



Minutes of the Overview and Scrutiny Board

16 January 2019

-: Present :-

Councillor Lewis (C) (Chairman)

Councillors Barnby, Darling (S), Lewis (B), Long, Morey, Sykes and Thomas (D)

(Also in attendance: The Elected Mayor and Councillors Amil, Brooks, Darling (M), Ellery, Excell, Mills, Pentney, Robson, Stubbley and Tyerman)

41. Apologies

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Board had been amended to include Councillors Lewis (B) and Thomas (D) in place of Councillors Bent and Bye respectively.

42. Urgent Items

The Board considered the item in Minute 45, and not included on the agenda, the Chairman 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.

43. Memorandum of Understanding with Torquay United Association Football Club

The Board had before it details of a call-in by no fewer than twenty Members of the Council of the decision of the Elected Mayor in relation to a proposed Memorandum of Understanding (MOU) with Torquay United Associated Football Club.

The Call-in Promoter (Cllr Tyerman) explained that the signatories believed that the Elected Mayor's decision was contrary to the Council's Policy Framework. He explained that the Corporate Plan identified one of the Council's principles as "Using reducing resources to best effect". Further, the conduct set out within the proposed MOU was the conduct that one would expect the Council to adopt with any significant partner organisation. Therefore creating the MOU would not be an effective use of officer time.

Members of the Board indicated that they were minded to agree that the decision was contrary to the Council's Budget and Policy Framework and, at that point, the Monitoring Officer provided advice to the Board.

The Elected Mayor responded and explained why he was now minded to rescind his previous decision.

Resolved: (i) that, subject to the Elected Mayor signing and publishing a record of decision to rescind his previous decision in respect of the Memorandum of Understanding with Torquay United Association Football Club by 21 January 2019, no further action be taken; and

(ii) that, in the event that (i) above is not implemented by 21 January 2019, having listened to the advice of the Monitoring Officer, the Board is of the view that the Elected Mayor's decision is contrary to the Policy Framework as it does not believe that it makes the best effect of the Council's reducing resources and therefore the matter be referred to Council on 31 January 2019.

44. Proposed freehold disposal of Echo Building, St James Road, Torquay, TQ1 4AZ

The Board had before it details of a call-in by five Members of the Council of the decision of the Elected Mayor to dispose of the freehold interest of land known as the Echo Building at St James Road, Torquay.

The Call-in Promoter (Cllr Pentney) explained that the signatories believed that, given the Echo Building had recently been identified as an Asset of Community Value, the community should be given a further period of six months (over and above that allowed by statute) to develop a business case for the future use of the building.

The Chair of the Torre and Upton Community Partnership attended the meeting and made representations.

The Elected Mayor responded to the points raised in the call-in notice.

Resolved: that the decision be referred back to the Elected Mayor with a recommendation that a 12 month period be allowed for the community to develop a proposal for the future use of the Echo Building, with a draft business plan to be presented to the Council within six months.

45. TOR2

The Deputy Mayor, the Assistant Director (Business Services) and representatives from TOR2 attended the meeting to discuss the issues with waste collection across Torbay over the Christmas period.

The Assistant Director went on to present his draft report to the Council on the proposed replacement of waste and recycling vehicles. The purchase of replacement vehicles would commit the Council (in the immediate future) to collecting recycling by the kerbside sort method as part of its statutory waste collection duty.

Resolved: that a task-and-finish group be established to review the complete options appraisal that enables all members to be briefed on the wholesale solution for waste and recycling in Torbay, including the overall cost, before a decision is made to purchase replacement vehicles.

Chairman
