

Minutes of the Executive

7th December 2004

-: Present :-

Councillor Harris (Chairman)

Councillors Charlwood, Jennings, Lomas and McHugh

(Also in attendance Councillors Browne, Carroll, Dunn, Nicholls and Turnbull)

397. Apology. An apology for absence was received from Councillor Carter.

398. Minutes. The Minutes of the meeting of the Executive held on 9th November 2004 were confirmed as a correct record and signed by the Leader of the Council.

399. Urgent Items. The Executive considered the items in Minutes 400.2, 400.3 and 400.4, and not included on the agenda, the Leader of the Council being of the opinion that they were urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

400. 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.

400.1 Access to Dental Services in Torbay.

400.2 Notice of Motion – London Olympic Bid.

400.3 Sustainable Communities – South West Submission.

400.4 Disbandment of Executive Social Services Committee.

400.5 Budget Monitoring - Revenue Budget 2004/2005.

400.6 Capital Plan Budget – Initial Review for 2005/2006 to 2008/2009.

400.7 Review of Reserves 2005/2006.

400.8 Review of the Method for Funding Fleet Purchases.

400.9 Provision of Parking Enforcement Attendants for Decriminalised Parking Enforcement in Torbay.

400.10 Provision of Subsidised Bus Services No's 64/65 by First Bus Company.

400.11 Lease of Part of Queens Park, Paignton.

400.12 Tweenaway Cross, Paignton.

400.13 Strategy for the Education, Employment and Training of 14-19 Year Olds.

400.14 Proposal to Open a Local Education Authority Nursery Unit at Shipway Primary School, Torquay.

400.15 Land at Cricketfield Road, Torquay.

(**Note:** Prior to consideration of the items in Minute 400.16, 400.17 and 400.18 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 7, 8 and 9 of Part 1 of Schedule 12A of the Local Government Act 1972.)

400.16 Short Term Office Accommodation – Unit 2, Riviera Park, Barton.

400.17 Lease of Crazy Golf Courses in Abbey Park, Torquay and on Paignton Seafront.

400.18 Land Rear of 2 to 40 Parkfield Road, Torquay.

Leader of the Council



APPENDIX 1

**to the Minutes of the meeting of the Executive
held on 7th December 2004**

RECORD OF DECISION

ACCESS TO DENTAL SERVICES IN TORBAY

Decision Taker

The Executive at its meeting held on 7th December 2004.

Decision

- (i) That the Strategic Director (Environment) be requested to explore any possible ways in which the planning system could be lawfully used to better encourage the greater provision of dental practices in Torbay;
- (ii) that the Housing Partnership be urged to give consideration to the possibility of making available shared ownership accommodation to dentists who want to relocate from other areas of the UK; and
- (iii) that Torbay Council works with the South West Peninsula Strategic Health Authority and Torbay Primary Care Trust to develop promotional events, literature and other means aimed at recruiting, attracting and employing dentists in Torbay.

Reason for Decision

To respond to the recommendations of the Health Scrutiny Board

Information

The Access to Dental Services Review Panel considered the current provision of dental services in Torbay and, in conjunction with other local authorities in Devon and Cornwall, issued a Joint Report into Access to Dental Services in the South West. Report OSB/16/04 set out the Panel's findings that related specifically to Torbay.

The Panel had examined the extent to which access to dental services presented difficulties for patients in Torbay and identified measures that could be taken to reverse the decline in the number of NHS dentists.

During the review, the Panel met with a variety of interested parties and made a number of site visits within Torbay to assess the level of service for local people.

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

APPENDIX 1 (continued)

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

Councillor Jennings declared a personal prejudicial interest in this item and withdrew from the meeting.

Published

10th December 2004

Implementation

This decision will come into force and may be implemented on 20th December 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 – LONDON OLYMPIC BID

Decision Taker

The Executive at its meeting held on 7th December 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 30th November 2004 in accordance with Standing Order 14.2 (b) in relation to Council and Committee Meetings and was referred to the Executive for consideration:-

“That this Council supports the London bid for the Olympics in 2012.

That this Council will write to the Minister for Culture, Media and Sport, Richard Caborn MP, expressing our support. This Council believes that a successful bid will lead to economic benefits for Torbay.”

During the meeting, the Leader of the Council referred to a letter received from Councillor Oxley (dated 4th December 2004) objecting to the motion.

Alternative options considered and rejected at the time of the decision

Not to support the motion.

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

10th December 2004

Implementation

This decision will come into force and may be implemented on 20th December 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

SUSTAINABLE COMMUNITIES PLAN – SOUTH WEST SUBMISSION

Decision Taker

The Executive at its meeting held on 7th December 2004.

Decision

- (i) That the Council requests the South West Regional Assembly to reconsider its Sustainable Communities submission on the following grounds:
 - a) the consultation period for such an important document (24 hours) was far too short;
 - b) the report pre-empted the emerging Regional Spatial Strategy before Assembly Members have had a chance to debate the options;
 - c) it is grossly unfair on authorities like Torbay, which are in serious need of additional assistance from the Sustainable Communities Plan for regeneration funding;
- (ii) that the Council lobbies the Members of the South West Regional Assembly Executive to support a fairer response for Torbay (and many other areas of the South West); and
- (iii) that, as a last resort, Torbay Council makes direct representations to the Government to ensure that a fair share of the Sustainable Communities resources comes our way.

Reason for Decision

To raise Torbay Council's concerns about the response of the South West Regional Assembly to the Sustainable Communities Plan.

Information

The Government, via the Regional Development Agency, invited South West Regional Assembly to make a submission for inclusion within the national Sustainable Community Plan which was produced by the Deputy Prime Minister. The main purpose for the submission was to influence the allocation of funding to achieve the aims of the Community Plan.

Officers had put forward a case for the allocation of resources for infrastructure in Torbay to be included in the South West Regional Assembly's submission. However, little reference was made to Torbay in the Assembly's draft report, which was produced on 30th November 2004, and the final report was submitted on 2nd December 2004 before officers were able to respond.

At the meeting, Members received a briefing note which set out possible courses of action for the Council to take in relation to the Assembly's response.

Alternative options considered and rejected at the time of the decision

None

APPENDIX 1 (continued)

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

No

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 and the public's interest. The Overview and Scrutiny Co-ordinator was consulted on 7th December 2004 and agreed that the decision was urgent.

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

None

Published

10th December 2004

Implementation

The decision came into force on 7th December 2004.

APPENDIX 1 (continued)

RECORD OF DECISION

DISBANDMENT OF EXECUTIVE SOCIAL SERVICES COMMITTEE

Decision Taker

The Executive at its meeting held on 7th December 2004.

Decision

- (i) That the Executive Social Services Committee be disbanded with immediate effect; and
- (ii) that Case no. 09/11/04 be delegated to the Strategic Director (Children) for determination in consultation with the Executive Member (Children).

Reason for Decision

The Executive Social Services Committee had fulfilled its role. There was one outstanding care package that needed to be determined.

Information

The Executive Social Services Committee was established on 8th June 2004 to exercise the Executive's powers in relation to all Social Services and Housing functions. The purpose of the Committee was to enable its four Members to gain a greater understanding of the issues faced by those two departments, particularly those in relation to care packages in excess of £25,000 per year or £1,000 per week.

The Executive considered the recommendation of the Executive Social Services Committee to disband that Committee.

Alternative options considered and rejected at the time of the decision

Not to disband the Committee.

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

10th December 2004

APPENDIX 1 (continued)

Implementation

This decision will come into force and may be implemented on 20th December 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

BUDGET MONITORING – REVENUE BUDGET 2004/2005

Decision Taker

The Executive at its meeting held on 7th December 2004.

Decision

That the projected out-turn position be noted.

Reason for Decision

To identify the overall budgetary position for a range of services within the Council.

Information

Report F/66/04 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 Report set out the actual expenditure since the Government capped the Council's budget, which resulted in a requirement to reduce the budget by £614,000. At the time the report was published, the projected Council overspend was £598,000. The report highlighted that, if the projected overspend for Supporting People was excluded, the Council would be projecting an underspend of £169,000 for the year.

The Executive also received the views of the Overview and Scrutiny Board arising from its meeting held on 7th December 2004 (as set out in Report OSB/18/04).

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

10th December 2004

Implementation

This decision will come into force and may be implemented on 20th December 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

CAPITAL PLAN BUDGET – INITIAL REVIEW FOR 2005/2006 TO 2008/2009

Decision Taker

The Executive at its meeting held on 7th December 2004.

Decision

- (i) That the service demands for capital investment compared with resources likely to be available over the period 2005/2006 to 2008/2009 be noted; and
- (ii) that the Overview and Scrutiny Board be requested to consider options for addressing the demands identified in Report Com/1/04 in the light of anticipated resources (as set out in Paragraph 11.5 to the report), to enable their views to be considered by the Executive in February 2005.

Reason for Decision

The four year Capital Plan Budget needed to be reviewed and rolled forward in the light of anticipated resources to enable forward planning of investment to be undertaken with some degree of certainty.

Information

Report Com/1/04 reminded Members of the principles that the Council used for determining its current four year Capital Plan Budget and set out an initial review of the level of resources likely to be available for capital spending over the next four years compared with demands. The report highlighted that there was a considerable funding gap between aspirations for capital spending compared with the resources likely to be available. It also identified the need for the issues to be examined in more detail and options to be identified for delivering new capital schemes as part of the budget development process.

Alternative options considered and rejected at the time of the decision

None, but a number of options for addition and/or amendment to the Capital Plan Budget would be considered over the coming months during the budget development process.

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 dispensations issued by the Standards Committee)

None

Published

10th December 2004

APPENDIX 1 (continued)

Implementation

This decision will come into force and may be implemented on 20th December 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 RESERVES 2005/2006

Decision Taker

The Executive at its meeting held on 7th December 2004.

Decision

That £0.3 million be transferred to the Insurance Reserve and £0.5m be transferred to the Financial Strategy Reserve from other earmarked reserves.

Reason for Decision

The transfer of monies between earmarked reserves better reflects the Council's likely demands on reserves in the short and medium term.

Information

Report Com/2/04 requested Members to review the Council's Reserves as part of the 2005/2006 budget setting process. The report drew attention to existing reserves from which funds could be transferred to partially address issues in other areas that required a higher level of funding.

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

10th December 2004

Implementation

This decision will come into force and may be implemented on 20th December 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 METHOD FOR FUNDING FLEET PURCHASES

Decision Taker

The Executive at its meeting held on 7th December 2004.

Decision

That the Council utilises the option under the new Prudential Framework to borrow money directly or to take up finance leases to fund the capital purchase of vehicles and items of plant and machinery where it is beneficial to do so.

Reason for Decision

Having carried out a financial assessment of the various methods of financing the purchase of vehicles and items of plant and machinery, it was considered that using the freedom to borrow, available to Councils under the new Prudential Framework, will give the benefit of reduced costs and greater flexibility in the procurement process and also produce overall service improvements.

Information

The Operational Services Division would need to acquire over £4 million of new or replacement vehicles and items of plant and machinery over the next four years. These vehicles were used in the delivery of various services provided by the Council including road sweepers, refuse collection vehicles, welfare buses, small vans, lorries, gritting vehicles and tractors. The cost of the acquisition of these was currently charged to service budgets via an inclusive hire charge.

Report Env/60/04 informed Members of the methods of financing the acquisition of new and replacement vehicles and items of plant and machinery.

Alternative options considered and rejected at the time of the decision

To carry on using operating leases to acquire vehicles and items of plant. The advantages and disadvantages of this were set out in paragraphs 6.1.1 and 6.1.2 of Report Env/60/04.

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

10th December 2004

APPENDIX 1 (continued)

Implementation

This decision will come into force and may be implemented on 20th December 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

PROVISION OF PARKING ENFORCEMENT ATTENDANTS FOR DECRIMINALISED PARKING ENFORCEMENT IN TORBAY

Decision Taker

The Executive at its meeting held on 7th December 2004.

Decision

That the Strategic Director (Environment), in consultation with the Executive Member (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 Decision

To progress the implementation of Decriminalised Parking Enforcement with effect from April 2005.

Information

The Executive agreed at its meeting held on 14th September 2004 to contract out the enforcement element of Decriminalised Parking Enforcement to ensure that service delivery would commence from April 2005. Appendix 1 to Report MD/23/04 set out details of the proposed contract.

Alternative options considered and rejected at the time of the decision

To provide enforcement services in-house. With limited experience and the need to recruit additional staff, this may have resulted in the failure to provide effective services due to the lack of sufficient service delivery knowledge and expertise.

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

Yes – Reference Number X48/2004

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

10th December 2004

Implementation

This decision will come into force and may be implemented on 20th December 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

PROVISION OF SUBSIDISED BUS SERVICES 64 AND 65 BY FIRST BUS COMPANY

Decision Taker

The Executive at its meeting held on 7th December 2004.

Decision

That the Strategic Director (Environment), in consultation with the Executive Member (Environment), be authorised to accept the most economically advantageous tender for bus services 64 and 65 as provided by First bus company.

Reason for Decision

To allow subsidised bus services to continue beyond the expiry date of the current contract.

Information

Appendix 2 to Report MD/23/04 sought authority to enter into a contract to enable subsidised bus services for services 64 and 65 to continue.

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

10th December 2004

Implementation

This decision will come into force and may be implemented on 20th December 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 OF PART OF QUEENS PARK, PAIGNTON

Decision Taker

The Executive at its meeting held on 7th December 2004.

Decision

That the Assistant Chief Executive, in consultation with the Director of Finance, grants 40-year leases, on acceptable terms, to the Paignton Bowling Club and the Paignton and Torbay Bowling Club for the land identified on plan EM 1313, as set out in Report MD/23/04, to include parking rights over the land shown hatched on that plan, with the leases being excluded from the provisions of the Landlord and Tenant Act 1954.

Reason for Decision

The exclusion from the provisions of the Landlord and Tenant Act 1954 will protect the Council's position at the end of the term. The length of the lease had been increased to 40 years to be in line with negotiations with other sports clubs.

Information

Appendix 3 to Report MD/23/04 sought Members' approval for the Assistant Chief Executive, in consultation with the Director of Finance, to grant 40 year leases to the Paignton Bowling Club and the Paignton and Torbay Bowling Club.

Alternative options considered and rejected at the time of the decision

These were identified in exempt Appendix 4 to Report MD/23/04.

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

10th December 2004

Implementation

This decision will come into force and may be implemented on 20th December 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
TWEENAWAY CROSS, PAIGNTON

Decision Taker

The Executive at its meeting held on 7th December 2004.

Decision

That consideration of Report Env/59/04 be deferred, pending Government guidance on new financial arrangements for future transport proposals.

Reason for Decision

To allow further consideration of the report when Government advice on financial arrangements for future transport proposals is available.

Information

Report Env/59/04 set out the results of a recent consultation exercise on the options for the improvement of Tweenaway Cross junction in Paignton and recommended a preferred option. It was reported at the meeting that, following publication of the report, the Government had announced that it would be publishing new financial arrangements for transport schemes in the near future. These new arrangements may offer additional funding and therefore Members were recommended to defer consideration of the report until the new arrangements were announced.

Alternative options considered and rejected at the time of the decision

To consider the options set out in Report Env/59/04.

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

Yes – Reference Number X37/2004

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

10th December 2004

Implementation

This decision will come into force and may be implemented on 20th December 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

STRATEGY FOR THE EDUCATION, EMPLOYMENT AND TRAINING OF 14 TO 19 YEAR OLDS

Decision Taker

The Executive at its meeting held on 7th December 2004.

Decision

That the actions required to implement a revised strategy for the education, employment and training of 14 to 19 year olds, as set out in paragraph 3 of Appendix 1 to Report Chi/1/04, be approved.

Reason for Decision

To meet the requirement for the Council to have a 14 to 19 Strategy.

To enable the Council to address the criticisms in the Local Education Authority (LEA) Inspection.

To enable the LEA to prepare for an expected Area Inspection.

Information

The draft Torbay 14 to 19 Strategy was published in May 2004. The document was produced by the Torbay 14 to 19 Strategy Steering Group through discussion with key partners.

Report Chi/1/04 updated Members on the progress made in developing the Council's 14 to 19 Strategy including the outcome of the consultation on the draft Strategy. The report sought Members' approval of the actions required to implement the revised Strategy.

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 X80/2003

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

10th December 2004

Implementation

This decision will come into force and may be implemented on 20th December 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

PROPOSAL TO OPEN A LOCAL EDUCATION AUTHORITY NURSERY UNIT AT SHIPHAY PRIMARY SCHOOL, TORQUAY

Decision Taker

The Executive at its meeting held on 7th December 2004.

Decision

That consideration of Report Chi/2/04 be deferred to enable Members of the Executive to undertake a site visit to Shiphay Primary School and St. Andrew's Pre-school.

Reason for Decision

To enable Members to gain a better understanding of the proposals submitted by Shiphay Primary School.

Information

Report Chi/2/04 set out a proposal by Shiphay Primary School to open an early years facility following the construction of a new building at the school. Opening a nursery unit would allow the school to offer a 'wraparound' service of childcare between 7.45 a.m. and 6.00 p.m. and would offer a range of early years facilities for 3 and 4 year olds.

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 X39/2004

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

10th December 2004

Implementation

This decision will come into force and may be implemented on 20th December 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

LAND AT CRICKETFIELD ROAD, TORQUAY

Decision Taker

The Executive at its meeting held on 7th December 2004.

Decision

That consideration of Report Com/4/04 be deferred to enable Members of the Executive to undertake a site visit and for an alternative way forward for the land to be identified.

Reason for Decision

To allow a site visit to be held and alternative options to be identified.

Information

Report Com/4/04 updated Members on the feedback from a public advertisement for the disposal of land at Cricketfield Road by way of a 40 year lease to Barton Cricket and Social Club. The closing date for objections was 4th August 2004 and the Council had received 89 objections.

The Report set out a number of options for granting the lease or to terminate the existing leasing arrangements.

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

10th December 2004

Implementation

This decision will come into force and may be implemented on 20th December 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

SHORT TERM OFFICE ACCOMMODATION – UNIT 2, RIVIERA PARK, BARTON

Decision Taker

The Executive at its meeting held on 7th December 2004.

Decision

- (i) That the Assistant Chief Executive, in consultation with the Director of Finance, be authorised to agree terms and complete a lease for offices at Unit 2 Riviera Park, Barton, Torquay for a term of 15 years; and
- (ii) that the Strategic Director (Environment) and the Director of Finance be authorised to resolve the financial issues in relation to the part funding of the lease.

Reason for Decision

To resolve one of the Council's immediate accommodation needs without which specific services would not have suitable accommodation to provide services from. The original option to lease office accommodation at another site was no longer viable due to the owners deciding that the space was no longer available for occupation of this nature.

Information

Exempt Report Com/3/04 informed Members of the opportunity to acquire office accommodation at Unit 2 Riviera Park, Barton, Torquay for the Decriminalised Parking Team.

Alternative options considered and rejected at the time of the decision

No other suitable accommodation had been identified as available. Failure to acquire additional accommodation to meet immediate space requirements would compromise the Council's ability to continue to provide existing services.

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

10th December 2004

Implementation

This decision will come into force and may be implemented on 20th December 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 OF CRAZY GOLF COURSES IN ABBEY PARK, TORQUAY AND ON PAIGNTON SEAFRONT

Decision Taker

The Executive at its meeting held on 7th December 2004.

Decision

That the Assistant Chief Executive, in consultation with the Director of Finance, be authorised to negotiate and grant separate leases, on acceptable terms, for the crazy golf courses at Paignton Green and Abbey Park for a maximum of 40 years, and that the leases be excluded from the provisions of the Landlord and Tenant Act 1954.

Reason for Decision

To authorise the granting of leases to provide a guaranteed and increased income from both courses.

Information

Exempt Report Com/5/04 sought approval to negotiate and grant leases of up to 40 years for the crazy golf courses at Abbey Park and Paignton Seafront. Due to budget constraints, the Council was not in a position to provide the necessary investment to improve the courses. Leasing the courses to the private sector would guarantee yearly income and improvements to the courses.

Alternative options considered and rejected at the time of the decision

That the Council continued to run the courses.

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

10th December 2004

Implementation

This decision will come into force and may be implemented on 20th December 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

LAND REAR OF 2 TO 40 PARKFIELD ROAD, TORQUAY

Decision Taker

The Executive at its meeting held on 7th December 2004.

Decision

That the Assistant Chief Executive be authorised to negotiate a 999 year lease of the land at the rear of 2 to 40 Parkfield Road, Torquay in consultation with the Leader of the Council and the Director of Finance.

Reason for Decision

If a long lease for the Council's remaining holding in this area is granted it would release a capital receipt, save on-going maintenance costs for the land and cliff face and may (subject to planning constraints) facilitate the possibility of bringing some of the land into use for housing purposes. A leasehold will give the Council more control over the eventual use of the land rather than a freehold sale of the site.

Information

Exempt Report Com/7/04 set out a proposal for the freehold sale of surplus land at the rear of 2 to 40 Parkfield Road, Torquay.

Alternative options considered and rejected at the time of the decision

To dispose of the freehold of the land.

The land could have been retained and the northern useable part of the site could have been leased to the owner of the adjoining land to the north on revised terms. However, the Council would have been left with the unusable southern portion of the site, with an ongoing maintenance liability.

The land could have been retained, but not being able to lease the northern part to the adjoining owner and access for commercial use being unavailable, the land would have become derelict and a continuing and increasing ongoing maintenance liability.

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 dispensations issued by the Standards Committee)

None

Published

10th December 2004

APPENDIX 1 (continued)

Implementation

This decision will come into force and may be implemented on 20th December 2004 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).