

Meeting: Council

Date: 21 June 2018

Wards Affected: All Wards

Report Title: Call-in of Elected Mayor's Decision in relation to the Future of Oldway Mansion, Paignton

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 11 June 2018, the Elected Mayor took a decision in relation to the future of Oldway Mansion. Part (iii) of that decision was as follows:

“That market testing commences now, through accredited agents, to see whether there is interest in securing the freehold or long leasehold disposal of Oldway Mansion and Estate. The marketing should engage with all interested parties, including charities, trusts, private individuals and commercial organisations, and for local community groups, such as the Friends of Oldway, the Community Asset Transfer Policy would be applicable.”

1.2 This decision was called in for scrutiny and considered at the meeting of the Overview and Scrutiny Board held on 13 June 2018. An extract of their Minute is set out below:

“6. Future of Oldway Mansion, Paignton – Market Testing

The Board considered the details of a call-in by fifteen Members of the Council of the decision of the Elected Mayor to commence market testing commences, through accredited agents, to see whether there is interest in securing the freehold or long leasehold disposal of Oldway Mansion and Estate.

The Call-in Promoter (Councillor Lewis (C)) explained that the signatories believed that the Elected Mayor's decision was contrary to the Council's Policy Framework. He explained that the Corporate Plan identified one of the Council's principles as “Using reducing resources to best effect” and

that, given that there was no political will to dispose of Oldway Mansion, undertaking market testing would not be an effective use of officer time.

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 provided advice to the Board.

Resolved: that, having listened to the advice of the Monitoring 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.

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 Elected Mayor's decision dated 11 June 2018 to commence market testing to determine whether there is interest in securing the freehold or long leasehold disposal of Oldway Mansion and Estate is contrary to the Policy Framework.

4. Supporting Information

4.1 As per the advice provided verbally to the Overview and Scrutiny Board, it is confirmed that the Corporate Plan forms one element of the Council's Policy Framework.

4.2 The Corporate Plan sets out three principles upon which everything that the Council does needs to be based upon, namely;

- Using reducing resources to best effect,
- Reduce demand through prevention and innovation,
- Integrated and joined approach.

4.3 The Corporate Plan then expands upon the meaning of using reducing resources to best effect. It states that the Council has to ensure '*every pound and every hour of work is well spent.*' In order to market test whether there is interest in securing the disposal of Oldway will use Officer resources, i.e. officer hours of work. In this respect the Corporate Plan is engaged, albeit on a very broad basis. However it is a political decision as to whether resources should be focused upon market testing the disposal of Oldway, or whether they should be focused upon other priorities.

4.4 The Corporate Plan continues to expand upon the meaning of using reducing resources to best effect. It states '*we may stop providing some services.*' In this context it is expected, inter alia, that the Council will need to consider whether it can still afford to maintain assets that it no longer needs for service delivery. Whilst the decision of the Elected Mayor is not to dispose of Oldway, it is to market test its disposal so as to inform any future decision making, in this respect it is advised that

the decision of the Elected Mayor to market test the disposal of Oldway is consistent with this element of the Policy Framework.

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.

Appendices

- Appendix 1: Reasons for call-in – Future of Oldway Mansion, Paignton
- Appendix 2: Record of Decision – Future of Oldway Mansion, Paignton dated 11 June 2018
- Appendix 3: Report to Policy Development and Decision Group (Joint Operations Team) of 4 June 2018, together with Appendix 1 and 2