

## **OVERVIEW AND SCRUTINY BOARD**

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

**Wednesday, 16 January 2019**

commencing at **2.30 pm**

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

### **Members of the Board**

Councillor Lewis (C) (Chairman)

Councillor Barnby  
Councillor Bent  
Councillor Bye  
Councillor Darling (S)

Councillor Long  
Councillor Morey  
Councillor Sykes

### **Co-opted Members of the Board**

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**A prosperous and healthy Torbay**

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

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**01803 207014**

Email: [scrutiny@torbay.gov.uk](mailto: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 Board.

## 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. Memorandum of Understanding with Torquay United Association Football Club

(Pages 4 - 5)

To consider the call-in by Cllr Tyerman and 20 other Councillors of the Elected Mayor's decision in relation to the Memorandum of Understanding with Torquay United Association Football Club.

The reasons for the call-in are as follows:

“The decision to prepare the final Memorandum of Understanding [MOU] between Torbay Council and Torquay United is contrary to the Policy Framework. The Corporate Plan identifies one of the Council's principles as “Using reducing resources to best effect”.

Given that creating a MOU will mean extra officer time we do not believe it to be an effective use of officer time.

The conduct to be undertaken by Torbay Council in the

document is the conduct that one would expect the Council to adopt with any significant partner organisations and so a document is not required.

The enabling land should be identified before any officer capacity is spent on this project.”

The Record of Decision is attached for information.

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

(Pages 6 - 7)

To consider the call-in by Cllr Pentney and four other Councillors of the Elected Mayor’s decision in relation to the proposed freehold disposal of Echo Building, St James Road, Torquay.

The reasons for the call-in are as follows:

- “1. The Echo Building has acted as part of the Upton Community as a childrens centre, a part of Upton St James School, a community centre and a church. The Tormohun ward, in which it is located, is one of the most deprived wards in Torbay with high levels of crime, high levels of single parents and significant health needs. The building has acted as an integral part of the community and could still play a significant part in regenerating this community.
2. In the decision notice it states that no alternative options have been considered. The Mayor should explain why this is the case?
3. The Mayor agreed to register the Echo Building as an “Asset of Community Value,” on the 19th December, 2018. Less than two working weeks later he has given notice that he wishes to sell the asset. This has not given the community time to develop a business case to use this facility in their best interest.
4. The promoters of this motion would like to have sight of all the minutes and reports pertaining to the decision to dispose of this asset. This further information will result in additional questions.”

The Record of Decision is attached for information.

## Record of Decision

### Memorandum of Understanding with Torquay United Association Football Club

#### Decision Taker

Elected Mayor on 17 December 2018

#### Decision

That the Assistant Director for Business Services, be instructed to prepare the final Memorandum of Understanding (MOU) between Torbay Council and Torquay United Association Football Club (TUAFC) based on the draft MOU set out at Appendix 1 to the submitted report, subject to paragraph 1.2(e) being amended to read ‘... shall **not** be taken as pre-determination or any decision or political endorsement or assurance’ for signature by the Elected Mayor and Assistant Director for Business Services.

#### Reason for the Decision

Torquay United Association Football Club have indicated to the Council a desire to invest financially in developing a new stadium and providing improved sports provision for young people to enhance the work already undertaken by TUAFC. The signing of the Memorandum of Understanding will give them confidence that the Council will work with them in a professional and supportive way.

#### Implementation

This decision will come into force and may be implemented on 7 January 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

#### Information

The submitted report proposed that the Council entered into a Memorandum of Understanding with Torquay United Association Football Club (TUAFC) to support the principle of the Council working in collaboration with TUAFC on a project that could see the delivery of a new stadium/arena/leisure complex and the creation of a new youth centre of excellence and sports academy. At the meeting, following debate, the Policy Development and Decision Group (Joint Operations Team) made the following recommendation to the Elected Mayor:

“that no further action be taken in respect of the Memorandum of Understanding (MOU) between Torbay Council and Torquay United Association Football Club (TUAFC).”

The Elected Mayor considered the recommendation of the Policy Development and Decision Group (Joint Operations Team) at the meeting on 17 December 2018 and his decision is set out above.

#### Alternative Options considered and rejected at the time of the decision

None

#### Is this a Key Decision?

No

**Does the call-in procedure apply?**

Yes

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

None

**Published**

21 December 2018

Signed: \_\_\_\_\_  
The Elected Mayor of Torbay

Date: 21 December 2018

## Record of Decision

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

#### Decision Taker

Elected Mayor on 02 January 2019

#### Decision

That, subject to applying the Asset of Community Value Policy, the Assistant Director of Business Services, in consultation with the Chief Executive, be authorised to dispose of the freehold interest of the land area 405.5 sq. m (4,365.3 sq. ft.), gross internal area 294 sq. m (3,164.6 sq. ft.) known as Echo Building, St James Road, Torquay, TQ1 4AZ.

#### Reason for the Decision

This property on disposal will provide a capital receipt to help supplement the capital programme. It will reduce the Council's liability of further maintenance spending. A successful sale will help minimise the Council's costs, and so relieve pressure on revenue budget savings.

#### Implementation

This decision will come into force and may be implemented on 10 January 2019 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

#### Information

The assumed former Church until recently has been let to the charity Action for Children and used as a Children's Centre. The building is now vacant and the condition of the building is reasonable given the previous use.

It is recommended the property is declared surplus to Council requirements and disposed of by way of auction to the highest bidder on terms to be agreed by the Assistant Director of Business Services, subject to consideration of the Council's Assets of Community Value Policy as the Elected Mayor agreed to register this building as an Asset of Community Value on 19 December 2018.

The Policy States:

"Should an owner of a community asset wish to enter into a relevant disposal or a binding agreement to enter into a relevant disposal, they must satisfy each of the following conditions:-

- a) A period of six weeks has passed since the notification was received by the Council without the Council having received during that period a written request from any community interest group to be treated as a potential bidder in relation to the asset; ("interim moratorium");
- b) Where the Council has received a written request from a community interest group to be treated as a potential bidder during the six week period from notification being received from the owner; a period of six months has passed since the notification was received from the owner; ("full moratorium period") and;

- c) The relevant disposal takes place **within** a period of 18 months since the notification was received by the Council (the owner is free to sell the asset to whomever they choose and at whatever price within this period) (“protected period”).”

**Alternative Options considered and rejected at the time of the decision**

None

**Is this a Key Decision?**

No

**Does the call-in procedure apply?**

Yes

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

None

**Published**

2 January 2019

Signed: \_\_\_\_\_  
The Elected Mayor of Torbay

Date: 2 January 2019