



Briefing Report No: **84/2011**

Public Agenda Item: **Yes**

Title: **Princess Parade, Princess Gardens, Marina Car Park, Pavilion and Theatre, Torquay – Call-In**

Wards Affected: **Tormohun Ward**

To: **Cabinet**

On: **5 April 2011**

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1. Key points and Summary

- 1.1 At its meeting on 16 March 2011, the Overview and Scrutiny Board considered the Notice of Call-in of the decision of the Mayor (taken at the Cabinet meeting on 3 March 2011) to 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. The Board resolved that the decision of the Mayor be referred to Council for consideration. The Council considered Report OSB/6/11 which set out details of the Notice of Call-in and advice from the Monitoring Officer.

It was then proposed by Councillor Thomas (J) and seconded by Councillor Oliver:

“that the Mayor be requested to reconsider his decision in light of the following:

- (i) whilst the Council acknowledge the need for redevelopment in the Princess Gardens area, it would wish to safeguard what makes Torbay special; and
- (ii) the Council shares the concerns listed on the call-in notice namely:
 - (a) 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?;
 - (b) 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?; and

- (c) the Mayor has failed to give any clear guidance as to what would or would not be acceptable in terms of development.”

In accordance with Standing Order A19.4, a recorded vote was taken on the motion. The voting was taken by roll call as follows: **For:** Councillors Amil, Baldrey, Butt, Carter (C), Carter (R), Charwood, Darling, Doggett, Ellery, Excell, Faulkner (J), Hodge, Horne, Hytche, Manning, McPhail, Mills, Morey, Oliver, Pentney, Phillips, Richards, Scouler, Stocks, Stringer, Thomas (D) and Thomas (J) (27); **Against:** The Mayor, Councillors Aiton, Bent, Lewis and Parrott (5); and **Absent:** Councillors Addis, Faulkner (A) and Tolchard (3). Therefore, the motion was declared **carried**.

- 1.2 The Mayor is therefore requested to consider the recommendation of Council set out in paragraph 1.1 above.

2. Introduction

- 2.1 At the meeting of Cabinet held on 3 March 2011, the Mayor considered Report 41/2011 which set out a proposal that would lead to the regeneration of the Princess Gardens, Princess Parade, Marina Car Park, Pavilion and Theatre area of Torquay in accordance with the Torbay Harbour Area Action Plan and at the same time addressing the Council's significant repairing liability for the Princess Gardens, Princess Parade, Princess Pier and the Pavilion. The Mayor agreed (Minute 574.2/3/11 refers):

“(i) that the Chief Executive of Torbay Development Agency, in consultation with the Mayor, the Portfolio Holder for Regeneration, the Environment Commissioner and the Executive Head of Tor Bay Harbour Authority, be authorised to investigate and deliver a solution to the repairing liabilities at Princess Gardens, Princess Parade, The Pavilion and Princess Pier which may incorporate a combination of a) and b) below:

- (a) Private sector investment to deliver, subject to planning consent, appropriate levels of commercial and residential development on-
 - (i) the site of the Marina Car Park;
 - (ii) additional land on Princess Parade;

with such development to include the refurbishment of, and the incorporation of, the Pavilion as well as any associated car parking; and

- (b) Torbay Council officers being asked to identify funding sources and financial implications of meeting some or all of the costs of repairs including possible new funding sources that may become available in the near future;

- (ii) that if the approved private sector development does not fund all of the repairs then the Chief Executive of Torbay Development Agency, in consultation with the Mayor, the Portfolio Holder for Regeneration, Environment Commissioner and the Executive Head of Tor Bay Harbour Authority, be permitted to procure the design and the costing of a schedule of works which would take into account all of the options available for the area under consideration;
- (iii) that the Chief Executive of Torbay Development Agency be authorised, on Torbay Council's behalf, to apply for grant funding from all appropriate sources to contribute towards the cost of the repairs detailed in (ii)(b) above;
- (iv) in addition to the grant funding in (iii), the Chief Executive of Torbay Development Agency, in consultation with the Council's Chief Finance Officer, look at and report back to the Cabinet and if necessary the Harbour Committee, on the funding options and costs to meet the works covered in (ii)(b);
- (v) that, if necessary, once the works in (ii)(b) above have been identified and agreed, and once the funding for these works has been secured, Torbay Development Agency be allowed to procure these works in accordance with appropriate European Union Procurement Regulations, if applicable;
- (vi) that the Chief Executive of Torbay Development Agency in consultation with the Head of Legal, the Harbour Committee and the Mayor be authorised to advertise and sell, at best value, a long lease of The Marina Car Park, the Pavilion and such additional land required to carry out the development covered in (i);
- (vii) that the Chief Executive of Torbay Development Agency, working with the Harbour Committee, be asked to revisit the principle of a Torquay Inner Harbour Pontoon Berthing Project, as outlined in report 150/2009; and
- (viii) that the Chief Executive of Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority be asked to prepare a further report on the Torquay Inner Harbour Pontoon Berthing Project, including private sector investment options, for consideration by the Harbour Committee, the Mayor and/or Council."

2.2 The Mayor's decision was called-in and considered at the Overview and Scrutiny Board meeting on 16 March 2011 where Members referred the matter to the Council for consideration. The Council considered the call-in at its meeting held on 24 March 2011 and their recommendation is set out in paragraph 1.1 above.

2.3 The Mayor must consider the Council's recommendation and either:

- (i) confirm the decision without modification; or
- (ii) confirm the decision with modification; or
- (iii) rescind the decision.

Richard Thorpe
Executive Head of Governance

Appendices
None

Documents available in members' rooms
None

Background Papers:

The following documents/files were used to compile this report:

OSB/6/11 - Princess Parade, Princess Gardens, Marina Car Park, Pavilion and Theatre,
Torquay – Notice of Call-in

Minute 574.2/3/11

Report 41/2011 - Princess Parade, Princess Gardens, Marina Car Park, Pavilion and
Theatre, Torquay