

Minutes of the Executive

11th January 2005

-: Present :-

Councillor Harris (Chairman)

Councillors Carter, Charlwood, Jennings and McHugh

(Also in attendance: Councillors Browne, Burridge, Bye, Cope, Dunn, Faulkner (Mr A),
Faulkner (Mrs J), Hytche, Killick, Nicholls, Stocks and Turnbull)

435. Apology. An apology for absence was received from Councillor Lomas.

436. Minutes. The Minutes of the meeting of the Executive held on 7th December 2004 were confirmed as a correct record and signed by the Leader of the Council.

437. Urgent Items. The Executive considered the item in Minute 428.1 and not included on the agenda, the Leader of the Council being of the opinion that it was 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.

438. 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.

438.1 Torbay Waste Strategy: Consultation Draft.

(Note: Prior to consideration of Minute 438.2 the Leader of the Council declared a personal prejudicial interest and withdrew from the meeting whereupon the Deputy Leader of the Council took the Chair for that item and also remained in the Chair for Minutes 438.3 and 438.4.)

Council Jennings in the Chair

438.2 Review of Primary School Places in Torquay and Paignton.

438.3 Best Value Review of Support Services (Phase 2a).

438.4 Review of Direct Payments Policy.

Councillor Harris in the Chair

438.5 Affordable Housing Action Plan.

438.6 Proposal to Open a LEA Nursery Unit at Shiphay Community Primary School.

438.7 Penalty Notices for Dealing with Cases of Non-Attendance.

438.8 Review of Flooding within Torbay.

438.9 Notice of Motion – Wave and Tidal Power.

438.10 Grants in Lieu of Rent – Torquay Shop Mobility and South Devon Coalition of Disabled People – Premises at Lymington Road, Torquay.

(Note: Prior to consideration of the item in Minute 438.10 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 7 of Part 1 of Schedule 12A of the Local Government Act 1972.)

Leader of the Council



APPENDIX 1

**to the Minutes of the meeting of the Executive
held on 11th January 2005**

RECORD OF DECISION

TORBAY WASTE STRATEGY: CONSULTATION DRAFT

Decision Taker

The Executive at its meeting held on 11th January 2005.

Decision

- (i) That the draft Torbay Waste Strategy be approved for public consultation; and**
- (ii) that the contents of the final Strategy and programme for preparation and finalisation be approved by the Strategic Director for Environment in consultation with the Executive Member for Environment.**

Reason for Decision

To progress public consultation on a Waste Strategy for Torbay. Adoption of the final Strategy would be essential for the following reasons:-

- To provide a framework for the management of municipal waste in Torbay.
- To raise corporate awareness of the importance of waste management.
- It is a necessary document for accessing certain funding streams to improve Torbay's waste management capacity.
- To outline how Torbay Council intends to address its statutory duties in relation to municipal waste collection, recycling and disposal and how it intends to comply with Government targets for recycling, diversion of waste from landfill and recovery of value from waste.
- To provide a strategic policy framework for determining the choice of sustainable and effective techniques for waste disposal, together with the geographic and environmental criteria for the provision of a site to accommodate plant and operations to accommodate such techniques.
- To underline the 13 key Best Value Performance Indicators relating to waste management and disposal.

Information

Report Env/3/05 set out the draft Torbay Waste Strategy and sought Members' approval for it to be published for public consultation. The Strategy provided a framework for the management of municipal waste and guidelines for the treatment of other waste in Torbay until 2020.

Alternative options considered and rejected at the time of the decision

Not to progress the Waste Strategy for Torbay.

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

14th January 2005

Implementation

This decision will come into force and may be implemented on 24th January 2005 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 PRIMARY SCHOOL PLACES IN TORQUAY AND PAIGNTON

Decision Taker

The Executive at its meeting held on 11th January 2005.

Decision

- (i) That the Strategic Director for Children be requested to carry out consultation on the following two scenarios:-

Scenario One

- a) To reduce the planned admission number of Curledge Street Primary School from 86 to 60 with effect from September 2006 in order to facilitate the removal of poor quality accommodation;
- b) The amalgamation of Foxhole Infants School and Foxhole Junior School to form an all through primary school in September 2007 and that this primary school be a new build on the site of the Junior School forming the hub of a "Community Campus";
- c) To reduce the planned admission number for Ellacombe Primary School from 60 to 45 with effect from September 2006 in order to facilitate the creation of a specialist teaching space for ICT and a library;
- d) To reduce the planned admission number of Watcombe Primary School from 45 to 30 with effect from September 2006 in order that some classrooms can be converted for use by the Children's Centre; and
- e) To consult on the closure of Upton St James Church of England Primary School with effect from July 2006; and

Scenario Two

- a) To reduce the planned admission number of Curledge Street Primary School from 86 to 60 with effect from September 2006 in order to facilitate the removal of poor quality accommodation;
- b) The amalgamation of Foxhole Infants School and Foxhole Junior School to form an all through primary school in September 2007 and that this primary school be a new build on the site of the Junior School forming the hub of a "Community Campus";
- c) To reduce the planned admission number for Ellacombe Primary School from 60 to 30 with effect from September 2006 in order to facilitate the creation of a specialist teaching space for ICT and a library;
- d) To reduce the planned admission number of Watcombe Primary School from 45 to 30 with effect from September 2006 in order that some classrooms can be converted for use by the Children's Centre; and
- e) To reduce the planned admission number of St. Margaret's Primary School from 60 to 45 with effect from September 2006; and

APPENDIX 1 (continued)

- (ii) that the supply of primary school places be kept under review and that any future actions required be reported to Executive.

Reason for Decision

To commence consultation on the supply of school places and address the surplus of primary school places in Torbay.

Information

The Council was experiencing a decrease in the number of places filled in primary schools in Torbay and the numbers were expected to continue to fall. Report Chi/4/04 set out proposed changes in school organisation in order to reduce the number of surplus places in primary schools in Torquay and Paignton.

Alternative options considered and rejected at the time of the decision

To make no changes to school organisation.

To make changes at other schools in Torbay.

To make different changes to the schools affected by the Executive's decision.

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

Yes – Reference Number X52/2004

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)

Councillor Harris declared a personal prejudicial interest in this item and withdrew from the meeting as his children attended schools that were the subject of the review.

Councillor Burrige (attending the meeting under Standing Order 8.2 in relation to the Executive) declared a personal interest in this item as she was a Governor of Foxhole Junior School.

Published

14th January 2005

Implementation

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APPENDIX 1 (continued)

RECORD OF DECISION

BEST VALUE REVIEW OF SUPPORT SERVICES (PHASE 2A)

Decision Taker

The Executive at its meeting held on 11th January 2005.

Decision

- (i) That the summaries of each of the five support services, as presented in Report OSB/20/04, be endorsed;
- (ii) that the Service Improvement Plans for Financial Services, Engineering and Property Services, IT Services, Cashiers and Payments and Estates Services, as set out in the appendices to Report OSB/20/04, be adopted;
- (iii) that the Review Panel be requested to consider two further support services (namely Corporate Policy and Change Management and Facilities Management) to conclude the Support Services Best Value Review;
- (iv) that the Review Panel also be requested to prepare a long term overarching improvement plan in line with the corporate issues stated below: -
 - (a) a corporate approach to joint working with other public sector organisations, including other local authorities;
 - (b) a 'matrix' approach to premises-related services across the Council, in line with the recent corporate restructure. This will be the subject of a presentation to the meeting of the Panel in January 2005; and
 - (c) the long term exploration of the packaging of support services to ensure competitiveness and value for money for the Council, and
- (v) that the conclusions of (iii) and (iv) above be reported to future meetings of the Overview and Scrutiny Board and the Executive.

Reason for Decision

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

Information

To conclude the Best Value Review of Support Services, the Support Services Review Panel requested each individual support service to prepare an options appraisal and to identify improvement actions in line with a Best Value toolkit. The following services had undertaken this work and reported their findings to the Support Services Challenge Panel:-

- Financial Services
- Engineering and Property Services
- IT Services
- Cashiers and Payments
- Estates Services

APPENDIX 1 (continued)

Report OSB/20/04 set out the key areas of discussion at the Challenge Panel's meetings.

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 X43/2004

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)

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

Published

14th January 2005

Implementation

This decision will come into force and may be implemented on 24th January 2005 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 DIRECT PAYMENTS POLICY

Decision Taker

The Executive at its meeting held on 11th January 2005.

Decision

- (i) That the Direct Payments Development Worker be requested to establish a pool of service providers, who are employed using Direct Payments and wish to extend their client base, to give other Direct Payments recipients another source for obtaining employees;
- (ii) that all service users be routinely offered Direct Payments at each annual review and the reasons given by the service users who do not wish to receive Direct Payments be recorded;
- (iii) that the Direct Payments Policy and Guidance be amended to reflect the guidance from Blackburn with Darwen Borough Council, which covers Adults' Services and Children's Services;
- (iv) that the Director of Social Inclusion and the Assistant Director (Adults' Services) be requested to prepare a report to the Executive setting out options for a fixed hourly rate which reflects the average hourly rate for a Direct Payment, taking into account the current cost of local services, this rate to be reviewed on an annual basis to ensure that the level reflects local costs;
- (v) that the impact of an increase in the number of people receiving Direct Payments be, considered as part of the budget setting process for 2005/2006 in respect of Adults' Services and Children's Services;
- (vi) that the Council's policy not to charge service users who are under the age of 18 years old be revisited by the Director of Social Inclusion in consultation with the Executive Member for Children;
- (vii) that staff within Children's Services and Adults' Services undertake mandatory training in respect of Direct Payments by June 2005 to enable them to give consistent advice to service users and that the training be updated on an annual basis;
- (viii) that the Director of Social Inclusion and the Assistant Director (Adults' Services) be requested to prepare a report to the Executive detailing the long-term options in respect of Direct Payments with associated cost and resource implications; and
- (ix) that the Director of Social Inclusion and the Assistant Director (Adults' Services) be requested to explore further the provision of equipment through Direct Payments.

Reason for Decision

To respond to the recommendations of the Direct Payments Review Panel.

APPENDIX 1 (continued)

Information

Following a request by the Executive Social Services Committee, the Direct Payments Review Panel undertook a review of the Council's Direct Payments Policy. The purpose of the Review was to examine whether the current policy put in place appropriate arrangements to ensure that service users were able to receive Direct Payments in line with the Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2003. Direct Payments offered those entitled to community care who are "willing and able" to purchase the care and support they identify as fitting their personal needs.

The processes that were in place in respect of the calculation of the rate for Direct Payments and the guidance issued to staff and service users were scrutinised by the Panel. The Panel also met with a number of service users, Social Workers and a Care Manager to hear their views on the existing arrangements and their suggestions for improvements that could be made.

The Executive received Report OSB/19/04 setting out the recommendations of the Review Panel.

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

14th January 2005

Implementation

This decision will come into force and may be implemented on 24th January 2005 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

AFFORDABLE HOUSING ACTION PLAN

Decision Taker

The Executive at its meeting held on 11th January 2005.

Decision

That the Affordable Housing Action Plan (as set out at Appendix 1 to Report Com/13/04) be adopted pending a full revision of the strategy and adoption of the Future of Housing in Torbay Partnership Strategy for 2006-2008 in January 2006.

Reason for Decision

The adoption of the Affordable Housing Action Plan would draw together the Council's approach to maximise the delivery of new affordable housing through a number of key documents.

Information

Report Com/13/04 set out the Affordable Housing Action Plan which had been developed by Housing Services, Strategic Environmental Policy, Development and Conservation Services and in conjunction with the Torbay Housing Partnership. The purpose of the Plan was to provide an action based focus to support the "enabling" of housing and, in particular, affordable housing within Torbay.

Alternative options considered and rejected at the time of the decision

Not to adopt the Plan.

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

Yes – Reference Number – X38/2004

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

14th January 2005

Implementation

This decision will come into force and may be implemented on 24th January 2005 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 LEA NURSERY UNIT AT SHIPHAY COMMUNITY PRIMARY SCHOOL

Decision Taker

The Executive at its meeting held on 11th January 2005.

Decision

- (i) That the financial implications, issues surrounding quality of educational and social experience, the impact on the supply of early education places and the potential effect on other providers associated with the proposal to open a nursery unit at Shiphay Community Primary School be noted;
- (ii) that the publication of statutory notices to extend the age range of Shiphay Community Primary School to open a nursery unit be approved; and
- (iii) that the Director of Social Inclusion be requested to work with Shiphay Community Primary School and St Andrews Pre School jointly to develop future business plans.

Reason for Decision

To enable Shiphay Community Primary School to open a nursery unit. The nursery unit would allow the school to offer a wraparound service and offer a continuum of provision at the school from age 3 years. It would also give the school parity with 13 other primary schools with nursery units.

Information

The Executive at its meeting on 7th December 2004 deferred consideration of Report Chi/2/04 for site visits to Shiphay Community Primary School and St Andrews Pre-school. Following the site visits, the Executive considered the report which set out a proposal by Shiphay Community 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

To not to publish a statutory notice to extend the age range at Shiphay Community Primary School.

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

14th January 2005

APPENDIX 1 (continued)

Implementation

This decision will come into force and may be implemented on 24th January 2005 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

PENALTY NOTICES FOR DEALING WITH CASES OF NON-ATTENDANCE

Decision Taker

The Executive at its meeting held on 11th January 2005.

Decision

- (i) That the Council take up the power to issue penalty notices to the parents of children whose absence from school is unauthorised;
- (ii) that the Code of Conduct and the local policy on the circumstances when penalty notices be issued (as set out in Appendices 1 and 2 to Report Chi/5/04) be approved; and
- (iii) that the Director of Social Inclusion and the Principal Education Welfare Officer be authorised to issue penalty notices in accordance with the Code of Conduct.

Reason for Decision

To provide a further measure to the Council that can be used when dealing with cases of unauthorised absence by pupils from school.

Information

Report Chi/5/04 sought Members' approval for the Council to exercise powers provided under the Anti-Social Behaviour Act 2003. This Act, which came into force on 1st March 2004, allowed Local Education Authorities to issue penalty notices to the parents of children whose absence from school was unauthorised. The new legislation did not replace existing legislation for addressing cases of poor or non-attendance, but provided additional means of enforcing the law. Issuing penalty notices would enable the Education Welfare Service to respond promptly to cases of persistent non-attendance and it was envisaged that this would drastically reduce the number of parents who have to face court proceedings.

The Code of Conduct for issuing penalty notices had been drawn up following consultation with head teachers and governors and ensured that the use of penalty notices would be consistent and proportionate.

Alternative options considered and rejected at the time of the decision

The power to issue penalty notices when dealing with cases of non-attendance is not used.

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

Yes – Reference Number - X59/2004

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

APPENDIX 1 (continued)

Published

14th January 2005

Implementation

This decision will come into force and may be implemented on 24th January 2005 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 FLOODING WITHIN TORBAY

Decision Taker

The Executive at its meeting held on 11th January 2005.

Decision

- (i) That the Council lobbies the Department of Environment, Food and Rural Affairs (DEFRA) to alter its Benefit Cost Ratio system, which is used to issue Grant Aid for local authorities, so that areas like the South West receive equal consideration with other areas of the UK;
- (ii) that the Council lobbies South West Water to replace the combined sewer system which currently operates in some areas of Torbay;
- (iii) that the Council seeks assurances from South West Water that the sewage leak that occurred on 23rd August 2004 was a rare occurrence and that action is being taken to prevent this type of event happening in the future;
- (iv) that the need for flood alleviation work to be carried out at the following locations in the future be noted: Station Lane and Victoria Park in Paignton; Bolton Street and Fore Street in Brixham; the area around Torre Abbey especially the Kings Drive in Torquay; and that the Council monitor the need for work to be undertaken at Tweenaway Cross in the future;
- (v) that the public's awareness of flooding be increased through: displays in the Council's public buildings; a mobile information unit visiting those areas of Torbay that historically suffer from flooding; and a Flood Awareness Week;
- (vi) that the possibility of utilising the role of the Street Wardens so that they are trained to play a role during flood events be investigated;
- (vii) that the methods through which the Council communicates flood alerts both internally and externally are continued to be monitored;
- (viii) that the Strategic Director for Environment be requested to review the post-incident report on the flooding that took place at Boscastle on 16th August 2004 and act upon any new information or advice that is relevant to Torbay within that report;
- (ix) that thanks be extended to all Council staff and outside agencies who have been involved in dealing with the alleviation of flooding within Torbay; and
- (x) that the Flooding Steering Group be requested to co-ordinate actions to take forward items (i) to (ix) above.

Reason for Decision

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

APPENDIX 1 (continued)

Information

Torbay has experienced a long history of flooding, particularly during the summer months when the resort suffered from fast flash floods, which were difficult to predict. The Flooding Review Panel was established to investigate the risks of flooding within Torbay. It examined the measures that had been taken to prevent flooding in Torbay since 1999 and investigated any outstanding problems that would need consideration in the future.

As part of its Review, the Panel met with a number of parties involved with the alleviation of flooding within Torbay, which enabled the local community and key stakeholders to put forward their views about the measures undertaken and the issues that would need to be addressed in the future.

Report OSB/17/04 set out the findings and recommendations of the Panel.

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)

Councillors Carter and Jennings declared personal prejudicial interests in this item and withdrew from the meeting.

Published

14th January 2005

Implementation

This decision will come into force and may be implemented on 24th January 2005 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 – WAVE AND TIDAL POWER

Decision Taker

The Executive at its meeting held on 11th January 2005.

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:-

“This Council notes that the potential for wave and tidal power along the north coast of our region is considerable and should be valued as a world class resource. For every two metres of wave front along the coastline between the Isles of Scilly and Newquay there is enough power to run a small family car. This resource needs fostering as it could bring huge benefits to our region.

That the Council supports the SWRDA bid to press the Minister for an early decision on Offshore Strategic Environmental Assessment of wavepower and a wave hub.”

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

14th January 2005

Implementation

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APPENDIX 1 (continued)

RECORD OF DECISION

GRANTS IN LIEU OF RENT – TORQUAY SHOPMOBILITY AND SOUTH DEVON COALITION OF DISABLED PEOPLE – PREMISES AT LYMINGTON ROAD, TORQUAY

Decision Taker

The Executive at its meeting held on 11th January 2005.

Decision

That full grant support for the market rents on two premises in Lymington Road, Torquay, which would otherwise be payable for the duration of the new leases, be approved.

Reason for Decision

Providing full grant support would help to ensure that the monies raised by these two charities could continue to be channelled into service provision.

Information

Report Com/14/04 set out applications for grants in lieu of rent received from Torquay Shopmobility and the South Devon Coalition of Disabled People for leases on two premises in Lymington Road, Torquay.

Alternative options considered and rejected at the time of the decision

Not to provide grant assistance to either or both applicants.

To provide part grant assistance for the rent liability to the applicants.

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)

Councillor Burridge (attending the meeting under Standing Order 8.2 in relation to the Executive) declared a personal interest in this item as her husband was a member of the Shopmobility Committee.

Councillor Dunn (attending the meeting under Standing Order 8.2 in relation to the Executive) declared a personal interest in this item as he was a Council representative on the Torbay Shopmobility Management Committee.

Councillor Stocks (attending the meeting under Standing Order 8.2 in relation to the Executive) declared a personal interest in this item as she was a Council representative on the Torbay Shopmobility Management Committee and the South Devon Coalition of Disabled People.

APPENDIX 1 (continued)

Published

14th January 2005

Implementation

This decision will come into force and may be implemented on 24th January 2005 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).