

Minutes of the Executive

13th September 2005

-: Present :-

Councillor Harris (Chairman)

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

(Also in attendance: Councillors Cope, James, Stocks and Turnbull)

477. Minutes. The Minutes of the meeting of the Executive held on 12th July 2005 were confirmed as a correct record and signed by the Leader of the Council.

478. 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.

478.1 Review of Internal Audit.

478.2 Review of Cemeteries.

478.3 Contract - Provision of Occupational Health Services for Employees.

478.4 Contract - Footway Maintenance for 2005-2006.

478.5 Contract – Provision of Temporary Accommodation at the Linton Hotel, Elmsleigh Road, Paignton.

478.6 Care Package – Case 09/09/05 (this item was withdrawn from consideration).

478.7 Lease of Land at Barton Downs, Torquay.

478.8 South West Regional Spatial Strategy – Torbay Council's First Detailed Proposals.

Leader of the Council

APPENDIX 1

**to the Minutes of the meeting of the Executive
held on 13th September 2005**

RECORD OF DECISION

REVIEW OF INTERNAL AUDIT

Decision Taker

The Executive at its meeting held on 13th September 2005.

Decision

That the Strategic Director for Performance, in consultation with the relevant Executive Member, be requested to undertake a review of the Internal Audit Division and that a report on the findings of the review be submitted to the Overview and Scrutiny Board for consideration.

Reason for Decision

To respond to the request of the Overview and Scrutiny Board.

Information

At its meeting on 22nd June 2005, the Overview and Scrutiny Board considered Report 155/2005, which informed Members of the work undertaken by the Internal Audit Division in the 2004/2005 financial year, and outlined the Audit Plan for the 2005/2006 financial year.

The Report asked the Board to determine whether there were any issues that should be raised with the Executive, or whether further investigations or enquiries were necessary. In response to this, the Board resolved that the Executive be requested to undertake an in-depth review of the Internal Audit Division in the light of the points raised in Report 155/2005.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

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

Yes

Declarations of Interest

None

Published

16th September 2005

Implementation

The decision will come into force and may be implemented on Monday, 26th September 2005 unless the call-in procedure is triggered (as set out Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

REVIEW OF CEMETERIES

Decision Taker

The Executive at its meeting held on 13th September 2005.

Decision

- (i) That the Council supports Torbay Coast and Countryside Trust in their development of a green burial site within the confines of the new Conqueror Wood;
- (ii) that the Assistant Director (Environmental Health and Consumer Protection) be requested to approach Teignbridge District Council to ascertain whether they would be interested in entering into a partnership arrangement for future burials;
- (iii) that the Department for Environment, Food and Rural Affairs be advised that this Council intends to install appropriate mercury abatement equipment to the cremators by 2012 in order to reduce mercury emissions by 50%;
- (iv) that the Assistant Director (Environmental Health and Consumer Protection) be authorised to invite tenders from management companies to enter into a partnership agreement with the Council for the management and maintenance of the cemeteries and crematorium;
- (v) that a clause be included in the partnership agreement to ensure that fees and charges may not be increased without the prior approval of the Council;
- (vi) that the management company be encouraged to provide a wider range of memorials to give people more choice in the way in which they can remember their friends and relatives;
- (vii) that two representatives from the Cemeteries Review Panel be nominated to serve on the tender evaluation panel; and
- (viii) that consideration in relation to the possible development of a new cemetery site be deferred for further investigation within a period of not more than 12 months.

Reason for Decision

To respond to the request of the Overview and Scrutiny Board.

Information

The Cemeteries Review Panel undertook a review of cemeteries to ensure that Torbay Council had in place appropriate measures to secure future service delivery in relation to cemeteries and crematorium, which would reflect the needs of the local people of Torbay.

It examined the provision currently operated and maintained by the Council and sought the views of local people on the type of burial and memorial facilities and the location of such facilities they would like to be provided.

The Panel undertook consultation to ascertain the views of the public, funeral directors, memorial masons and faith groups in relation to the current service provision and their suggestions about how the Council could improve the service.

APPENDIX 1 (continued)

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

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

Yes

Declarations of Interest

None

Published

16th September 2005

Implementation

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APPENDIX 1 (continued)

RECORD OF DECISION

CONTRACT - PROVISION OF OCCUPATIONAL HEALTH SERVICES FOR EMPLOYEES

Decision Taker

The Executive at its meeting held on 13th September 2005.

Decision

That Plymouth Hospitals NHS Trust be awarded a three-year contract for the provision of Occupational Health Services for employees.

Reason for Decision

To enable the Council to fulfil its duties under the regulatory framework.

Information

Report 282/2005 requested Members to consider the grant of a three-year contract for the provision of Occupational Health Services for employees including pension and employee welfare management to enable the Council to manage long-term health issues.

Alternative Options considered and rejected at the time of the decision

To award the contract to another organisation – this would involve an increased cost to the Council.

Is this a Key Decision?

No

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

Yes

Declarations of Interest

None

Published

16th September 2005

Implementation

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APPENDIX 1 (continued)

RECORD OF DECISION

CONTRACT - FOOTWAY MAINTENANCE FOR 2005-2006

Decision Taker

The Executive at its meeting held on 13th September 2005.

Decision

- (i) That tenders for a contract for footway maintenance for 2005-2006 be invited; and
- (ii) that the Assistant Director (Highways and Engineering), in consultation with the Executive Member for Environmental Services, be authorised to accept the quotation that is identified as the most economically advantageous.

Reason for Decision

The Council, as the Highway Authority, has a legal obligation to maintain the highway.

Information

Report 282/2005 requested that consideration be given to the award of a contract in respect of footway maintenance for 2005-2006.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

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

Yes

Declarations of Interest

None

Published

16th September 2005

Implementation

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APPENDIX 1 (continued)

RECORD OF DECISION

CONTRACT - PROVISION OF TEMPORARY ACCOMMODATION AT LINTON HOTEL, ELMSLEIGH ROAD, PAIGNTON

Decision Take

The Executive at its meeting held on 13th September 2005.

Decision

- (i) That a block contract for temporary accommodation for ten homeless households be granted to the proprietors of the Linton Hotel, 7 Elmsleigh Road, Paignton, such contract to stipulate that the accommodation would be for families with children and that the use of the premises would be for a trial period of one year;
- (ii) that the Assistant Director (Housing) be requested to meet with the Executive Member for Housing and Leisure on a quarterly basis to provide him with a monitoring report in relation to the use of the accommodation;
- (iii) that an officer be nominated to engage with the local community and to communicate his/her findings to each of the meetings referred to in (ii) above;
- (iv) that a communications exercise be held at the earliest opportunity to ensure that the local community are fully aware of the Council's decision; and
- (v) that the Strategic Director for Community, in consultation with the Executive Member for Housing and Leisure, be authorised to approve the transfer of any similar spot purchase contracts to block contracts, where it is deemed appropriate.

Reason for Decision

To convert provision from spot purchase to a block contract, where the Council becomes the lessee, allowing higher levels of Housing Benefit subsidy to subsidise the provision and to allow the Council to negotiate more cost effective contracts with service providers.

Information

Report 282/2005 requested Members to give consideration to the provision of temporary accommodation for ten homeless households at the Linton Hotel, 7 Elmsleigh Road, Paignton.

Alternative Options considered and rejected at the time of the decision

To continue to spot purchase at higher cost and risk a continued breach of the Office of the Deputy Prime Minister requirement that homeless families do not stay in Bed and Breakfast accommodation for longer than six weeks.

Is this a Key Decision?

No

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

Yes

APPENDIX 1 (continued)

Declarations of Interest

Councillor Carter declared a personal prejudicial interest and withdrew from the meeting.

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16th September 2005

Implementation

The decision will come into force and may be implemented on Monday, 26th September 2005 unless the call-in procedure is triggered (as set out Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

LEASE OF LAND AT BARTON DOWNS, TORQUAY

Decision Taker

The Executive at its meeting held on 13th September 2005.

Decision

- (i) That the Director of Law and Support, in consultation with the Director of Financial Services and the appropriate Members, be authorised to grant a 40-year lease to the Trustees of the Acorn Youth Centre, on terms to be agreed, for the land shown edged red on plan EM 1405 attached as appendix 1 to Report 283/2005; and
- (ii) that the Director of Law and Support, in consultation with the appropriate Member, be authorised to consider any representations received as part of the consultation process.

Reason for Decision

To enable the Trustees of the Acorn Centre to apply for grants to improve the facilities at Barton Downs.

Information

Report 283/2005 sought Members approval to the principal and subsequent grant of a 40-year lease to the Trustees of the Acorn Centre for the playing field and car parking area at Barton Downs.

Alternative Options considered and rejected at the time of the decision

Not to grant the lease which would mean increased ongoing liabilities for the Council.

Is this a Key Decision?

No

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

Yes

Declarations of Interest

Councillor Faulkner (Mr A) declared a personal interest by virtue of the fact that his wife was a member of the Board of the Acorn Centre.

Councillor Jennings also declared a personal interest by virtue of his membership of the Management Committee of the Acorn Centre.

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Implementation

The decision will come into force and may be implemented on Monday, 26th September 2005 unless the call-in procedure is triggered (as set out Standing Orders in relation to Overview and Scrutiny).

APPENDIX 1 (continued)

RECORD OF DECISION

SOUTH WEST REGIONAL SPATIAL STRATEGY – TORBAY COUNCIL'S FIRST DETAILED PROPOSALS

Decision Taker

The Executive at its meeting held on 13th September 2005.

Decision

- (i) That the First Detailed Proposals, set out at Appendix 1 to Report 284/2005, be endorsed as the Council's submission to the Regional Spatial Strategy; and
- (ii) that the need for economic regeneration be emphasised to the Regional Assembly by way of the technical information set out in Appendix 2 to Report 284/2005.

Reason for Decision

To ensure that the Council participates fully in the Regional and Sub-Regional Planning Process and meets the requirements set out by Section 4(4) of the Planning and Compulsory Purchase Act 2004.

To ensure that Torbay's spatial planning requirements, e.g. for economic regeneration, affordable housing and appropriate infrastructure, were properly taken into account in drawing up the statutory development plan for the future of the South West.

Information

Report 284/2005 sought Members' endorsement in relation to the emerging Regional Spatial Strategy (RSS) process and the Torbay and South Devon Sub-Regional Study. The report also sought approval to the Council's First Detailed Proposals in relation to the RSS, in compliance with the Planning and Compulsory Purchase Act 2004.

Alternative Options considered and rejected at the time of the decision

If the Council did not submit a report it would fail to meet its duty in respect of the Planning and Compulsory Purchase Act 2004.

Is this a Key Decision?

No

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

Yes

Declarations of Interest

None

Published

16th September 2005

APPENDIX 1 (continued)

Implementation

The decision will come into force and may be implemented on Monday, 26th September 2005 unless the call-in procedure is triggered (as set out Standing Orders in relation to Overview and Scrutiny).