor Oliver</p>	<p>The annual programme of meetings is agreed at the Annual Council meeting. The timings of Committees and Policy Development Groups can then be varied by the members of those bodies. The times reflect the best times for the majority of members on those bodies and members of the public who wish to attend e.g. Licensing Sub-Committees are held in the morning when the majority of licensees and partners are able to attend. Therefore, if the timings are not suitable it is for the body to determine the timings of their meetings.</p>
<p>Question (7) by Councillor Cowell to the Mayor</p>	<p>Following the Mayor’s announcement in the Herald Express about a policy change to support the Riviera International Conference Centre for a further 20 years with £2m capital support:</p> <ul style="list-style-type: none"> a) Are there any impacts upon existing Capital programmes and how has this funding been sourced? b) What impact will this policy have on future revenue subsidies to the RICC, currently budgeted at almost £2m over the next three years, at a time of cuts in other services? c) Will the change in Board structures resulting from the proposed amalgamation with the English Riviera Tourism Company have any impact on the remaining eight years of the RICC lease? d) Will the Mayor’s proposals ensure that after this £2m capital funding, the Conference Centre will in future not cost a penny to the local taxpayer as pledged by a predecessor at the time of its’ opening?
<p>Mayor Oliver</p>	<p>Response to a):</p> <p>The Council considers its capital programme each year as part of the annual review of all budgets. All options for funding new capital projects will be considered in consultation with officers and will form part of the proposed capital plan later in the year.</p> <p>Response to b):</p> <p>The Council has included funding for the RICC within its Medium Term Resource Plan as set out in the Budget Digest. As part of the Council’s annual review of all budgets the level of subsidy provided to the RICC will be considered and Members of the Council will have an opportunity to discuss and debate the level of subsidy provided in the context of the financial challenges faced by the Council for all other services.</p>

	<p>Response to c):</p> <p>At this meeting the Council is considering a report to decide on the scope of the investigations relating to the structural options for RICC, ERTC and other potentially related services.</p> <p>Response to d):</p> <p>It is the Council that approves both the revenue and capital budget each year and will decide the level of support provided to the RICC and the impact this will have upon local residents.</p>
<p>Urgent Question, allowed by the Chairman in accordance with Standing Order A13.2 (ii), by Councillor Baldry to the Mayor.</p>	<p>What are you doing as the Council's First Citizen to promote the project by 'Wreck the World' to obtain the Ark Royal [or other de-commissioned vessel] to form an artificial reef in on the sea bed within reach of Torbay towns, bearing in mind the experience of Plymouth which has attracted in excess of £45M over the five years since the 'Scylla' was sunk and that if achieved the Ark Royal would form <u>the largest but one artificial reef in the world.</u></p>
<p>Mayor Oliver</p>	<p>At the Harbour Committee meeting on 13th June 2011, I helped initiate a discussion on the proposals to sink the 'Ark Royal' off Tor Bay to form a manmade reef and creating a diving site. I was aware that those behind the project were already consulting with the Executive Head of Tor Bay Harbour Authority, at a conceptual level, on various technical issues surrounding navigation, statutory consents and environment impacts.</p> <p>In my capacity as Vice-Chairman of the Harbour Committee I took advice from the Executive Head of Tor Bay Harbour Authority and, along with other members of the Committee, we resolved to support the principle of the strategic placement of man-made wrecks and/or artificial reefs, in line with the Tor Bay Harbour and Maritime Strategy, and to provide assistance to those proposing to do this.</p> <p>Due to the Navy's disposal process the bid for the 'Ark Royal' remains speculative and at this stage the level of Council assistance reflects this.</p>