

OVERVIEW AND SCRUTINY BOARD

A meeting of **Overview and Scrutiny Board** will be held on

Monday, 23 March 2015

commencing at **10.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Board

Councillor Thomas (J) (Chairman)

Councillor Bent
Councillor Darling (Vice-Chair)
Councillor Pentney
Councillor Stockman

Councillor Davies
Councillor Kingscote
Councillor Tyerman
Councillor Hernandez

Co-opted Members of the Board

Penny Burnside, Diocese of Exeter

Working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

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01803 207063

Email: scrutiny@torbay.gov.uk

OVERVIEW AND SCRUTINY BOARD AGENDA

1. Apologies

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

2. Declarations of Interest

a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

3. Urgent Items

To consider any other items that the Chairman decides are urgent.

4. Petition requesting covenant for Cary Green

The above decision was called-in by Councillors Parrott, Stocks, Cowell, Morey and Darling on 9th March 2015.

(Pages 1 - 3)

The reasons for the call-in are attached together with the Record of Decision.

Notice of call in by the Non-Coalition Group/ Liberal Democrats/Labour of Mayoral decision dated 26 February 2015 – Petition requesting a covenant for Cary Green

Reasons for the call in:

1. In making his decision the mayor did not demonstrate that he had made it in accordance with the principle of natural justice. In particular, he did not demonstrate that the petitioners any less deserved to be granted a covenant for Cary Green, a much used and loved public space, than the petitioners for a covenant at Churston golf course - where he felt able to arbitrarily grant a similar covenant with regard to two holes– this despite clear guidance to the contrary from expert officers of the council, the recommendations of the Overview & scrutiny, and the overwhelming majority of councillors meeting in full council;
2. That in granting the covenant for two holes at Churston golf course and not for the much loved and used public space at Cary Green he is showing clear preference for a small number of residents of Churston over the residents of Torquay and that this is unacceptable from an elected mayor of Torbay;
3. The signatories of this call in contend that the business case for the development that will include turning the much loved and used public space at Carey Green into an exclusive car-park has never been proven, and that contrary to decision by full council, the mayor continues to seek to keep the business case and the final decision regarding the development away from full council. The signatories therefore require that the mayor abides by the decision of full council and shares with members of the council what precisely has been offered to the developers and why they would ever have thought that Carey Green would be available to them as part of any scheme ;
4. That the mayor must share with councillors the extent to which the use of other car parks already in the vicinity (Beacon Cove and Fleet Walk) have been considered in the negotiations with MDL; and
5. In his decision to ignore the petitioners and refuse to grant a covenant to protect the much loved and used public space at Carey Green the mayor said that failure to turn it into an exclusive car park would deny Torquay 300 jobs. The signatories wish to hear more specifics about the guarantees that there would be 300 jobs, and the nature of those jobs including whether they will be full-time quality jobs paying sufficient to ensure that the holders will not need to claim benefits to top-up their incomes?

Agenda Item 4

Appendix 1

Record of Decisions

Petition Requesting a Covenant for Cary Green

Decision Taker

Mayor on 26 February 2015

Decision

That no action be taken in respect of the petition on a covenant for Cary Green.

Reason for the Decision

Members voted unanimously to approve a lease of the Marina Car Park, the Pavilion and Cary Green, to enable a major regeneration project to be delivered which capitalizes on the prime waterside location of the existing Marina Car Park, which safeguards the long term viability of The Pavilion, allows appropriate development of Cary Green and preserves the level of car parking and revenue to the Council and Harbour Authority, at the Council meeting held on 1 February 2012 and the issues raised in the petition impact upon that previous decision (Minute 524/2/12 refers).

Implementation

This decision will come into force and may be implemented on 11 March 2015 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

A Petition containing 1336 paper signatures and 90 e-petition signatures was presented to Council asking Torbay Council as freehold landowner, to covenant with the residents of Torquay not to allow any development of Cary Green without first obtaining the agreement of the majority of the residents of Torquay at a referendum.

In the absence of a recommendation from the Council at the meeting held on 26 February 2015 the Mayor considered the motion submitted by Councillors Mills and Pritchard and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

- (i) take the action requested by the petition;
- (ii) make recommendations to the decision maker; or
- (iii) request further investigation into the matter, for example by a relevant committee.

Is this a Key Decision?

No – Reference Number: I019506

Does the call-in procedure apply?

Yes

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

None.

Published

3 March 2015

Signed: _____
Mayor of Torbay

Date: 3 March 2015