

THE EXECUTIVE

30th March 2004

-: Present :-

Councillor Harris (Leader of the Council) (In the Chair)

Councillors Charlwood, Cope, McHugh and Stringer

(Also in attendance Councillors Brennan, Browne, Darling, Doggett, Dunn, Faulkner (Mrs J), Nicholls, Porter and Turnbull)

493. Minute's Silence. At the commencement of the meeting, the Leader of the Council referred to the sudden death of Councillor Fenton. All stood for a minute's silence as a mark of respect.

494. Apologies. Apologies for absence were received from Councillors Colborne and James.

495. Minutes. The Minutes of the meetings of the Executive (adjourned) held on 25th February and 4th March 2004 were confirmed as a correct record and signed by the Leader of the Council.

496. Urgent Items. The Executive considered the items in Minutes 000.1 and 000.24, 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.

497. 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.

497.1 Corporate Procurement Strategy and Capital Procurement Code.

497.2 Review of the Provision of Grants in Lieu of Rent.

497.3 Review of Child Protection Services in Torbay.

497.4 Carriageway Surface Dressing.

497.5 Disabled Facilities Grant Service and Home Improvement Agency.

497.6 Location of Telecommunications Masts.

497.7 Arrangements for Licensing Passenger Carrying Pleasure Craft.

497.8 Best Value Review of Services for Older People.

497.9 Community Equipment Services Contract.

497.10. Partnership Agreement for Adult Mental Health and Learning Disability Services.

497.11 Social Services Care Management IT System Contract.

497.12 Cemeteries Working Party.

497.13 Local Transport Plan - Capital Programme 2004-2005.

497.14 Devon Structure Plan – Proposed Modifications.

497.15 Tweenaway Cross Junction, Paignton.

497.16 Torbay Streetscape Guidelines 2004-2007.

497.17 Sure Start Implementation Plan 2004-2006.

497.18 Behaviour Support Plan.

497.19 Review of Special Educational Needs Provision.

497.20 Adult and Community Learning.

497.21 Youth Service Operational Plan 2004-2005.

497.22 School Admission Arrangements 2005-2006.

497.23 Home to School/College Transport.

(Prior to consideration of the item in Minute 497.24 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraphs 9 and 10 of Part 1 of Schedule 12A of the Local Government Act 1972.)

497.24 Disposal of Land at Torquay Community College.

Leader of the Council

APPENDIX 1

**to the Minutes of the meeting of the Executive
held on 30th March 2004**

RECORD OF DECISION

COPORATE PROCUREMENT STRATEGY AND CAPITAL PROCUREMENT CODE

Decision Taker

The Executive at its meeting held on 30th March 2004

Decision

That the Corporate Procurement Strategy and Capital Procurement Code be approved.

Reason for Decision

To deliver Best Value and improve the Council's Comprehensive Performance Assessment rating.

Information

Report MD/8/04 outlined the necessary steps required to develop and implement a modern and efficient procurement regime. To this end, a Corporate Procurement Strategy and Capital Procurement Code had been produced which were before Members for consideration.

Alternative options considered and rejected at the time of the decision

To continue to procure goods and services in a traditional manner.

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION

REVIEW OF THE PROVISION OF GRANTS IN LIEU OF RENT

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

That consideration of the report of the Grants Review Panel be deferred to a future meeting and that the Overview and Scrutiny Board be requested to consider widening the scope of the review to take account of the matters raised at the meeting.

Reason for Decision

To enable the Overview and Scrutiny Board to consider extending the scope of the review.

Information

At the meeting of the Overview and Scrutiny Board held on 17th March 2004, Members received the report of the Grants Review Panel which had been established to consider the current policy for determining applications for grants to offset market rents.

The Overview and Scrutiny Board had endorsed the report of the Review Panel and requested the Executive to consider the recommendations arising from the review.

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 X54/2003

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION

REVIEW OF CHILD PROTECTION SERVICES IN TORBAY

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

- (i) That the guidance for the roles and responsibilities of Councillors as corporate parents (as set out in Appendix 2 to Report OSB/6/04) be adopted and circulated to all Councillors;
- (ii) that, in line with the recommendations of the previous report of the Child Protection Review Panel, all Members of the Council be required to attend training on their role as corporate parents by October 2004; and
- (iii) that the monitoring framework within the guidance be presented to the Overview and Scrutiny Board on a six-monthly basis (together with a contextual covering report) and that the framework be circulated to all other Members of the Council for their consideration.

Reason for Decision

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

Information

The Child Protection Review Panel was established in 2003 to undertake a review of Child Protection Services in Torbay in light of the recommendations of the Victoria Climbié Inquiry. As part of its review, the Panel considered the role of the Council as a corporate parent to all children looked after by the Council. The report was presented to the Overview and Scrutiny Board in October 2003. Arising from consideration of the Report, the Board agreed that the Panel should reconvene to develop the Council's Corporate Parenting Policy in consultation with key stakeholders.

The Child Protection Review Panel met on two occasions to discuss the suggested guidance that had been prepared on the roles and responsibilities of Councillors (in relation to looked after children). The findings of the Panel were considered by the Overview and Scrutiny Board at its meeting held on 17th March 2004 and the recommendations of the Board were before Members of the Executive for consideration.

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION
CARRIAGEWAY SURFACE DRESSING

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

That the Director of Environment Services be authorised to accept the most economically advantageous tender for carriageway surface dressing at various locations in Torbay.

Reason for Decision

To improve the skid resistance of the carriageways and seal the roads from the ingress of water.

Information

Report F/29/04 sought authority to accept the most economically advantageous tender for carriageway surface dressing at various locations within Torbay.

Alternative options considered and rejected at the time of the decision

To accept an alternative tender.

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION

DISABLED FACILITIES GRANT SERVICE AND HOME IMPROVEMENT AGENCY

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

- (i) That the current contract with Anchor Staying Put be extended for a period of twelve months from 1st April 2004; and
- (ii) that the Home Improvement Agency services funded via Supporting People be incorporated into the contract.

Reason for Decision

The existing contract expires on the 31st March 2004.

Information

Report F/29/04 requested that consideration be given to the extension of the contract with Anchor Staying Put for the provision of services and equipment to meet the needs of people assessed by the Social Services Directorate.

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION

LOCATION OF TELECOMMUNICATIONS MASTS

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

- (i) That subject to (ii) below, the current policy for the location of telecommunications masts on land and buildings where the Council is landowner be reconfirmed without applying an overriding restriction to the total number of sites acceptable at any one time on Council owned land; and
- (ii) that applications to erect telecommunications masts on land and buildings owned by the Council should also have regard to the cumulative emissions from base sites in close proximity to the site concerned.

Reason for Decision

To respond to the significant increase in market activity and requests to grant leases for new sites resulting from the introduction of new 3rd Generation networks.

Information

At the meeting of the Environment Services Committee held on 12th December 2001, a policy had been adopted in relation to the location of telecommunications masts on land and buildings owned by the Council (Minute 705/12/01 refers). Report F/30/04 invited Members to reconsider the policy in the light of the observations set out in that document.

Alternative options considered and rejected at the time of the decision

To introduce a moratorium on any new sites being established.

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

Yes – Reference Number X74/2003

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION

ARRANGEMENTS FOR LICENSING PASSENGER CARRYING PLEASURE CRAFT

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

- (i) That, with immediate effect, the Council ceases to exercise its powers contained within Section 22 of the Tor Bay Harbour Act 1970, as amended by the Tor Bay Harbour (Torquay Marina Act &c.) Act 1983, to license pleasure craft and boatmen that are certificated under national standards and/or by alternative legislation; and
- (ii) that the Council continue to license craft if national safety standards do not exist or are not applicable and that in so doing they apply the standards recommended by the South West Regional Standing Committee for the Safety of Small Craft.

Reason for Decision

To avoid duplication with existing national legislation and standards applied in respect of passenger carrying pleasure craft.

To minimise the Council's risk exposure and liability in the event of an accident involving a passenger craft in Tor Bay Harbour.

Information

Further to the meeting of the Executive held on 27th January 2004 (Minute 375.3/1/04 refers), Members received Report TDA/4/04 concerning the licensing of passenger carrying craft operating from Tor Bay Harbour.

Alternative options considered and rejected at the time of the decision

To make no changes to the existing arrangements for the licensing of passenger carrying pleasure craft operating within the harbour.

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION

BEST VALUE REVIEW OF SERVICES FOR OLDER PEOPLE

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

That the actions from the Best Value Review of Services for Older People, Social Services Inspectorate Action Plan and Adult Services Business Plan be combined to form one Work Plan for Adult Services (as set out at Appendix 1 to Report SS/6/04).

Reason for Decision

To produce greater clarity on the actions with respect to services for older people.

Information

Report SS/6/04 informed Members of the progress of the Best Value Review of Social Services for Older People and sought approval to amalgamate the actions arising from that review with the new Social Services Inspectorate Action Plan and Business Plan priorities to create a single Work Plan for Adult Services.

Alternative options considered and rejected at the time of the decision

That the three action plans remain as individual documents to be implemented and monitored separately.

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

Yes – Reference Number X26/2002

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION
COMMUNITY EQUIPMENT SERVICES CONTRACT

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

- (i) That the award of the Community Equipment Service Contract to Torbay Industrial Services at the tendered rate set out in Report SS/7/04 for the period 1st April 2004 until the 30th September 2005 be approved; and
- (ii) that a Section 31 Partnership Agreement be entered into with Torbay Primary Care Trust.

Reason for Decision

Torbay Industrial Services participated in the closed tendering exercise between two organisations for the Community Equipment Services contract and submitted a tender for the service which was within the thresholds agreed by the Community Equipment Services Board. As the second organisation withdrew from the tendering process during the final stages, Torbay Industrial Services was the only organisation capable of integrating the service within the time-scale set by the Department of Health.

The risks associated with not awarding this contract and entering into a Section 31 Partnership Agreement were that Torbay Council would be unable to meet the targets set by the Department of Health such as the integration of the services, targets for community alarms, hospital discharge targets, intensive home care targets, hospital discharge targets and enabling children with disabilities to live in their own homes

Information

Report S/7/04 sought Members' approval to proceed with the proposal to award the Community Equipment Service contract to Torbay Industrial Services and to enter into a Section 31 Partnership Agreement with Torbay Primary Care Trust. Such agreement would enable the budgets for community equipment to be pooled (Torbay Social Services and the Primary Care Trust) and for the commissioning to be delegated to a single lead authority (which in this case would be Torbay Council).

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 X40/2003

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 interest. The Overview and Scrutiny Co-ordinator was consulted on 15th March 2004 and agreed that the decision was urgent.

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

None

Published

2nd April 2004

Implementation

This decision came into force and may be implemented on 31st March 2004.

RECORD OF DECISION

PARTNERSHIP AGREEMENT FOR ADULT MENTAL HEALTH AND LEARNING DISABILITY SERVICES

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

That the Statement of Intent for Health and Social Care Services Integration in Devon, including the Partnership Agreement for the development of Learning Disability and Adult Mental Health Services, as set out at Appendix 1 to Report SS/8/04, be approved.

Reason for Decision

To enable the implementation of the Statement of Intent for Health and Social Care Services Integration in Devon, including the Partnership Agreement for the development of Learning Disability and Adult Mental Health Services.

Information

Report SS/8/04 sought Members' approval for the Statement of Intent for Health and Social Care Services Integration in Devon, including the Partnership Agreement for the development of Learning Disability and Adult Mental Health Services.

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 X51/2002

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION

SOCIAL SERVICES CARE MANAGEMENT IT SYSTEM CONTRACT

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

- (i) That the completion of a contract with In4tek Ltd for the provision of their PARIS system be approved; and
- (ii) that the implementation of the PARIS system across the Adults' Services and Children's Services functions of the Council be progressed.

Reason for Decision

To provide the Social Services Directorate with an appropriate flexible care management system.

The implementation of the PARIS system will improve information sharing across the organisation and between other partner agencies over time.

To meet the requirements of the social care statutory returns through the provision of accurate, quality data.

Information

Report SS/9/04 sought approval to conclude contractual arrangements with In4tek Ltd in respect of the provision of a replacement Care Management System.

Alternative options considered and rejected at the time of the decision

None

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

Yes – General Exception

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 interest. The Overview and Scrutiny Co-ordinator was consulted on 25th March 2004 and agreed that the decision was urgent.

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

None

Published

2nd April 2004

Implementation

This decision came into force and may be implemented on 31st March 2004.

RECORD OF DECISION
CEMETERIES WORKING PARTY

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

- (i) That a Cemeteries Working Party be established in the proportion three Liberal Democrat Members and one Conservative Member; and
- (ii) that the following terms of reference for the Working Party be adopted:-
 - a) to provide guidance to officers on the strategic direction of the cemeteries and crematoria;
 - b) to consider the provision of a new burial site;
 - c) to advise on the development of policy and practice; and
 - d) to promote good working relationships between all stakeholders.

Reason for Decision

To establish a body to give initial consideration to strategic issues which affect the direction in which the cemeteries and crematoria are managed.

Information

Report Env/13/04 proposed the establishment of a Working Party specifically to deal with issues relating to the management of the Council's cemeteries and crematoria.

Alternative options considered and rejected at the time of the decision

To not establish a Working Party.

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION

LOCAL TRANSPORT PLAN - CAPITAL PROGRAMME 2004-2005

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

- (i) That the Transportation Capital Programme for 2004-2005, as set out in Appendix 2 to Report Env/14/04, be approved; and
- (ii) that the provisional Transportation Capital Programme for the period 2005-2006, as set out in Appendix 3 to Report Env/14/04, be approved.

Reason for Decision

To identify priorities for spending in 2004/2005 to enable forward planning and the timely delivery of projects within the Transportation Capital Programme.

Information

The Government, in December 2003, confirmed the financial allocation for the funding of capital works for transportation schemes. This award was issued as part of the 2004-2005 Single Capital Pot on the basis of the established 5-year Local Transport Plan and as a result of the Third Annual Progress Report submitted in July 2003.

Report Env/14/04 set out the recommendation of the Transportation Strategy Working Party in relation to the Transportation Capital Programme for 2004-2005.

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 X14/2004

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION

DEVON STRUCTURE PLAN – PROPOSED MODIFICATIONS

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

That Council be recommended to support the Proposed Modifications as the basis for adopting the Devon Structure Plan, subject to the requirement for Torbay to have a Policy Inset which shows the strategic policies and proposals in greater detail than are shown in the Key Diagram.

Reason for Decision

To provide a response to the proposed changes to the Devon Structure Plan.

Information

Report Env/12/04 summarised the Proposed Modifications to the Devon Structure Plan 2001 and set out a suggested response from Torbay Council.

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 X43/2003

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

No – the decision is a recommendation to Council.

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

None

Published

2nd April 2004

Implementation

The recommendation will be considered at the meeting of Council to be held on 5th April 2004.

RECORD OF DECISION

TWEENAWAY CROSS JUNCTION, PAIGNTON

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

That the principles of an improvement scheme in relation to Tweenaway Cross and the magnitude of the improvement, as identified in paragraph 6.1 of Report Env/15/04, be approved.

Reason for Decision

- (i) To enable the scheme for the improvement of Tweenaway Cross to be progressed further in accordance with the Council's Local Transport Plan Capital Programme;
- (ii) to enable a detailed planning application to be submitted by the end of 2004;
- (iii) to have a recognised scheme for improvement to the junction to enable Torbay Council to obtain developer contributions towards the total cost of the scheme;
- (iv) to enable the land necessary for the improvement to be acquired and/or arrange exchanges of land where possible if land required was not directly available; and
- (v) to enable any further sources of funding to be identified.

Information

Report Env/15/04 set out the options that could be pursued to address the traffic congestion at the Tweenaway Cross road junction on the Torbay Ring Road. The options had been assessed in terms of a number of factors including cost and environmental impact. The report also referred to the options in relation to the provision of pedestrian facilities and the criteria used to assess each possible course of action.

It was the intention to undertake a consultation exercise in relation to the approved scheme and those options rejected by the Executive. The exercise would commence in mid May and conclude at the end of June 2004.

Alternative options considered and rejected at the time of the decision

As set out in Report Env/15/04.

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

Yes – Reference Number X24/2003

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION

TORBAY STREETSCAPE GUIDELINES 2004-2007

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

- (i) That the Streetscape Guidelines be adopted as Council Policy; and
- (ii) that all non-Executive Members be provided with a copy of the Streetscape Guidelines and that a presentation on such guidance be arranged for the benefit of all Members of the Council, immediately before a future meeting of the Council.

Reason for Decision

To meet the requirements of the Strategic Plan.

Information

Report Env/16/04 proposed the adoption of the Torbay Streetscape Guidelines as a policy to guide best practice in the design and development of environmental improvements within Torbay and to assist officers in securing appropriate Section 106 agreements in relation to proposed developments.

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 X11/2004

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION

SURE START IMPLEMENTATION PLAN 2004-2006

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

That Council be recommended to adopt the Sure Start Implementation Plan 2004-2006, subject to the inclusion of the following additional paragraph under the heading "Monitoring the Progress":

"The Lead Officer shall present a monitoring report on the progress of the Plan to the Strategic Group of the Children and Young People's Strategic Partnership following the submission of the quarterly reports."

Reason for Decision

To comply with the requirement for the Plan to be submitted to the Department for Education and Skills for approval.

Information

The Overview and Scrutiny Board considered Report LCS/8/04 on the Sure Start Implementation Plan for 2004-2006. The Plan had been developed through the Early Years Development and Childcare Partnership which included Members and representatives of various stakeholder organisations. The Plan related to a number of different local and corporate plans and to a variety of developmental issues including regeneration, sustainability, training and employment and the integration of services.

Whilst the Plan was target-driven, the Board were keen to ensure that mechanisms were in place to ensure that the overall aims and objectives of the Plan were achieved. Monitoring would take place through the Children's and Young People's Strategic Partnership and the Learning and Cultural Services Performance Board.

Members of the Executive were asked to consider the Plan in the light of the observations of the Overview and Scrutiny Board.

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 X82/2003

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

No – the decision is a recommendation to Council

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

None

Published

2nd April 2004

Implementation

The recommendation will be considered at the meeting of Council to be held on 5th April 2004.

RECORD OF DECISION
BEHAVIOUR SUPPORT PLAN

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

That the policies and principles in the draft Torbay Behaviour Support Plan 2004-2007 be approved and the general approach of planning, with further consultation, for more action for mainstream inclusion be endorsed.

Reason for Decision

The Torbay Behaviour Support Plan addressed the delivery of a higher level of inclusiveness in all Torbay Schools at the same time as dealing with a growing culture of educational exclusion in Torbay.

Information

The Local Education Authority had a statutory duty to produce plans which respond to current local circumstances in terms of behaviour management, exclusions and professional development needs. The Behaviour Support Plans support schools in their efforts to maintain high standards of pupil behaviour and set out arrangements for pupils with emotional, behavioural and social difficulties.

Report LCS/9/04 recommended the adoption of the submitted Behaviour Support Plan. The Department for Education and Skills (DfES) required the Council's current Behaviour Support Plan to be revised and a new plan for the period 2004-2007 to be submitted to the DfES.

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 X79/2003

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION
REVIEW OF SPECIAL EDUCATIONAL NEEDS PROVISION

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

- (i) That the outline draft Review of Special Educational Needs Provision be approved for consultation with key partners and stakeholders from April to July 2004; and
- (ii) that the general approach of planning for more action for mainstream inclusion, necessitating a new financial strategy over three years, be endorsed.

Reason for Decision

The draft Review of Special Educational Needs (SEN) Provision addresses the delivery of a higher level of inclusiveness in all Torbay schools at the same time as dealing with a growing culture of educational exclusion in Torbay.

Information

The Local Education Authority (LEA) had a duty to keep under review its provision for SEN. The last review took place in 1999, although LEA SEN services were later subject to a Best Value review, as a consequence of a recommendation of the OfSTED inspection. Report LCS/10/04 outlined the draft review of SEN provision.

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 X17/2003

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION
ADULT AND COMMUNITY LEARNING

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

- (i) That the change of management of Adult and Community Learning (and other related adult learning contracts) from Torbay Council Local Education Authority (LEA) to South Devon College from 1st August 2004 be approved;
- (ii) that a Service Level Agreement with Devon County Council for the management of Outdoor Education from 1st September 2004 be approved;
- (iii) that the Youth Service (including the Duke of Edinburgh's Award Scheme) would become a centrally managed service from 1st August 2004; and
- (iv) that the management of Early Years and Childcare continues as at present and that this be re-considered as part of the development of a Children's Service in 2004/2005.

Reason for Decision

The Principals of the three Torbay Community Colleges had unanimously supported the recommended change in management, as had the Principal of South Devon College. The streamlining of the structure would assist in the improvement of provision for learners and allow the Council to focus on its statutory duties. The Learning and Skills Council (LSC) had also welcomed the proposal.

Consultation on Outdoor Education, and the Youth Service, including the Duke of Edinburgh's Award Scheme, indicated that a change in management would provide an improved service.

Further consideration would be given to the management of the Early Years and Childcare service as part of the overall strategy for the development of a Children's Service and Children's Trust.

Information

Further to the meeting of the Executive held on 6th January 2004 (Minute 326.25/1/04 refers), Members considered Report LCS/11/04 in relation to the proposed change of management of Adult and Community Learning from the LEA to South Devon College and the proposals for the management of other aspects of Community Education.

A petition was submitted at the meeting of the Executive opposing the planned transfer of local education services to South Devon College. The petitioners were in support of the continued use of the Bishop's Place facility as a community and education centre and the continued provision of subsidised vocational and non-vocational learning to the community as a whole.

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 X78/2003

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION

YOUTH SERVICE OPERATIONAL PLAN 2004-2005

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

- (i) That the Torbay Youth Service Operational Plan 2004-2005 be endorsed; and
- (ii) that the management of the Youth Service be restructured as a centrally managed service from 1st August 2004.

Reason for Decision

The Youth Service Operational Plan for 2004/2005 was required to attract funding from the Department for Education and Skills. The Torbay Youth Service, with its limited resources, would achieve greater effectiveness and efficiency if centrally managed but delivered locally.

Information

Report LCS/12/04 requested that consideration be given to the draft Torbay Youth Service Operational Plan 2004/2005. The Plan had been written in collaboration with the Torbay Youth Work Partnership which included statutory and voluntary providers and representatives from other organisations.

The Council was required to submit the Plan to the Government Office for the South West by 31st March 2004.

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 X84/2003

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION

SCHOOL ADMISSION ARRANGEMENTS 2005-2006

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

- (i) That the consultation that has taken place with regard to admission arrangements for Nursery Units at Community and Voluntary Controlled Primary Schools be noted;
- (ii) that the admission arrangements for 2005-2006 for Community and Voluntary Controlled Nursery Units, as set out in Appendix 1 to Report LCS/13/04, be approved;
- (iii) that the consultation that has taken place on admission arrangements for Community and Voluntary Controlled Schools, with particular reference to the timing of admission to Reception classes, as set out in Appendix 2 to Report LCS13/04, be noted;
- (iv) that the admission arrangements for Community and Voluntary Controlled Schools, as set out in Appendix 3 to Report LCS/13/04, be approved;
- (v) that the position with regard to consultations carried out with the Council by other admitting authorities and the possibility that the Council may need to refer some of these arrangements to the Schools' Adjudicator be noted; and
- (vi) that the position regarding the Co-ordinated Admission Scheme for Primary and Secondary Schools be noted.

Reason for Decision

The admission arrangements for the 2004/2005 school year must be determined by 15th April 2004.

Information

Report LCS/13/04 advised that consultations had been undertaken in relation to the admission arrangements for community and voluntary controlled schools for the 2004/2005 school year in accordance with the relevant statutory requirement. The report set out the admission arrangements which had been prepared having regard to the responses arising from the consultation exercise.

Alternative options considered and rejected at the time of the decision

The LEA had a statutory duty to set admission arrangements for Community and Voluntary Controlled Schools. If a local agreement could not be reached a scheme would be imposed by the Secretary of State.

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

Yes – Reference Number X81/2003

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION
HOME TO SCHOOL/COLLEGE TRANSPORT

Decision Taker

The Executive at its meeting held on 30th March 2004.

Decision

- (i) That the relationship between policy decisions and expenditure in relation to home to school transport be noted; and
- (ii) that the Director of Learning and Culture be requested to report to a future meeting of the Executive on ways in which expenditure on home to school transport might be reduced whilst maintaining a feasible transport network.

Reason for Decision

To assist Members in the monitoring of a volatile budget and to enable consideration of possible policy changes.

Information

Report LCS/15/04 set out a detailed breakdown of the current costs together with the implications of various possible policy changes in respect of home to school/college transport.

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

2nd April 2004

Implementation

This decision will come into force and may be implemented on 14th April 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

RECORD OF DECISION
DISPOSAL OF LAND AT TORQUAY COMMUNITY COLLEGE

Decision Taker

The Executive at its meeting held on 30th March 2004

Decision

- (i) That the bid from Cavanna Homes (Torbay) Ltd in the sum of £1,457,000 for the land known as the Haldane and Scotia plots at Torquay Community College be accepted; and
- (ii) that Council be recommended to allocate the capital receipt from the land as follows:-

Development of a sports hall at Torquay Community College	£850,000
Additional funding for the College	£150,000
Funding to be included within the Capital Plan	£457,000
Total	£1,457,000

Reason for Decision

To generate a capital receipt and secure the provision of affordable housing on the site.

Information

At the meeting of the Cabinet held on 9th July 2002, Members considered Report Ed/26/02 setting out a proposal to dispose of the land at Torquay Community College. The Cabinet agreed to dispose of the land and recommended to the Council that the capital receipt "be used in particular for the development of a sports hall at the college for which a bid had been submitted to the New Opportunities Fund for physical education and sports". The Council, at its meeting held on 25th July 2002, approved the recommendation of the Cabinet.

The Development Control Committee, at its meeting held on 15th December 2003, granted outline planning consent for residential development on the site. The Committee made a suggestion that an element of affordable housing be secured through the Council's role as landowner (or a proportion of the sale of the proceeds be used for that purpose).

Report MD/9/04 requested that consideration be given to the bids received as a result of the tendering process in respect of the disposal of the land known as the Haldane and Scotia plots at Torquay Community College.

Alternative options considered and rejected at the time of the decision

To accept an alternative bid.

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

No

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

No as the tender documentation requires the Council to issue written acceptance of the successful tender bid on 31st March 2004. The Overview and Scrutiny Co-ordinator was consulted before the meeting and agreed that the decision was urgent.

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

None

Published

2nd April 2004

Implementation

The decision in (i) above will come into force and may be implemented on 31st March 2004.

The decision in (ii) above is a recommendation to Council.