

TORBAY COUNCIL

Report No: MD/23/04

Title: Disposals valued in excess of £25,000 and disposal for a term of more than 21 years

To: Executive on 7th December 2004

1. Purpose

- 1.1. To seek approval from the Executive to proceed with proposals that will involve the expenditure of sums in excess of £25,000 or the disposal of land for more than 21 years.

2. Relationship to Corporate Priorities

- 2.2 To raise awareness of organisational and strategic risks and use this to inform decision making and resource allocation.

3. Recommendation

- 3.1 The recommendation for each matter is set out in each appendix to this report.

4. Reason for Recommendation and associated Key Risks

- 4.1 The reason and risks for each matter are set out in each appendix to this report.

5. Alternative Options (if any)

- 5.1 Any alternative options are set out in each appendix to this report.

6. Background

- 6.1 In accordance with paragraphs 2.11 and 2.12 of Part 3 of Torbay Council's Constitution (responsibility for functions), the attached schedule(s) contain details of proposals that require approval in relation to one of the following matters:

- (i) leasehold disposal where the term is for more than 21 years;
- (ii) goods or services where the estimated or actual (whichever is the higher) total contract value exceeds £25,000 or (if a contract is linked to another contract) where the aggregate estimated or actual value exceeds that amount.

7. Appendices

Appendix 1 – Provision of Parking Enforcement Attendants and the issue of Penalty Charge Notices for Decriminalised Parking Enforcement in Torbay

Appendix 2 - Provision of subsidised bus services Nos. 64/65 by First bus company for a period of 5 years.

Appendix 3 - Lease of Queens Park, Paignton
(Appendix 3a - associated location plan)

Appendix 4 - Financial details in relation to Queens Park, Paignton (exempt information)

Strategic Directorate: Environment Services	Service/Division: Highways and Street Services
Details of contract Provision of Parking Enforcement Attendants and the issue of Penalty Charge Notices for Decriminalised Parking Enforcement in Torbay.	Reason for Expenditure: The Executive agreed at its meeting on 14 th September 2004 to contract out the enforcement element of Decriminalised Parking Enforcement to ensure that service delivery can commence from April 2005.
Recommendation: That the Strategic Director for Environment, in consultation with the Executive Member for Environment, be authorised to accept the tender that is identified as the most economically advantageous as determined by the evaluation criteria detailed within the contract documents.	Reason for Recommendation: To progress the implementation of Decriminalised Parking Enforcement with effect from April 2005.
Suggested Value: Total contract value estimated at £600,000 per annum. Contract is to run for a minimum of 5 years, with review options during that period and at the end of the 5 year period.	Is budget available? Yes (costs will be charged against the Council's reserve until such time that the Parking Account generates sufficient funds to cover these costs. Break-even position anticipated during year two of contract).
	Is this a Key Decision? Yes if so, give number: X48/2004
Alternative options/Key Risks: Provide enforcement services in-house, with limited experience and the need to recruit additional staff. This may result in failure to provide effective services, due to lack of sufficient service delivery knowledge and expertise	Legal implications: If arrangements for the enforcement service are not progressed, the Council would need to withdraw the application to the Secretary of State for powers to enforce parking regulations, as permitted by the 1991 Road Traffic Act. This application has now been forwarded to the Secretary of State, as agreed by the Executive at its meeting on 14 th September 2004.
Name of Executive Member with responsibility for this matter: Councillor Charlwood, Executive Member for Environment	Is the Executive Member in agreement with the proposal? Yes
Contact: Name of responsible officer: Telephone no: Ext: 7680	Steve Hurley

Strategic Directorate: Environment	Service/Division: Highways and Street Services
Details of contract: Provision of subsidised bus services Nos. 64/65 by First bus company for a period of 5 years.	Reason for Expenditure: To ensure that the subsidised bus services Nos. 64/65 continue to operate.
Recommendation: That the Strategic Director for Environment, in consultation with the Executive Member for Environment, be authorised to accept the most economically advantageous tender as provided by First bus company.	Reason for Recommendation: To allow the subsidised bus services to continue beyond the expiry date of the current contract.
Suggested Value: The contract value for the provision of the subsidised bus services is £78,605 per year as set out in the tender recently received from First bus company.	Is budget available? Yes
	Is this a Key Decision? No
Alternative options/Key Risks: There are no alternative options, if these subsidised bus services are to continue to operate.	Legal implications: There are no legal requirements to provide these subsidised bus services. However, the Council would face criticism from the community if these services were not to continue.
Name of Executive Member with responsibility for this matter: Councillor Charlwood, Executive Member for Environment	Is the Executive Member in agreement with the proposal? Yes
Contact: Name of responsible officer: Lesley Dransfield Telephone no: 7683	

Strategic Directorate: Community	Service/Division: Leisure and Cultural Services
Details of contract/address of property: Part of Queens Park, Paignton	Reason for Expenditure: Not applicable
Recommendation: That the Assistant Chief Executive, in consultation with the Director of Finance, grant a 40-year lease to the Paignton Bowling Club and the Paignton & Torbay Bowling Club for the land identified on plan EM 1313, including parking rights over the land shown hatched on that plan, on acceptable terms with the lease being excluded from the provisions of the Landlord and Tenant Act 1954.	Reason for Recommendation: i) This exclusion from the provisions of the Landlord & Tenant Act 1954 will protect the Council's position at the end of the term. ii) It is proposed that the length of lease be increased to 40 years so that this is in line with negotiations with other sports clubs.
Suggested Value: See exempt Appendix 4	Is budget available? Not applicable
	Is this a Key Decision? No
Alternative options/Key Risks: See exempt Appendix 4	Legal implications: The Clubs will have security of tenure under the Landlord and Tenant Act 1954.
Name of Executive Member with responsibility for this matter: Chris Lomas, Executive Member for Learning and Cultural Services	Is the Executive Member in agreement with the proposal? Yes
Contact:	Name of responsible officer: Chris Bouchard Telephone no: 207920