

Minutes of the Executive

22nd February 2005

-: Present :-

Councillor Harris (Chairman)

Councillors Carter, Charlwood, Jennings, Lomas and McHugh

(Also in attendance: Councillors Brennan, Browne, Cope, Dunn, Faulkner (Mr A), Faulkner (Mrs J), Hytche, Stocks and Turnbull)

527. Minutes. The Minutes of the meeting of the Executive held on 11th January 2005 were confirmed as a correct record and signed by the Leader of the Council.

528. Urgent Items. The Executive considered the items in Minute 529.11 and not included on the agenda, the Leader being of the opinion that they were urgent by reason of special circumstances i.e. the matters having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

529. Matters for Consideration. The Executive considered the following matters, full details of which (including the decisions of the Executive) are set out in the Record of Decisions in Appendix 1 to these Minutes.

529.1 Budget Monitoring.

529.2 Revenue Budget 2005/2006.

529.3 Council Tax 2005/2006.

529.4 Capital Plan Budget 2005/2006 to 2008/2009 – Annual Review.

529.5 Torbay Retail Study 2005 – Contract in Excess of £25,000.

529.6 Land Transfer to Torbay Coast and Countryside Trust – Ansteys Cove and Redgate Beach, Torquay.

529.7 Designation of Local Nature Reserves.

529.8 Declaration of Air Quality Management Area.

(Note: Prior to consideration of the items in Minutes 529.9, 529.10 and 529.11 the press and public were formally excluded from the meeting on the grounds that the items involved the likely disclosure of exempt information as defined in paragraphs 3, 4, 7 and 9 of Part 1 of Schedule 12A of the Local Government Act 1972.)

529.9 Grant in Lieu of Rent – 10th Torbay (Babbacombe) Sea Scout Group – Walls Hill Quarry, Torquay.

529.10 Children's Care Package in Excess of £25,000.

529.11 Adult Care Packages in Excess of £25,000.

Leader of the Council



APPENDIX 1

**to the Minutes of the meeting of the Executive
held on 22nd January 2005**

RECORD OF DECISION

BUDGET MONITORING

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

That the management actions set out in Report 6/2005 be endorsed.

Reason for Decision

To enable appropriate action to be taken to ensure the Council contains expenditure within its overall budget.

Information

Report 6/2005 provided Members of the Executive with a summary of the projections of income and expenditure for the year compared with the approved budgets for 2004/2005.

The report identified a net projected overspend of 803,000 at the end of the year. However, it was noted that confirmation had been received from the Office of the Deputy Prime Minister that the over or underspends on Supporting People could be carried forward to 2005/2006. It was also noted that if the Supporting People overspend (£680,000) was excluded, a balanced budget at the end of the year was likely to be achieved.

Alternative options considered and rejected at the time of the decision

None

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

Yes

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

None

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

REVENUE BUDGET 2005/2006

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

- (i) That the outcome of the Final Local Government Finance Settlement be noted;**
- (ii) that it be recommended to Council:**
 - a) that an estimate of £1.5m be earmarked to cover redundancy costs arising from the budget reductions and falling school rolls and redundancies arising from the merging of the Adult Social Services in 2005/2006;**
 - b) that the costs of redundancy be capitalised and that the approval of the Secretary of State be sought to charge these costs to capital;**
 - c) that due to a projected overspend within the Housing budget for 2004/2005, an additional £0.3m be added to the Housing budget target for 2005/2006;**
 - d) that due to the additional costs which will be incurred in the establishment of the Adults Care Trust, £0.150m be earmarked to fund these costs;**
 - e) that a contingency of £0.2 be established and held at the discretion of the Director of Finance and the Leader of the Council for the costs of demographic pressures;**
 - f) that a provision of £0.250m be established to meet any other costs which arise from other savings;**
 - g) that an annual contribution should form part of the Councils Medium Term Financial Plan to increase the balance to at least 1.8% over the medium term of net expenditure; and**
 - h) that the Director of Finance, following consultation with the Leader of the Council, be authorised to approve any items of expenditure to be funded from the earmarked reserves, providing that the expenditure accords with the conditions of the Reserve as laid out in Report Com/2/04 to the Executive on 7th December 2004 and that the Council's Financial Regulations are amended to enable this decision to be made in perpetuity.**
- (iii) that Council be recommended to include the following in the 2005/2006 budget:**
 - a) that a provision of £31,000 be made to meet ongoing costs of redundancies arising from the budget exercise;**
 - b) that £130,000 be added to the Cultural Services budget to reflect the shortfall in the target previously identified;**
 - c) that £40,000 be added to the Legal Services budget in respect of the post of Head of Legal Services;**

APPENDIX 1 (continued)

- d) that £25,000 be added to the Children's Services budget to meet priority spending requirements;**
 - e) that £55,000 be added to the appropriate budgets to support the Torbay Strategic Partnership and Ward Partnerships and to meet the funding of the Partnerships Team;**
 - f) that £35,000 be added to the appropriate budgets for the continued development of internal and external communications and general consultation;**
 - g) that £60,000 be added to the IT services budget to help meet service development and national E-Government programmes; and**
 - h) that the balance of funding be added to the general contingency.**
- (iv) that the Director of Finance be requested to prepare appropriate documentation to reflect the recommendations in (ii) and (iii) above for presentation to Council;**
- (v) that a Best Value review of the mayoralty be undertaken following the elected Mayor referendum (on the assumption that Council decides to call a referendum);**
- (vi) that Council be requested to note:**
 - a) the major and unfair impact that successive Council Tax increases have had on citizens;**
 - b) that since Labour came into office in 1997, the average Band D Council Tax bill has risen by £521, a rise of 81%;**
 - c) that most of the Council Tax increases were caused by unfunded and increased duties placed on local authorities and increased ring-fencing of grants by central Government;**
 - d) that Council Tax fails to take account of ability to pay and as such places an unfairly high burden on residents with fixed and low incomes, such as pensioners;**
 - e) that English and Scottish Council Tax revaluation is due and will increase many people's Council Tax bills where house prices have risen fast since the last valuation in 1991;**
 - f) that Council Tax revaluation in Wales has now happened, and has seen 33% of homes move up one or more bands and only 8% move down. In Cardiff for example 64% moved up, only 2% moved down;**
 - g) that in Cardiff some of the poorest areas were hardest hit by revaluation, showing that revaluation will be random and arbitrary and will not make Council Tax any fairer;**
 - h) that by replacing Council Tax with a Local Income Tax, revaluation could be stopped, saving a one-off £200 million, and then saving over £300 million each year on reduced bureaucracy; and**
 - i) that replacing Council Tax with a Local Income Tax would mean taxpayers paying according to their ability to pay, and would be a tax cut for the majority.**

APPENDIX 1 (continued)

(vii) that Council be recommended to call on the Deputy Prime Minister:

- a) to stop the unfair tax rises from council tax revaluation by scrapping Council Tax; and**
- b) to replace the unfair Council Tax with a local tax based on an ability to pay, as many other countries already have.**

Reason for Decision

The Council has a statutory obligation to set a budget each financial year and must take into account all factors when setting the budget.

Information

At its meeting held on 16th December 2004, Council considered Report Com/9/04 outlining the Provisional Local Government Finance Settlement and its impact upon the Council. Having taken into account the contents of the report, Council resolved to set provisional spending targets for services and requested Directors to prepare reports outlining the implications and consequences of such targets for consideration by the Overview and Scrutiny Board (Minute 417/12/04 refers). Report 7/2205 advised Members of the outcome of the final Local Government Finance Settlement and explained its effect on the Council's overall financial position.

In accordance with the decision reached by Council, the Overview and Scrutiny Board held a number of meetings to which the Executive Members and officers were invited to outline the implications for their services of the budget proposals that had been developed to meet the targets set by the Council. A wide range of stakeholders were also invited to attend the meetings and give their views on the proposals. The Board and the Stakeholders were provided with details of the implications of the budget proposals in respect of each of the Council's Business Units.

Report OSB/1/05 set out the views of the Overview and Scrutiny Board in relation to the Revenue Budget for 2005/2006 which Members of the Executive were asked to take in account in forming their recommendations to Council.

Members of the Executive were also asked to have regard to Report 18/2005 setting out a summary of the results of the "Have Your Say in the Bay" roadshows, which were held in Torbay, Paignton and Brixham in January and February 2005.

Alternative options considered and rejected at the time of the decision

None

Is this a Key Decision? (Give reference number if applicable)

Yes – reference number X55/2004

Does the call-in procedure apply? (If no, please give reason)

No – as any delay likely to be caused by the call-in process would prejudice the Council's and the public's interest. The Overview and Scrutiny Co-ordinator was consulted on 24th January 2005.

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

None

APPENDIX 1 (continued)

Published

25th February 2005

Implementation

The recommendations will be considered by Council on 3rd March 2005.

APPENDIX 1 (continued)

RECORD OF DECISION

COUNCIL TAX 2005/2006

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

That the Director of Finance be instructed to prepare a report to Council in relation to the Council Tax rates for 2005/2006 following consideration of the Revenue Budget for 2005/2006.

Reason for Decision

The Council has a statutory obligation to set a budget every financial year. In addition, in accordance with section 30 (2) of the Local Government Finance Act 1992, the Council must set the Council Tax for each of the eight valuation bands for the coming year.

Information

The Executive was requested to instruct the Director of Finance to prepare a report for submission to the next meeting of Council in relation to the Council Tax rates for 2005/2006.

Alternative options considered and rejected at the time of the decision

None

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

No – the decision is linked to the recommendation to Council in relation to the Revenue Budget.

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

None

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

CAPITAL PLAN BUDGET 2005/2006 TO 2008/2009 – ANNUAL REVIEW

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

That Council be recommended:

- (i) to endorse the principles for setting the Capital Budget presented in paragraph 8.1 of Report 8/2005;**
- (ii) to approve a revised 4-year Capital Plan Budget for the period 2005/2006 – 2008/2009 based upon the allocation of resources presented in Appendix 2b to Report 8/2005; and**
- (iii) to authorise the Director of Finance, in consultation with the Leader of the Council and the Strategic Directors, to determine the allocation of the capitalised costs of cross-service IT and redundancies across the Strategic Directorates when the final costs are more certain.**

Reason for Decision

The endorsement of the Capital Plan over a 4-year period within reasonably predictable resources enables forward planning of investment to be undertaken with some degree of certainty.

It was considered that the proposed amendments to the Capital Plan present the best allocation of resources to enable the development of new capital projects in line with the Council's priorities.

Information

Report 8/2005 requested Members to consider the resources available to fund new capital projects over the next four years and to recommend amendments and additions to the Capital Plan Budget for consideration by Council at its meeting to be held on 3rd March 2005.

At its meetings held on 3rd and 8th February 2005, the Overview and Scrutiny Board considered the options for addressing the demands for capital investment. The Board had been asked to examine the service demands for capital investment compared with the resources likely to be available over the period 2005/2006 to 2008/2009 and to identify any specific proposals it wished to raise with the Executive having particular regard to:-

- whether the basic principles used to determine the current Capital Plan budget continue to be appropriate in the light of limited resources for new schemes;
- whether alternative options for delivering or funding schemes identified in the Reserve List are available; and
- whether there was scope to defer any projects in the approved Capital Plan budget in favour of projects on the Reserve List, particularly those in Band A, and other demands arising from Revenue Budget pressures.

The recommendations of the Board were set out in its report OSB/2/05 which Members of the Executive were asked to take into account in putting forward their proposals to Council on the Capital Plan Budget.

APPENDIX 1 (continued)

Alternative options considered and rejected at the time of the decision

None

Is this a Key Decision? (Give reference number if applicable)

Yes – reference number X55/2004

Does the call-in procedure apply? (If no, please give reason)

No – the decision was a recommendation to Council

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

None

Published

25th February 2005

Implementation

The recommendations will be considered by Council on 3rd March 2005.

APPENDIX 1 (continued)

RECORD OF DECISION

TORBAY RETAIL STUDY 2005 – CONTRACT IN EXCESS OF £25,000

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

That a contract be entered into with GUA Grimley, specialist consultants, to undertake a Torbay retail study.

Reason for Decision

To underpin the preparatory work on the Local Development Framework (LDF).

Information

Report 9/2005 requested that consideration be given to the appointment of specialist consultants to produce a retail study for Torbay for use in the preparation of the LDF. The last retail study which was compiled in 1988 (which was an update of the earlier 1994 study) was considered to be out of date.

Alternative options considered and rejected at the time of the decision

None

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

Yes

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

None

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

LAND TRANSFER TO TORBAY COAST AND COUNTRYSIDE TRUST – ANSTEYS COVE AND REDGATE BEACH, TORQUAY

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

- (i) That the Director of Finance, in consultation with the Director of Law and Support, be authorised to conclude negotiations with the Torbay Coast and Countryside Trust for the transfer, by way of a long lease, of the areas of land identified in Appendix 1 to Report 10/2005, under the terms of the existing Management Agreement with effect from 1st April 2005; and
- (ii) that any necessary budgetary transactions take place to ensure that there is no adverse financial impact on the Council as a result of the transfer.

Reason for Decision

To enable the transfer of the land to the Trust to be concluded.

Information

Report 10/2005 proposed the transfer of land at Ansteys Cove, Redgate Beach and Ansteys Cove Car Park to the Torbay Coast and Countryside Trust by way of a long lease.

Alternative options considered and rejected at the time of the decision

Not to transfer the land to the Trust.

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

Yes

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

None

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

DESIGNATION OF LOCAL NATURE RESERVES

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

That Occombe Farm and Scadson Woods be designated as Local Nature Reserves.

Reason for Decision

The designations would not add any additional conservation burden on the Council and the Torbay Coast and Countryside Trust would remain entirely responsible for their management.

Information

Report 11/2005 had been prepared in response to the request of the Torbay Coast and Countryside Trust for Occombe Farm and Scadson Woods to be designated as Local Nature Reserves.

Alternative options considered and rejected at the time of the decision

Not to designate Occombe Farm and Scadson Woods as Local Nature Reserves.

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

Yes

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

None

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

DECLARATION OF AIR QUALITY MANAGEMENT AREA

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

That the Strategic Director (Environment) be given the authority to declare an area in Hele to be an Air Quality Management Area (AQMA).

Reason for Decision

The decision to declare an area in Hele as an AQMA is based on the need to manage the AQMA effectively and ensure that the needs of the residents of Hele and the delivery of other Council strategies were brought together to secure improvements at Hele Road. Owing to the timescales involved between public consultation and the declaration of the AQMA, utilising delegated powers would expedite the process, enabling government timescales to be complied with.

Information

The Environment Act 1995 gave local authorities statutory responsibilities for local air quality management. Under the legislation they must carry out regular reviews and assessments of air quality in their area against standards and those prescribed in subsequent regulations. Where the monitoring indicated that the standards could not be met, authorities must designate AQMA's and prepare and implement remedial action plans to tackle the problem.

In 2003, an area in Hele Road was monitored, over a limited sample period, for nitrogen dioxide. As a precautionary approach a further detailed monitoring programme was instigated to assess the situation. The results of this exercise were submitted to the Department for Environment Food and Rural Affairs (DEFRA). Whilst it was determined by DEFRA that the data collected was not sufficient to justify the declaration of an AQMA, they requested that further monitoring be undertaken over a 12 month period. Upon receipt of the data collected over that period, DEFRA confirmed the need for the Council to declare an AQMA.

Report 14/2005 requested that the Strategic Director (Environment) be given authority to declare an area in Hele to be an Air Quality Management Area.

Alternative options considered and rejected at the time of the decision

Not to delegate authority to the Strategic Director (Environment)

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

Yes

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

None

APPENDIX 1 (continued)

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

GRANT IN LIEU OF RENT – 10TH TORBAY (BABBACOMBE) SEA SCOUT GROUP – WALLS HILL QUARRY, TORQUAY

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

That the Director of Finance be authorised to give the 10th Torbay (Babbacombe) Sea Scout Group a grant of £925 per annum in lieu of rent from 4th April 2003 until 6th April 2006 to help offset the cost of the assessed market rent of the site.

Reason for Decision

To assist the Scout Group financially to continue its work with the development of young people in a safe environment.

Information

Report 12/2005 (exempt) requested that consideration be given to an application from the 10th Torbay (Babbacombe) Sea Scout Group for a grant in lieu of rent in relation to land at Walls Hill Quarry.

Alternative options considered and rejected at the time of the decision

Not to give any financial assistance to the Group or give the Group a grant to help offset only part of the rent liability.

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

Yes

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

None

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

CHILDREN'S CARE PACKAGE IN EXCESS OF £25,000

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

That the care package in respect of Case ID 49149 be approved.

Reason for Decision

As set out in Report 13/2005 (exempt).

Information

Report 13/2005 (exempt) requested that consideration be given to the funding of a care package (Case ID 49149) which would involve expenditure of over £25,000 per annum.

Alternative options considered and rejected at the time of the decision

None

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

Yes

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

None

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

ADULT CARE PACKAGES IN EXCESS OF £25,000

Decision Taker

The Executive at its meeting held on 22nd February 2005.

Decision

- (i) That the ongoing provision of care in respect of cases 01/02/2005 and 02/02/2005 be approved; and
- (ii) that continued funding of residential care in respect of case 03/02/2005 be approved.

Reason for Decision

As set out in Reports 33/2005 and 38/2005 (exempt).

Information

Reports 33/2005 and 38/2005 (exempt) requested that consideration be given to adult care placements which would involve expenditure in excess of £25,000 in respect of each case.

Alternative options considered and rejected at the time of the decision

None

Is this a Key Decision? (Give reference number if applicable)

No

Does the call-in procedure apply? (If no, please give reason)

Yes

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

None

Published

25th February 2005

Implementation

This decision will come into force and may be implemented on 7th March 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).