

**Report OSB/6/11 of the Overview and Scrutiny Board
to the meeting of the Council to be held on 24 March 2011**

**Princess Parade, Princess Gardens, Marina Car Park, Pavilion and
Theatre, Torquay – Notice of Call-in**

1. At its meeting on 16 March 2011, the Overview and Scrutiny Board considered Report 68/2011 which set out the details of a call-in by five Members of the Council of the decision by the Mayor to, amongst other things, authorise the Chief Executive of Torbay Development Agency to investigate and deliver a solution to the repairing liabilities at Princess Gardens, Princess Parade, The Pavilion and Princess Pier.
2. The Call-in Promoter (Councillor Faulkner (J)) set out the reasons for calling-in the decision and three of the Call-in Supporters also addressed the Board about their concerns regarding the decision.
3. The Board heard representations from members of the public who were against the decision of the Mayor and a representative of the Torbay Civic Society who were in favour of the decision. The Board also had before them two letters of representation in favour of the decision. (As part of the papers considered by the Board were the representations in favour and against the decision which had been considered at the Cabinet meeting (together with a petition against the decision).)
4. The Mayor responded to the points raised by both the Call-in Promoter and Supporters and the Members of the Board.
5. In accordance with the Constitution, the Overview and Scrutiny Board had three options open to it:
 - Take no further action
 - Refer the decision back to the Mayor
 - In exceptional circumstances, refer the matter to the Council
6. The Overview and Scrutiny Board resolved that the decision of the Mayor should be referred to the Council for consideration for the following reason:

Whilst the Overview and Scrutiny Board acknowledge the need for redevelopment in the Princess Gardens area, it would wish to safeguard what makes Torbay special.

The Board shares the concerns listed on the call-in notice it considered, namely:

The Mayor's decision authorises the Chief Executive of the Torbay Development Agency to "investigate and deliver a solution to the repairing liabilities" in consultation

with the Mayor, Portfolio Holder for Regeneration, the Environment Commissioner and the Executive Head of the Torbay Harbour Authority. What input will there be into this project from the Harbour Committee, Harbour users, the wider community and elected representatives?

The Chief Executive of the Torbay Development Agency is being asked to “revisit the principle” of a Torquay Inner Harbour Pontoon Berthing Project. How will the Council ensure that residents can secure affordable berths in the inner harbour? What consultation has the Mayor undertaken on this? How will the Executive Head of the Tor Bay Harbour Authority be involved?

The Mayor has failed to give any clear guidance as to what would or would not be acceptable in terms of development.

7. In accordance with the Constitution, the options open to the Council are:

- **If the Council does not object to the decision**, no further action is necessary and the decision will be effective from the date of the Council meeting
- **Provided the decision has been made in accordance with the Policy Framework and the Budget**, the Council has no power to amend the decision but may refer any decision to which it objects back to the decision maker together with the Council's views on that decision.