

Minutes of the Executive

13th July 2004

-: Present :-

Councillor Harris (Chairman)

Councillors Charlwood, James, Lomas and McHugh

(Also in attendance: Councillors Browne, Killick, Nicholls, Stocks and Turnbull)

120. Apologies. Apologies for absence were received from Councillors Colborne and Stringer.

121. Minutes. The Minutes of the meeting of the Executive held on 8th June 2004 were confirmed as a correct record and signed by the Leader of the Council.

122. 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.

122.1 RNIB Manor House, Torquay.

122.2 Revenue Budget Monitoring.

122.3 Torre Valley North, Torquay.

122.4 Land in the Grounds of Oldway Mansion, Paignton.

122.5 Traffic and Environmental Improvements in Torre.

122.6 Local Compact.

122.7 Petition/Notice of Motion – Public Toilets.

(Note: Prior to consideration of the items in Minutes 122.8 and 122.9, Councillor Harris withdrew from the meeting as he had declared a prejudicial interest. Councillor Charlwood was elected as Chairman for those items.)

122.8 Notice of Motion – Hearing Support Centre at St Margarets School, Torquay.

122.9 Notice of Motion – St Margarets School/Hearing Support Centre, Torquay.

(Note: Prior to consideration of the item in Minute 122.10 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 paragraph 9 of Part 1 of Schedule 12A of the Local Government Act 1972.)

122.10 Breakwater Café, Breakwater, Brixham.

Leader of the Council

APPENDIX 1

**to the Minutes of the meeting of the Executive
held on 13th July 2004**

RECORD OF DECISION

ROYAL NATIONAL INSTITUTE OF THE BLIND (RNIB) MANOR HOUSE, TORQUAY

Decision Taker

The Executive at its meeting held on 13th July 2004.

Decision

- (i) That Torbay Council works actively with any future provider of a specialist visually impaired service within Torbay, and that the Council should seek to work with other partners to help to provide this service in the future;
- (ii) that the Government be pressed to explore the current lack of provision for rehabilitation for those people who have suddenly lost their sight in the United Kingdom;
- (iii) that the Royal National Institute of the Blind (RNIB) be pressed to explain why they have failed so far to implement their own recommendations from the South West Review of 2003 to set up between two and six partnership projects in the South West region; and
- (iv) that the Council should make representations to the Charity Commission over the conduct of the RNIB in regard to the closure of Manor House, due to the high levels of public dismay at the shutting down of the centre.

Reason for Decision

To respond to the recommendations of the RNIB Manor House Review Panel.

Information

A Review Panel had been established to investigate the issue of the planned closure by the RNIB of the specialist employment and social rehabilitation centre based at Manor House in Torquay.

The Panel met on seven occasions to consider evidence and work through its project plan. It considered the reasons for the closure, the manner in which the consultation process was conducted and the impact that the closure would have not only on the visually impaired community, but also on Torbay as a whole.

The Executive received Report OSB/9/04 setting out the recommendations of the Review Panel, which were before Members 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

APPENDIX 1 (continued)

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

20th July 2004

Implementation

This decision will come into force and may be implemented on 28th July 2004 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 MONITORING

Decision Taker

The Executive at its meeting held on 13th July 2004.

Decision

- (i) That the projected out-turn position be noted; and
- (ii) that the management actions identified in Report F/45/04 be endorsed.

Reason for Decision

To indicate the budgetary position for a range of services and to enable appropriate action to be taken to ensure the Council contains expenditure within its overall budget.

Information

Report F/45/04 provided Members of the Executive with a summary of the projections of income and expenditure for the year compared with the approved budgets for Torbay Council for 2004/2005.

The revenue monitoring statement set out the actual expenditure as at the end of June 2004 and the projected out-turn position was based upon the latest information available at the time the report was published.

On consideration of the report, Members were advised that Parliament would shortly (19th July) be considering whether to make an order to "cap" the Council. In the event that Parliament decided to take that course of action, the authority would have a period of 21 days within which to set a new budget and council tax levels.

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

20th July 2004

APPENDIX 1 (continued)

Implementation

This decision will come into force and may be implemented on 28th July 2004 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

TORRE VALLEY NORTH – DEVELOPMENT PROPOSALS

Decision Taker

The Executive at its meeting held on 13th July 2004.

Decision

That consideration of the matter be deferred to a future meeting of the Executive.

Reason for Decision

To enable further information to be sought.

Information

Report LCS/25/04 outlined proposals in relation to the construction of a building on land at Torre Valley North Recreation Ground (Walnut Road end) to accommodate a General Practitioners surgery and gymnastics facilities. In particular, Members were asked to consider leasing the area of land to the partnership that had been established to take the scheme forward.

Alternative options considered and rejected at the time of the decision

To grant a lease to the partnership in respect of the site.

Not to grant a lease.

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)

Yes – The Assistant Managing Director (Bill Norman) and the Director of Finance (Richard Thorpe) declared a personal interest in relation to this item).

Councillor Charlwood also declared a personal interest in this item.

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20th July 2004

Implementation

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APPENDIX 1 (continued)

RECORD OF DECISION

LAND IN THE GROUNDS OF OLDWAY MANSION, PAIGNTON

Decision Taker

The Executive at its meeting held on 13th July 2004.

Decision

That the Director of Learning and Culture, in consultation with the Assistant Managing Director and the Director of Finance, be authorised to approve the use of the land (as indicated by black hatching on the plan in Appendix 1 to Report LCS/26/04) by Oldway Primary School on terms to be determined.

Reason for Decision

To respond to the request of Oldway Primary School.

Information

Report LCS/26/04 requested Members to give consideration to the creation of a play area within the curtilage of Oldway Mansion for use by pupils at the Oldway Mansion Primary School.

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)

Yes – Councillor Nicholls declared a personal interest in this item.

Published

20th July 2004

Implementation

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APPENDIX 1 (continued)

RECORD OF DECISION

TRAFFIC AND ENVIRONMENTAL IMPROVEMENTS IN TORRE

Decision Taker

The Executive at its meeting held on 13th July 2004.

Decision

That the recommendations of the Torre Action Group (TAG), as set out in section 6.2 of Report Env/37/04, be endorsed and the Director of Environment Services be requested to progress the initiatives in accordance with the programme set out in section 7.1 of that report.

Reason for Decision

To secure real improvements in the quality of life for Torre residents and local business people.

Information

The Torre Action Group (TAG) in partnership with the Safer Communities Partnership and Torbay Council had highlighted the need for community project for Torre, which would lead to environmental and community enhancement, improvements to traffic circulation and parking and the establishment of a framework to assist businesses in Torre.

The Partnership had recently organised a "Community Planning Day" in Brunswick Square, Torre to enable the general public to express their views on suggested improvements to the Torre area.

Report ENV/37/04 set out an analysis of the comments made together with the recommendations of the TAG which had been formulated in light of the observations that had been put forward.

Alternative options considered and rejected at the time of the decision

Not to spend money on improving Torre. An opportunity would, however, be lost to secure real improvements, which could benefit not only existing residents and traders, but also future occupants of the nearby redeveloped South Devon College site.

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

Yes – Reference Number X30/2004

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

20th July 2004

APPENDIX 1 (continued)

Implementation

This decision will come into force and may be implemented on 28th July 2004 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 COMPACT

Decision Taker

The Executive at its meeting held on 13th July 2004.

Decision

- (i) That the Local Compact Framework document be approved and that the Torbay Strategic Partnership be informed accordingly; and
- (iii) that a programme of work be developed with partner agencies for the development of protocols.

Reason for Decision

To provide a framework for future working relationships between partners.

Information

In 1998 the government adopted a national compact "Getting it Right Together", which provided a framework to improve relationships between the government and the voluntary community sectors in England. The government had indicated that compacts at a local level were crucial to good governance and all local authorities had been asked to produce a compact.

Report CG/21/04 set out, for consideration, the local compact which had been prepared in conjunction with other local organisations.

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 X2/2004

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

20th July 2004

Implementation

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APPENDIX 1 (continued)

RECORD OF DECISION

PETITION/NOTICE OF MOTION - PUBLIC TOILETS

Decision Taker

The Executive at its meeting held on 13th July 2004.

Decision

- (i) That it be noted that public toilets have been kept open at Brixham, Paignton and Torquay Harbours, Babbacombe Downs and Berry Head and Cockington Country Parks;
- (ii) that it also be noted that negotiations are nearing completion with a local community group regarding the re-opening of the toilets at Goodrington North (Young's Park) and Goodrington South (South Sands); and
- (iii) that discussions continue with all interested parties in an endeavour to re-open further facilities in the Bay.

Reason for Decision

To respond to the Notice of Motion and request of the petitioners.

Information

A petition was referred from the meeting of the Council held on 24th July 2004 requesting the Council to re-open the public toilets that had been closed in Torbay.

In accordance with Standing Order 14.2 (b) in relation to Council and Committee Meetings, the following Notice of Motion was also referred from the above meeting:-

"This Council having listened to the overwhelming voice of the people of Today, hereby instructs the Director of Environmental Services to reopen all the public toilets within Torquay, Paignton and Brixham that have been closed by the Liberal Democrat administration to ensure that no further damage is done to the economy of Torbay.

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

APPENDIX 1 (continued)

Published

20th July 2004

Implementation

This decision will come into force and may be implemented on 28th July 2004 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

NOTICE OF MOTION – HEARING SUPPORT CENTRE AT ST MARGARETS SCHOOL, TORQUAY

Decision Taker

The Executive at its meeting held on 13th July 2004.

Decision

That the motion be adopted.

Reason for Decision

To respond to the Notice of Motion.

Information

The following Notice of Motion was presented to the Council at its meeting on 24th July 2004 in accordance with Standing Order 14.2 (b) in relation to Council and Committee Meetings and was referred to the Executive for consideration:-

“This Council supports the invaluable service provided by the Hearing Support Centre at St Margarets School. We are prepared to take whatever steps are necessary to ensure its continuing existence.”

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)

Yes – Councillor Harris declared a prejudicial interest and withdrew from the meeting.

Published

20th July 2004

Implementation

This decision will come into force and may be implemented on 28th July 2004 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

NOTICE OF MOTION –ST MARGARETS SCHOOL/ HEARING SUPPORT CENTRE, TORQUAY

Decision Taker

The Executive at its meeting held on 13th July 2004.

Decision

That the motion be not adopted.

Reason for Decision

To respond to the Notice of Motion.

Information

The following Notice of Motion was presented to the Council at its meeting on 24th July 2004 in accordance with Standing Order 14.2 (b) in relation to Council and Committee Meetings and was referred to the Executive for consideration:-

“This Council deplores the decision to close St Margaret’s School and the loss which will be occasioned to the hard of hearing children of Torbay and instructs the Director of Learning and Cultural Services to maintain this valuable provision for future generations of children in Torbay”.

It was noted that there had never been a proposal to close St Margaret’s school. It was also noted that the Special Education Needs (SEN) provision was currently subject to a consultation exercise and the future of the Hearing Centre at the school, along with many other issues covered by the review of SEN, would be considered at the September meeting of the Executive in the light of the findings of the review.

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)

Yes – Councillor Harris declared a prejudicial interest and withdrew from the meeting.

Published

20th July 2004

Implementation

This decision will come into force and may be implemented on 28th July 2004 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

BREAKWATER CAFÉ, BREAKWATER, BRIXHAM

Decision Taker

The Executive at its meeting held on 13th July 2004.

Decision

That a lease be granted in respect of the café and toilet block for a period of 30 years (from 30th November 2000) and that the other terms be determined by the Director of Finance in consultation with the Executive Member for Finance and the Assistant Managing Director.

Reason for Decision

To respond to the request of the tenants of the café.

Information

Members received Report F/46/04 which had been prepared in response to a request by the tenants of the Breakwater café, Brixham for consideration to be given to their proposals in relation to the café and the nearby toilet block at Breakwater Beach.

Alternative options considered and rejected at the time of the decision

To dispose of the freehold interest in the Breakwater Café and adjoining toilet block.

To grant a long term lease in respect of the Café and adjoining toilet block.

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

20th July 2004

Implementation

This decision will come into force and may be implemented on 28th July 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).