

Minutes of the Executive

14th June 2005

-: Present :-

Councillor Harris (Chairman)

Councillors Carter, Faulkner (Mr A), Jennings and McHugh

(Also in attendance: Councillors Bye, Carroll, Cope and Turnbull)

238. Apologies. An apology for absence was received from Councillor Lomas.

239. Minutes. The Minutes of the meeting of the Executive held on 17th May 2005 were confirmed as a correct record and signed by the Leader of the Council.

240. 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.

240.1 Direct Payments.

240.2 Call-in Review of Primary School Places in Torquay.

240.3 Review of Teenage Pregnancy in Torbay.

240.4 Provisional Revenue Account Out-turn 2004/2005.

240.5 Torbay Council Consultation and Engagement Strategy.

240.6 Torbay Council Customer Services Strategy.

240.7 Local Transport Plan – Capital Programme 2005/2006.

240.8 Grant in Lieu of Rent – Site for a Hut a Breakwater Car Park, Brixham.

240.9. Care Package 06/06/2005.

(Note: Prior to consideration of the items in Minutes 240.8 and 240.9 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 paragraph 7, 8 and 9 of Part 1 of Schedule 12A of the Local Government Act 1972.)

Leader of the Council

APPENDIX 1

**to the Minutes of the meeting of the Executive
held on 14th June 2005**

RECORD OF DECISION

DIRECT PAYMENTS

Decision Taker

The Executive at its meeting held on 14th June 2005.

Decision

That decision (2) identified under the information section below be rescinded and replaced with the following:-

“2. That it be noted that exceptional circumstances may apply and these be determined on an individual basis by the Strategic Director (Children) and the Director of Operations”.

Reason for Decision

To give authority to the Strategic Director (Children) and the Director of Operations to vary the hourly rates for domiciliary care in exceptional circumstances.

Information

At the last meeting of the Executive it was resolved:

1. That an hourly rate, including on-costs, for domiciliary care be adopted as follows:

Between 7.00 a.m. and 11.00 p.m.:	£12.40 per hour
Between 11.00 p.m. and 7.00 a.m. (night sleeping rate):	£65.18 per night
2. That it be noted that exceptional circumstances may apply and these be determined on an individual basis by the Lead Officer (Direct Payments); and
3. That the long term development of a Direct Payment Advisory/Support Team (to include a Development Officer, a Direct Payment Advocate, a Direct Payment Payroll Support Worker, an Administrator and a Finance Advisor), affiliated to the Financial Advice and Benefits Team, be supported and that working relationships be developed with independent organisations in Torbay i.e. Vocal and Age Concern.

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

APPENDIX 1 (continued)

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

None

Published

17th June 2005

Implementation

This decision will come into force and may be implemented on 27th June 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

CALL-IN OF REVIEW OF PRIMARY SCHOOL PLACES IN TORQUAY

Decision Taker

The Executive at its meeting held on 14th June 2005.

Decision

- 1. That the responses to the consultation on the options put for changes to the supply of primary school places in Torquay be noted;**
- 2. That the supply of school places in Torquay be reduced by:**
 - (i) publishing notices to close Upton St James CE Primary School in July 2006;**
 - (ii) reducing the Planned Admission Number at Ellacombe Primary School from 60 to 45 from September 2006;**
 - (iii) making no change to the Planned Admission Number at St Margaret's Primary School; and**
 - (iv) reducing the Planned Admission Number at Watcombe Primary School from 45 to 30 from September 2006.**

Reason for Decision

The Council needed to decide what action it intended to take to manage the present and growing rise in surplus places in primary schools. Vacant places represent a drain on the education budget and can lead to competition for pupils among schools.

The Council had consulted about two options involving Upton St James, Ellacombe and St Margaret's primary schools. Neither of the options garnered universal support among those consulted.

Information

Further to the meeting of the Executive held on 17th May 2005, Members noted that the decision taken in relation to the review of primary school places had been called-in by five Members of the Council. This course of action had been taken to enable consideration to be given to the way in which the consultation on the review had been undertaken.

In accordance with the Council's standing orders, the Overview and Scrutiny Board met on 1st June 2005 to consider the consultation process. The Board resolved that the decision of the Executive in relation to the review of primary school places in Torquay be referred back to the Executive. The concerns of the Board were identified in Report OSB/10/05.

Members of the Executive considered Report 111/2005, together with Report OSB/10/05 and the supplementary paper that had been prepared by the Chief Executive of Children's Services in response to the concerns of the Overview and Scrutiny Board.

The final decision would be made by the Schools Organisation Committee (or if not, by the Adjudicator).

APPENDIX 1 (continued)

Alternative options considered and rejected at the time of the decision

The Council could decide not to change the supply of school places, accept that the number of surplus places will grow, accept inevitable criticism during inspections and waste scarce resources in maintaining empty places.

The Council could decide to make further changes other than those agreed although this would require a further period of feasibility work and informal and formal consultation before the matter could be brought for a decision.

Whilst there is wide scope for making a different set of changes it is unlikely that any permutation of changes would be universally well received. Proposals to reduce the supply of places are rarely popular or straightforward.

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

Yes – X4/2005

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

No - the decision has already been called in.

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

Councillor Harris declared a personal prejudicial interest in the matter and withdrew from the meeting (whereupon the Deputy Leader took the Chair for the meeting).

Published

17th June 2005

Implementation

This decision will come into force and may be implemented on 27th June 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

REVIEW OF TEENAGE PREGNANCY IN TORBAY

Decision Taker

The Executive at its meeting held on 14th June 2005.

Decision

That the Strategic Director (Children) be requested to prepare an action plan responding to the relevant issues raised in the report of the Teenage Pregnancy Review Panel not already being dealt with by the Torbay Primary Care Trust in their Teenage Pregnancy Action Plan 2005/2006.

Reason for Decision

To respond to the recommendations of the Teenage Pregnancy Review Panel.

Information

A Teenage Pregnancy Review Panel had been established to consider the effectiveness and success of the services currently in place to deliver the targets of the Teenage Pregnancy Strategy.

The Panel had examined the sustainability of the initiatives in place and evaluated the likelihood of Torbay meeting the national targets of the Teenage Pregnancy Strategy. It also investigated how Torbay could achieve the Government's national targets on teenage pregnancy in the future.

In carrying out its review, it was noted that the Panel had made a significant number of site visits to healthcare professionals, local schools and youth services.

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

17th June 2005

Implementation

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APPENDIX 1 (continued)

RECORD OF DECISION

PROVISIONAL REVENUE ACCOUNT OUT-TURN 2004/2005

Decision Taker

The Executive at its meeting held on 14th June 2005.

Decision

- (i) that the provisional out-turn position for 2004/2005, be noted;
- (ii) that Council be recommended to carry forward sums into the new financial year and the appropriate spending as outlined in the Report 151/2005; and
- (iii) that Council be recommended to make a contribution of £202,000 towards the Council's General Fund balances.

Reason for Decision

To enable the Council to plan the future financial position of the authority.

Information

The Executive received Report 151/2005 informing Members of the provisional revenue account out-turn for the Council for the financial year 2004/2005.

Members noted that any net underspendings within a directly controllable revenue budget could be carried forward into the following year subject to the approval of the Council. The proposed carry forward monies would be used for expenditure in the current financial year to meet existing commitments or to ease existing pressures. The total carried forward sum for 2005/2006 was £1.209m.

In the light of the level of the current of the Council's General Fund reserves, it was recommended that a contribution of £202,000 be made to the balances.

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

17th June 2005

APPENDIX 1 (continued)

Implementation

This decision will come into force and may be implemented on 27th June 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

TORBAY COUNCIL CONSULTATION AND ENGAGEMENT STRATEGY

Decision Taker

The Executive at its meeting held on 14th June 2005.

Decision

That the Torbay Council Consultation and Engagement Strategy, as set out at Appendix 1 to Report 152/2005, be approved for incorporation into a wider strategy covering communication, engagement and consultation.

Reason for Decision

To enable the outcomes identified within the Strategy to be delivered through the delivery of an action plan.

To bring together the Council's strategies for consultation, engagement and communication into one coherent document in recognition that these activities are inter-linked.

Information

Report 152/2005 advised that the Council published its first consultation strategy in July 2002. The new strategy that was before Members for consideration set out the future direction for consultation in Torbay and included an action plan that would enable the Council to deliver on the identified outcomes.

Alternative options considered and rejected at the time of the decision

The strategy could be published as a stand alone document.

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

Yes – Reference Number X50/2005

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

17th June 2005

Implementation

This decision will come into force and may be implemented on 27th June 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

TORBAY COUNCIL CUSTOMER SERVICES STRATEGY

Decision Taker

The Executive at its meeting held on 14th June 2005.

Decision

That the Torbay Council Customer Services Strategy “Its all about you”, as set out at appendix 1 to Report 153/2005, be approved.

Reason for Decision

To provide clarity about customer access to Council services.

Information

Report 153/2005 proposed the adoption of the submitted Customer Services Strategy entitled “It’s all about you” which sets out how customers can access council services and what they can expect when they do.

Alternative options considered and rejected at the time of the decision

Not to approve the Strategy.

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

17th June 2005

Implementation

This decision will come into force and may be implemented on 27th June 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

LOCAL TRANSPORT PLAN – CAPITAL PROGRAMME 2005/2006

Decision Taker

The Executive at its meeting held on 14th June 2005.

Decision

That the Local Transport Plan Capital Programme for 2005-2006, as set out in Appendix 2 to Report 154/2005, be approved.

Reason for Decision

To conform with the requirements of the Transport Act 2000 concerning the development and delivery of a five-year Local Transport Plan for Torbay.

Information

The Government, in December 2004, confirmed the allocation of Supported Borrowing for the funding of capital works for transportation schemes. This allocation was issued, as part of the 2005-2006 Single Capital Pot (SCP), on the basis of the established five-year Local Transport Plan and as a result of the fourth Annual Progress Report submitted in July 2004.

The Council subsequently confirmed, on 3rd March 2005, a 2005-2006 capital budget of £3.934m for Highways Structural Maintenance and Integrated Transport in line with SCP allocations.

Report 154/2005 set out the recommendations of the Transportation Strategy Working Party in relation to the Capital Programme 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)

Yes – Reference Number X28/2005

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

17th June 2005

Implementation

This decision will come into force and may be implemented on 27th June 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 – SITE FOR A HUT AT BREAKWATER CAR PARK, BRIXHAM

Decision Taker

The Executive at its meeting held on 14th June 2005.

Decision

That a grant of £350 (per annum) be offered to the 26th Torbay Scout Group in lieu of rent in respect of the site for a hut at Breakwater Car Park in Brixham for the period 1st April 2005 to 31st March 2010.

Reason for Decision

To provide assistance to the Scout Group.

Information

Report 156/2005 (exempt) requested that consideration be given to the request submitted by 26th Torbay Scout Group for a grant in lieu of rent in respect of the use of the site for a hut at Breakwater Car Park in Brixham.

Alternative options considered and rejected at the time of the decision

Not to offer a grant to the Scout Group.

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

17th June 2005

Implementation

This decision will come into force and may be implemented on 27th June 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

CARE PACKAGE

Decision Taker

The Executive at its meeting held on 14th June 2005.

Decision

That the care package in respect of Case 06/06/2005, which has been authorised by the Director of Operations, be endorsed.

Reason for Decision

To endorse the care package.

Information

Report 157/2005 (exempt) sought endorsement for a care package which would involve expenditure in excess of £50,000

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

17th June 2005

Implementation

This decision will come into force and may be implemented on 27th June 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).