

# Minutes of the Executive

14th September 2004

-: Present :-

Councillor Harris (Chairman)

Councillors Charwood, James, Lomas, McHugh and Stringer

(Also in attendance: Councillors Browne, Hytche, Jennings, Stocks and Turnbull)

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**240. Minutes.** The Minutes of the meetings of the Executive held on 13th July and 3rd August 2004 were confirmed as a correct record and signed by the Leader of the Council.

**241. 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.

**241.1** School and College Transport Policy.

**241.2** Executive Social Services Committee.

**241.3** Review of the Provision of Grants in Lieu of Rent.

**241.4** Best Value Review of Human Resources.

**241.5** Pearl Assurance House.

**241.6** Decriminalised Parking Enforcement.

**241.7** Transfer of Industrial Services Group to a Local Authority Controlled Company.

**241.8** Lease at Victoria Square, Paignton.

**241.9** Book Supply Contracts.

**241.10.** Leisure Card Options for Addressing Social Inclusion Issues.

**241.11** Planning Brief - Long Road South Business Park, Paignton.

**241.12** Planning Brief - Former Dolphin Park Holiday Park, Brixham.

Leader of the Council

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## **APPENDIX 1**

**to the Minutes of the meeting of the Executive  
held on 14th September 2004**

### **RECORD OF DECISION**

#### **SCHOOL AND COLLEGE TRANSPORT POLICY**

##### **Decision Taker**

The Executive at its meeting held on 14th September 2004.

##### **Decision**

**That the Overview and Scrutiny Board be requested to review, as a matter of urgency, the issues contained within Report LCS/28/04 and to make recommendations to a special meeting of the Executive (to be held by the end of September 2005) on any changes to the School and College Transport Policy.**

##### **Reason for Decision**

To enable the Overview and Scrutiny Board to consider all the issues in relation to the Council's policy on school and college transport.

##### **Information**

Report LCS/28/04 gave details of a review of the policy for providing transport between pupils' and students' homes and their schools and colleges. It was felt that further investigation was necessary, in particular in relation to the policies in place in other South West authorities and the legal implications of any changes in the policy.

##### **Alternative options considered and rejected at the time of the decision**

To agree the Policy as recommended by the Director of Learning and Cultural Services.

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

Yes – Reference Number X51/2003

##### **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**

17th September 2004

##### **Implementation**

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

#### **EXECUTIVE SOCIAL SERVICES COMMITTEE**

##### **Decision Taker**

The Executive at its meeting held on 14th September 2004.

##### **Decision**

**That the membership of the Executive Social Services Committee be amended to include the Executive Member for Social Services, the Executive Member for Finance and two other Members of the Executive.**

##### **Reason for Decision**

To increase the flexibility of the membership of the Executive Social Services Committee.

##### **Information**

At its meeting held on 8th June 2004, the Executive established an Executive Social Services Committee to exercise the Executive's powers in relation to all Social Services and Housing functions. This comprised the Leader of the Council, Deputy Leader of the Council and Executive Members for Finance and Social Services. Following the operation of the Committee, it is clear that there needs to be some ability to vary the Membership of the Committee from time to time in order that quorum meetings can be held.

##### **Alternative options considered and rejected at the time of the decision**

That the membership of the Committee be not amended.

##### **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 September 2004

##### **Implementation**

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

#### **REVIEW OF THE PROVISION OF GRANTS IN LIEU OF RENT**

##### **Decision Taker**

The Executive at its meeting held on 14th September 2004.

##### **Decision**

- (i) That the criteria for determining applications for grants in lieu of rent be as set out at Appendix 4 to Report OSB/5/04, and that the criteria be applied from 1st October 2004;
- (ii) that all future applications be made by way of an application form, as set out at Appendix 5 to Report OSB/5/04;
- (iii) that the Panel be thanked for its work on the review and that the comments raised in Report OSB/12/04 be noted;
- (iv) that consideration be given to administering all Council grants from a single point within the Authority; and
- (v) that if it is proposed to reduce any organisation's grant in lieu of rent a risk assessment of that proposal be carried out.

##### **Reason for Decision**

Given the limited resources of the Council, applications for grants in lieu of rent should be judged against the priorities within the Community Plan.

By making applications by way of an application form, Members will have all appropriate information available to them when applications are determined.

Administering grants from a single point of contact enables a knowledge base to be established and therefore, if the Council is not able to offer a grant in a particular circumstance, the applicant could be signposted to other possible sources of funding.

Risk assessments would highlight all the impacts on the Council of withdrawing any grants in lieu of rent received by voluntary organisations within Torbay.

##### **Information**

Report OSB/5/04 containing the recommendations arising from the review of the provision of grants in lieu of rent was presented to the Executive at its meeting held on 30th March 2004. Consideration of the Report was deferred at that meeting and the Overview and Scrutiny Board was requested to consider widening the scope of the review to take account of the matters raised at the meeting.

In order to progress the Review, the Panel invited the Executive Members for the Environment and Finance to meet with it to discuss the concerns of the Executive. A further meeting of the Panel was then held in order for the Panel to determine how it would wish to progress the matter.

The Panel believe that it has met the request of the Executive to draw up a policy for determining the level of grant to be offered to organisations to offset the market rent of premises let to them by the Council. It therefore confirmed its recommendations to the Executive as set out in Report OSB/5/04 and made further comment which were set out in Report OSB/12/04.

## **APPENDIX 1 (continued)**

### **Alternative options considered and rejected at the time of the decision**

Not to accept the recommendations of the Overview and Scrutiny Board.

### **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 September 2004

### **Implementation**

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

#### **BEST VALUE REVIEW OF HUMAN RESOURCES**

##### **Decision Taker**

The Executive at its meeting held on 14th September 2004.

##### **Decision**

**That the Service Improvement Plan prepared in response to the Best Value Review of Human Resources Directorate be approved.**

##### **Reason for Decision**

The Service Improvement Plan contains actions which will enable the Human Resources Directorate to address the findings of the Best Value Review of the Directorate.

##### **Information**

At the meeting of the Overview and Scrutiny Board held on 14th July 2004, the Board considered the report of the Best Value Review of the Human Resources Directorate, set out as Appendix 1 to Report OSB/11/04. The Board noted that the report had been subject to scrutiny by the Support Services Challenge Panel.

In accordance with the Council's toolkit for undertaking Best Value Reviews, the Service Improvement Plan was before the Executive for approval.

##### **Alternative options considered and rejected at the time of the decision**

To not approve the Service Improvement Plan.

To make amendments to the Service Improvement Plan.

##### **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 September 2004

##### **Implementation**

This decision will come into force and may be implemented on 27th September 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**  
**PEARL ASSURANCE HOUSE**

**Decision Taker**

The Executive at its meeting held on 14th September 2004.

**Decision**

- (i) That Members of the Executive undertake a visit to the offices at Pearl Assurance House to gain an understanding of the factors influencing the capital and revenue costs associated with the acquisition of the office accommodation;
- (ii) that the Assistant Managing Director, in consultation with the Executive Member for Finance and the Director of Finance, be authorised to agree terms for and complete the acquisition of a lease for offices on the first and second floors of Pearl Assurance House for a term expiring on 21st April 2008; and
- (iii) that subject to (ii) above a budget growth item of £50,000 be provided within the 2005/2006 estimates to fund the lease and running costs for Pearl Assurance House.

**Reason for Decision**

To resolve one of the immediate accommodation needs of the Authority, without which specific services would be unable to continue to provide their services.

**Information**

Report MD/16/04 gave details of an opportunity that had arisen to acquire office accommodation at Pearl Assurance House, 101-107 Union Street, Torquay. It was proposed that the Housing Services Team (currently based at Oldway Mansion, Paignton) should be moved to this accommodation as this was considered more appropriate to the Team's needs (in particular by providing easier public access to the service). It was proposed that the Learning Disabilities Team (which was currently split between different locations) could then utilise the vacated offices at Oldway Mansion.

**Alternative options considered and rejected at the time of the decision**

No suitable alternative has been identified as being available at this time.

Failure to acquire additional accommodation to meet immediate space requirements will compromise the Council's ability to continue to provide existing services.

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

Yes – General Exception

**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)

Councillor James declared a personal prejudicial interest in this matter and withdrew from the meeting (as did Councillor Jennings who was attending the meeting under Standing Order 31 in relation Council and Committee Meetings).

## **APPENDIX 1 (continued)**

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

Councillor James declared a personal prejudicial interest in this matter and withdrew from the meeting (as did Councillor Jennings who was attending the meeting under Standing Order 31 in relation Council and Committee Meetings).

### **Published**

17th September 2004

### **Implementation**

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

#### **DECRIMINALISED PARKING ENFORCEMENT**

##### **Decision Taker**

The Executive at its meeting held on 14th September 2004.

##### **Decision**

- (i) That an application be submitted to the Secretary of State setting out the designation orders under the Road Traffic Act 1991 which would create a Permitted Parking Area (PPA) and Special Parking Area (SPA) for the whole Borough of Torbay, and allow for the introduction of Decriminalised Parking Enforcement (DPE) on street and in car parks with effect from 4th April 2005;
- (ii) that a penalty charge for on- and off-street parking be set as £60 which could be discounted to £30 if paid within the first 14 days;
- (iii) that the parking attendant provision and issue of penalty charge notices for on- and off-street parking be contracted externally as one contract with a five year term;
- (iv) that the following services be included in the external contract as optional extras:-
  - (a) pay and display/parking equipment provision and maintenance;
  - (b) cash collection; and
  - (c) clamping and removals;
- (v) that the following services be retained as the responsibility of the Council:-
  - (a) provision of IT;
  - (b) notice processing and administration;
  - (c) customer interfaces in the Connections offices for queries, payment and permit application;
  - (d) line and sign maintenance; and
  - (e) car park management and refurbishment;
- (vi) that the Assistant Managing Director be authorised to enter into an agreement with the National Parking Adjudication Service under Section 101 of the 1972 Local Government Act;
- (vii) that two Councillors be nominated (one as a substitute) to serve on the National Adjudication Service Joint Committee;
- (viii) that the staff structure, as set out in Appendix 1 to Report Env/30/04, be noted and that the Director of Environment Services, in consultation with the Executive Member for Environment, progress this issue; and
- (ix) that the financial implications, as set out in paragraph 5.12 of Report Env/30/04, be approved.

##### **Reason for Decision**

To gain approval for the submission of the application to the Secretary of State for the implementation of Decriminalised Parking Enforcement and other related issues.

## **APPENDIX 1 (continued)**

### **Information**

At its meeting held on 14th October 2003, the Executive agreed that an application be made to the Secretary of State for powers to enable the Council to undertake on-street parking enforcement, known as Decriminalised Parking Enforcement from April 2005. Report Env/50/04 gave details of the conclusions made by the Transportation Strategy Working Party on the details of the implementation of Decriminalised Parking Enforcement. The details of the above mentioned submission to the Secretary of State were set out within the report for approval.

### **Alternative options considered and rejected at the time of the decision**

Alternative options to the delivery of the future service and application to the Secretary of State are set out in paragraphs 5.9 and 5.11 of Report Env/30/04.

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

Yes – Reference Number X36/2004

### **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**

17th September 2004

### **Implementation**

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

#### **TRANSFER OF INDUSTRIAL SERVICES GROUP TO A LOCAL AUTHORITY CONTROLLED COMPANY**

##### **Decision Taker**

The Executive at its meeting held on 14th September 2004.

##### **Decision**

That the Managing Director, in consultation with the Leader of the Council, be delegated authority (subject to the satisfactory completion of a full risk assessment) to take all necessary action to secure the Council entering into agreements with Devon County Council and Plymouth City Council, whereby all three authorities become members of a local authority controlled non-profit making company, limited by guarantee, (perhaps to be known as PLUS); such company to have the objects of:-

- delivering employment;
- training;
- development; and
- other related services

for the benefit of persons with disabilities.

##### **Reason for Decision**

To enable the Managing Director to progress the transfer of the Industrial Services Group, of which Torbay Industrial Services is part, to a not for profit company having regard to the risks associated with proposal.

##### **Information**

Report SS/27/04 sought Members' approval for the transfer of the Industrial Services Group, of which Torbay Industrial Services is a part, to a not for profit company. The Report outlined the background for the transfer and the advantages an integrated organisation would give both the group and service users in supported employment.

##### **Alternative options considered and rejected at the time of the decision**

That Torbay Council withdraw from the Partnership Arrangement with Devon County Council and Plymouth City Council.

That the status quo of the Industrial Services Group be maintained.

That Torbay Council enter into the agreement to establish a not for profit company at this point in time.

##### **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 September 2004

**Implementation**

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

#### **LEASE AT VICTORIA SQUARE, PAIGNTON**

##### **Decision Taker**

The Executive at its meeting held on 14th September 2004.

##### **Decision**

**That the previous decision of the then Cabinet to grant a 40 year lease to the Torbay Citizens Advice Bureau at the Victoria Centre, Paignton be reaffirmed.**

##### **Reason for Decision**

To ensure that the lease arrangements are in line with Council policy.

##### **Information**

The Cabinet granted a 40 year lease to the Torbay Citizens Advice Bureau for a site at the Victoria Centre, Paignton at its meeting held in November 2002. It was proposed that the site would be used as offices and training facilities. Report F/59/04 gave details of a further request from the Citizens Advice Bureau to grant a 79 year lease. This would make the lease co-terminus with that of the adjoining Council owned-shopping centre. The Citizens Advice Bureau hoped this would enable it to access funding for the project.

##### **Alternative options considered and rejected at the time of the decision**

To grant a 79 year 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)

None

##### **Published**

17th September 2004

##### **Implementation**

This decision will come into force and may be implemented on 27th September 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**  
**BOOK SUPPLY CONTRACTS**

**Decision Taker**

The Executive at its meeting held on 14th September 2004.

**Decision**

- (i) that Torbay Library Services' participation in the letting of book supply contracts from April 2005 by the South West region's Consortium for United Stock Purchasing, with Wiltshire County Council as lead authority, be approved; and
- (ii) that it be noted that the contract would run for a period of three years with a possible extension of one further year thereafter.

**Reason for Decision**

To enable Torbay Library Services to secure best value in its purchase of library books.

**Information**

Torbay Library Services are currently Members of the South West region's Consortium for United Stock Purchasing. This enables books to be procured at advantageous rates. The current contract is due to expire on 31st March 2005. The re-letting of the contracts from 1st April 2005 would enable the Library Service to continue its restructuring programme in a cost effective way. Report F/59/04 gave details of the proposed contract.

**Alternative options considered and rejected at the time of the decision**

Torbay Library Services makes its own arrangements for the supply of books on less favourable terms.

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

Yes – Reference Number X26/2004

**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**

17th September 2004

**Implementation**

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

#### **LEISURE CARD OPTIONS FOR ADDRESSING SOCIAL INCLUSION ISSUES**

##### **Decision Taker**

The Executive at its meeting held on 14th September 2004.

##### **Decision**

- (i) That the budget provision for the revenue and capital implications for the leisure card scheme be considered in this year's capital and revenue budget review against the Corporate Priorities for 2005/2006; and
- (ii) that, subject to funding being available, the development of the leisure card discount scheme as part of a joint Library and Leisure Card Scheme, in line with the phased programme identified in Appendix 1 to Report LCS/27/04, be approved.

##### **Reason for Decision**

To respond to the priorities identified in Transforming Torbay, the Cultural Strategy and Torbay's Community Plan.

##### **Information**

Report LCS/27/04 requested Members to consider the options and recommendations for a Leisure Card Discount Scheme to be implemented in Torbay to encourage use of leisure facilities by those on low incomes. It was proposed that the Leisure Card Discount Scheme be incorporated with the existing library card system.

##### **Alternative options considered and rejected at the time of the decision**

To not implement a Leisure Card Discount Scheme for those people and families on low incomes.

To consider joining the South West Smartcard Consortium for delivery of the Leisure Card Scheme.

To consider implementing other stand alone schemes.

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

Yes – Reference Number 34/2004

##### **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**

17th September 2004

## **APPENDIX 1 (continued)**

### **Implementation**

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

#### **PLANNING BRIEF - LONG ROAD SOUTH BUSINESS PARK, PAIGNTON**

##### **Decision Taker**

The Executive at its meeting held on 14th September 2004.

##### **Decision**

**That the Planning Brief for Long Road South, Paignton be approved subject to the recommended changes set out in paragraph 7.3 of Report Env/48/04.**

##### **Reason for Decision**

To provide a detailed planning framework for ensuring the impacts of future developments at Long Road South, Paignton are mitigated.

The recommended changes to the Brief will improve its quality in the light of comments received during the consultation period.

##### **Information**

Report Env/48/04 summarised the response to the Consultation Draft Planning Brief on Long Road South and recommended changes for inclusion in the final Brief.

##### **Alternative options considered and rejected at the time of the decision**

There is no realistic option, given the inclusion of the Long Road South business park proposal in the adopted Local Plan, together with the requirement to prepare a planning brief.

##### **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 September 2004

##### **Implementation**

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

#### **PLANNING BRIEF - FORMER DOLPHIN PARK HOLIDAY PARK, BRIXHAM**

##### **Decision Taker**

The Executive at its meeting held on 14th September 2004.

##### **Decision**

**That the Planning Brief for the site of the former Dolphin Holiday Park, Brixham be approved subject to the recommended changes set out in paragraph 7.3 of Report Env/49/04.**

##### **Reason for Decision**

To provide a sustainable basis for determining planning applications for major housing development and ancillary uses on the former Dolphin Holiday Park at Brixham.

The recommended changes to the Brief will improve its quality in the light of comments received during the consultation period.

##### **Information**

Report Env/49/04 summarised the response to the Consultation Draft Planning Brief for the development of housing, community facilities and countryside management at the former Dolphin Holiday Park, Brixham, and recommended changes for inclusion in the final Brief

##### **Alternative options considered and rejected at the time of the decision**

There is no realistic option, given the inclusion of the Dolphin site proposals in the Local Plan, together with the requirement to prepare a planning brief.

##### **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 September 2004

##### **Implementation**

This decision will come into force and may be implemented on 27th September 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).