



Contact: Kate Spencer  
Telephone: 01803 207014  
E-mail address: [scrutiny@torbay.gov.uk](mailto:scrutiny@torbay.gov.uk)  
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Overview and Scrutiny  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

Dear Member

**OVERVIEW AND SCRUTINY BOARD - WEDNESDAY, 9 AUGUST 2017**

I am now able to enclose, for consideration at the Overview and Scrutiny Board to be held on Wednesday, 9 August 2017, the following reports that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>	<b>Page</b>
<b>4.</b>	<b>HIV Advocacy and Social Care Support Contract</b>  Please note that the Director of Public Health has rescinded her decision in relation to the above issue and therefore the call-in of the decision will now not be considered at this meeting.	
<b>5.</b>	<b>Disposal of Land Adjacent to the Inn on the Quay, Tanners Road, Goodrington, Paignton</b>	(Pages 2 - 3)

Yours sincerely

Kate Spencer  
Overview and Scrutiny Lead

## Disposal of the land adjacent to the Inn on the Quay, Goodrington – 19/7/17

Call-in of Mayoral Decision – 26/7/17

Officer's comments are set out below:

### Reasons for Call in

1 At the P.D.D.G. meeting held on 18<sup>th</sup> May 2017 the mayor made a decision regarding the disposal of land adjacent to the Inn on The Quay at Goodrington. Part of that decision reads as follows:

(ii) That the results from public consultation in (i) above be considered at a future meeting of the Policy Development and Decision Group (Joint Operations Team) together with the proposed details for the new lease.

By taking the decision on the disposal of land without the action above being undertaken or the decision made on May 18<sup>th</sup> being rescinded the Mayor has failed to act in accordance with his own decision and has denied the public the opportunity to make representation either directly or through their elected ward representatives in support of their concerns over this disposal. It is also not transparent that the details of the new lease have been considered, as required under the decision of May 18<sup>th</sup>, prior to the current decision being taken

(ii) Whitbread requested that a decision was made before the next Policy Development and Decision Group (Joint Operations Team) on 24th July 2017 as Whitbread has very tight delivery timeframes to be able to minimise the disruption of the delivery of any project during the 2018 season. It was suggested that the 2 local Ward Councillors attend this early meeting.

The public had the opportunity to make written comments regarding the Disposal of Open Space through the formal procedure. 15 letters were received by the Council and were provided and attached to the Record of Decision for consideration by the Mayor.

Officers attended a meeting of the Roselands & Goodrington Community Partnership Steering Group on 19<sup>th</sup> June, along with local ward Councillors. The scheme was fully explained as was the ongoing process of public consultation over the disposal of Open Space. The position regarding the earlier PDDG decision and the reasons why officers would be seeking an earlier decision and therefore deviating from the PDDG minutes was fully explained and was not challenged. Officers provided a lengthy explanation about why a definitive answer on toilet re-provision could not be given, not least because it would ultimately be a decision for full Council in terms of the ongoing review of Public Toilet provision across the Bay.

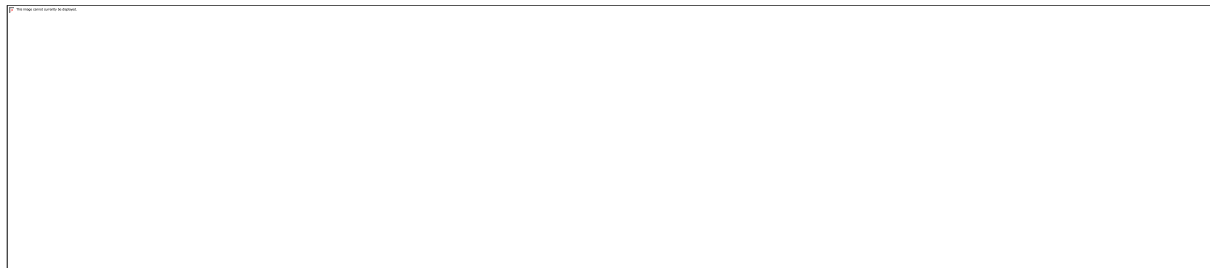
On 10<sup>th</sup> July two senior representatives from Whitbread, along with a Senior Council Officer and a TDA staff member attended another meeting of the Roselands & Goodrington Community Partnership Steering Group, specifically to discuss the

issues in direct response to the PDDG minutes. Kevin Mowat went to great lengths to explain again why an earlier decision would be sought ahead of the next scheduled PDDG. Once again this issue was not challenged by the Steering Group or the ward Councillor. Officers also reiterated again the difficulty of providing a guarantee over the re-provision of public toilet facilities in the light of the ongoing Council review of such services.

The principle terms of any new lease are as set out in Whitbread's offer letter which was attached to the Report to the Policy Development and Decision Group (Joint Operations Team) on 18<sup>th</sup> May 2017. The offer is considered to be of reasonable value as the Tenant is a special purchaser, taking into account the premium and the likely increase in the annual turnover rent that the Council would receive from Whitbread – estimated to be in the order of £15,000 - £20,000 (based on previous and current annual turnovers). This represents around a 12% - 13% increase in annual rental to the Council, for Inn on the Quay, Goodrington.

**2 That the decision regarding the re-provision of toilet facilities is not sufficiently robust to ensure that adequate facilities are retained in the central area of Goodrington and that the decision should specifically refer to the central area of the beach which is the area frequented by visitors to the beach and its leisure facilities.**

The reason for this was fully explained and the matter was discussed at length at two meetings of the Community Partnership Steering Group attended by officers and ward Councillors.



This issue mentioned at paragraph 3 above was discussed at the Roselands & Goodrington Community Partnership Steering Group Meeting on 19<sup>th</sup> June and 10<sup>th</sup> July 2017, and it was suggested that periodic meetings could be set up with the local businesses/ Tenants and Whitbread (possibly the Whitbread Regional Manager and the local Site Manager) to discuss issues in common.

Whitbread also mentioned at this meeting that it had not carried out any major re-decoration as there was the possibility of the hotel extension. After any decision on the extension then the decoration of the building would be looked at.

Finally, on 13<sup>th</sup> July Officers provided Councillors Tyerman and Barnby with a full briefing on this matter including the rationale for an early decision by the Mayor as well as the draft wording of a Record of Decision. Officers cannot see what more could have been done to avoid this Call-in. The delay that has been introduced by the Call-in process has put the investment by Whitbread at risk.