

Meeting: Council

Date: 19 January 2017

Wards Affected: All Wards

Report Title: Call-in of Mayor's Decision on Potential Helipad and Light Rail System for Torbay

Is the decision a key decision? No

When does the decision need to be implemented? once a decision has been made

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1. Proposal and Introduction

1.1 On 23 November 2016 the Mayor took the following decision:

“Potential Helipad and Light Rail System for Torbay

- (i) that the Assistant Director of Corporate and Business Services be requested to consult the private sector and businesses in the aviation sector for their views on the principle of establishing a helipad facility for Torbay and that this should give the opportunity for the private sector undertaking feasibility work and to put forward proposals;
- (ii) that an informal working group comprising the Mayor and business leaders be established to investigate the economic benefits to Torbay of having a helipad facility;
- (iii) that further discussions be held between the Spatial Planning Department and Devon Air Ambulance in respect of their needs for adequate facilities; and
- (iv) that due to the economic growth in Brixham in the fishing and tourism industry there is a need to improve transport links in and out of Brixham and the surrounding area to cope with this growth and the Assistant Director of Corporate and Business Services be requested to consult with the fishing industry, Brixham Town Council, rail user groups and existing rail owners to establish, in principle, if the formation of a light railway system will benefit the long term economic prospects of Brixham and the surrounding area.”

- 1.2 The Mayor's decision was called in for scrutiny and considered at the meeting of the Overview and Scrutiny Board held on 14 December 2016. An extract of their Minute is set out below:

“48. Potential Helipad and Light Rail System for Torbay

The Board considered the details of a call-in by thirteen Members of the Council of the decision of the Mayor to, amongst other things, request the Assistant Director – Corporate and Business Services to consult on the principle of establishing a helipad facility in Torbay and on the long term economic benefits of a light railway system to Brixham.

In addressing the Board, the Call-in Promoter highlighted that he believed that the Mayor's decision was contrary to the Council's Policy Framework. He made reference to the Corporate Plan which included the principle that the Council's reducing resources should be used to best effect.

Members of the public who were both in favour of the Mayor's decision addressed the Board.

The Deputy Mayor and other members of the Executive were invited to respond to the points in the call-in and to the questions raised by members of the Board.

Members of the Board indicated that they were minded to agree that the decision was contrary to the Council's Budget and Policy Framework and, at that point, the Monitoring Officer and Chief Financial Officer provided advice to the Board.

Resolved: that, having listened to the advice of the Monitoring Officer and the Chief Financial Officer, the Board is of the view that the Mayor's decision is contrary to the Policy Framework as it does not believe that it makes best effect of the Council's reducing resources and therefore the matter is referred to the Council.”

- 1.3 Members are requested to consider this report and determine what action to take.

2. Reason for Proposal

- 2.1 To consider the recommendation of the Overview and Scrutiny Board and further information detailed in the submitted report.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Council considers the contents of this report in determining whether or not the Mayor's decision dated 28 November 2016 in respect of a Potential Helipad and Light Rail System for Torbay is contrary to the Policy Framework or contrary to (or not wholly in accordance with) the Council's budget.

Appendices

- Appendix 1: Reasons for call-in Potential Helipad and Light Rail System for Torbay
 - Appendix 2: Record of Decision Potential Helipad and Light Rail System for Torbay
 - Appendix 3: Report to Policy Development and Decision Group (Joint Operations Team)
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4. Background Information

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4.1 The following advice was given to the Overview and Scrutiny Board in respect of the Mayor's decision regarding the commissioning of a consultation exercise with the public, partners and the voluntary sector to assess opinion with regards to what further action the Council (and partners where appropriate) should take on the issues raised by the Monitoring Officer and Head of Finance:

4.1.1 Policy Framework – the decision needs to be contrary to the Policy Framework. The definition of contrary by the Oxford Dictionary is 'opposite in nature, direction or meaning'. The fact that something is not explicitly mentioned, does not mean it is contrary.

4.1.2 There are two references within the Council's Corporate Plan, which is a Policy framework document, that relates to the Mayor's decision. The first is targeted action 4 on page 30 - Deliver capital schemes to improve the highways and transport network and be proactive in seeking new funding to improve infrastructure and support the economic growth of Torbay. The second is targeted action 2 on page 22 - Deliver transport improvements (include improving rail and air links throughout Torbay). The Monitoring Officer does not consider that the Mayor's decision for consultation is contrary to either of these targeted actions.

4.1.3 Reference was made by members to one of the principles in the Corporate Plan - 'using resources to best effect'. Consideration as to whether the decision to consult is contrary to this principle, is a political matter for members to decide.

4.1.4 The Chief Finance Office advised that as there is a budget for staffing on consultation, the Mayor's decision was not contrary to the budget, although clearly it would impact upon the current work of the Consultation Team and the work of the Spatial Planning Team and the Assistant Director of Corporate and Business Services - but that does not make it contrary to the budget.

5. Options

5.1 In accordance with the Standing Orders, the Council has to firstly to determine whether or not the decision (if implemented) would be within the Budget and Policy Framework (D10.7).

- 5.2 If the Council determines that the decision would be within the Budget and Policy Framework, the subsequent action is that it may refer any decision to which it objects back to the decision maker together with the Council's views on that decision (D9.4C).
- 5.3 If the Council decides that the decision would be contrary to (or not wholly in accordance with) the Budget and/or Policy Framework, the decision shall be deemed as a recommendation to the Council and the Council itself shall take the final decision on the matter.