

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Cabinet held at Online via the Zoom app on 8 October 2020**

#### **Attendance list at end of document**

The meeting started at 3.00 pm and ended at 6.29 pm

#### **213 Public speaking**

There were no members of the public wishing to speak.

#### **214 Minutes of the previous meeting held on 30 September 2020**

Subject to Minute 211 being amended so that Resolution 2 becomes a Recommendation to Council the minutes of Cabinet held on 30 September 2020 were confirmed as a true record.

#### **215 Declarations of interest**

Minute 226 Newton Poppleford & Harpford Neighbourhood Plan Examiner's Report. Councillor Eileen Wragg, Personal, brother lives in Newton Poppleford.

Minute 226 Newton Poppleford & Harpford Neighbourhood Plan Examiner's Report. Councillor Paul Hayward, Personal, Clerk to the Parish Council who assisted in the creation of the Neighbourhood Plan.

Councillor Hayward said he was biased / predetermined and therefore would not be involved in the vote on the matter.

#### **216 Confidential/exempt item(s)**

There were no items identified in this way.

#### **217 Financial Strategy 2021 - 2031**

The Strategic Lead Finance presented the draft Financial Plan (2021-2031) for consideration. He stated the Plan ensured the financial stability of the Council as it continued to respond and recover from the Covid-19 pandemic. A 10-Year projection showed services as they were presently with no changes to additional services. He discussed in detail the MTFP over the next 3 years and recommended to set aside a £2m reserve to mitigate losses from central government from changes in business rates and the New Homes Bonus.

Discussions included the following:

- The Council's borrowing position had been reduced significantly from the selling of the Knowle; therefore no additional borrowing costs required based on the capital programme set out in the MTFP.
- The set aside £2m reserve would come from the 2019/20 General Fund outturn position giving us a high General Fund Balance at year end.
- £2m reserve allows the Council to buy time if required to consider their aims and objectives and sync this with the budget

- The need to look into revenue from car parks through the task and finish forums and costs of public toilets in order bring forward proposals to balance the 2021/22 budget.

The Portfolio Holder Finance and Members congratulated and thanked Simon Davey for his work, report and very clear explanation of the current and future financial position of the Council.

**RECOMMENDED that Cabinet recommend to Council:**

1. To approve the Financial Plan (2021-2031), and
2. to approve the proposals contained in the minutes of the Budget Strategy and Capital Allocation Panel to address the projected budget shortfall outlined in the Financial Plan.

**REASON:**

It was good practice in managing the finances of the Council to produce a Financial Plan looking at the future direction of the Council's budgets. To consider the implications of spending plans and the level of resources likely to be available. It was only by looking at the Council's budget over a longer period, that action could be taken that would influence the direction and shape of future service delivery within a balanced budget.

**218 Revenue and Capital Outturn Report 2019 - 2020**

The Finance Manager presented his report which stated that during 2019/20 budget monitoring reports had informed members of budget variations and the anticipated year-end financial position. The report contained the final position for the year and compared the outturn position against the budgets set. It outlined the implications of the results on the Council's reserves and made recommendations on any reserve transfers. The Council's Unaudited Accounts were issued on 17 August 2020 and published on the Council's website, it was anticipated the Audited Accounts would be issued prior to the amended publishing date 30 November 2020.

**RECOMMENDED that Cabinet recommend to Council;**

1. To agree the outturn position for 2019/20 including the implications and proposals relating to the Balances and Reserves held by the Council, and
2. specially agree that £2m was transferred from the General Fund Balance to create a new Reserve (MTFP Risk Reserve) and the General Fund Balance was then retained at £4.395m as detailed in 2.7 of the report.

**REASON:**

To report the outturn position for the Council's approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure. The financial position aligned to the Council's Statement of Accounts but the position in the report was presented in a style that accords to the budget setting and monitoring reports that members receive. Members were asked to note the variations from the budgets identified within the report and consider the final position. It was appropriate at this stage to reflect on the reserves and balances held by the Council and determine if these were the right reserves at the right levels.

**219 Financial Monitoring Report 2020/21**

The Finance Manager gave a summary of the Council's overall financial position for 2020/21 at the end of month five (31 August 2020).

Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level. A significant overspend against budget was predicted from a combination of additional expenditure and reduced income as result of Covid-19.

The overspend was being mitigated through additional Government Funding, including the recently announced income guarantee scheme, the healthy financial position of the General Fund Balance was as a result of 2019/20 Outturn position and steps taken by services. These factors had led to a change in position whereby it was now considered in year emergency action would not be required to address the shortfall if members were in agreement to using the General Fund Balance. The Balance still maintained within the adopted range, although at the lower end.

- The Housing Revenue Account Balance was being maintained at or above the adopted level.

There was a discussion concerning the disappointment to the Government's position on not recompensing charitable trusts that provide leisure services such as LED. A letter had been sent to East Devon's MP Simon Jupp but to date no response had been made. Leisure services were very important to the health and well-being of the district's residents and a follow-up to Mr Jupp for a response would be made.

**RECOMMENDED to Council that:**

1. Acknowledge the variances identified as part of the Revenue and Capital Monitoring process up to Month 5, and
2. agree to use the General Fund Balance to meet the in year net shortfall as result of Covid-19 currently estimated at £1.163m
3. agree as a matter of urgency, that a further letter be sent to the District's 3 MPs highlighting the situation regarding LED charitable trust and that the request be sought to lobby Government to a change to funding proposals for charitable trusts.

**REASON:**

The report updated the overall financial position of the Authority at set periods and included recommendations where corrective action was required for the remainder of the financial year.

220 **Test and Trace Support Payment Scheme**

The Portfolio Holder Finance introduced the report and explained that the Government published news of this scheme as late as 23 September 2020 for local authorities to go live with it on 12 October 2020. He wished to credit Libby Jarrett and her team for their tremendous efforts in getting the report prepared in such a short turnaround. He particularly praised Libby for her taking the lead across the 3 local authorities to gain a consistent approach within the region.

The Service Lead Revenues, Benefits and Customer Services Libby Jarrett, explained the Test and Trace Support Payments had been introduced by Central Government to encourage people on low incomes who would be financially impacted to self-isolate when they are required to do so. This in turn would help reduce the transmission of Covid-19 and avoid further social and economic restrictions. In answer to a question to how residents would know about the scheme, she explained that through the Track and Trace system any person having to self-isolate would get information on the scheme. The

Council's Communications team were also promoting this locally as well as on the Council's website. The Portfolio Holder Finance would receive regular monitoring reports.

**RESOLVED that Cabinet:**

1. Adopt the Test and Trace Support Payments Policies for both the standard (Appendix 2) and discretionary schemes (Appendix 3).
2. Grant delegated authority to the Council's S151 Officer in consultation with the Leader and Portfolio Holder for Finance to adjust the discretionary policy (Appendix 3) to take account of changes in government guidance or from experiences in administering the scheme that had not yet been identified or that might have been unable to be fully considered when developing the policy.
3. Monitor and review payments made, and if necessary, to lobby government via the District's local MPs for additional funding should the scheme funding be insufficient to support all affected residents.

**REASON:**

The Council needed to have in place a policy for implementing the Test and Trace Support Payment Scheme. Due to the limited amount of time to developing the schemes from receiving the guidance, it needed to be able to make provision to adjust the policy. This was to take account of experiences that might have not been able to be fully considered when developing the policy which included the level of funding for the discretionary scheme which would be a fixed amount.

221 **Member Champions**

The Portfolio Holder Democracy and Transparency presented the report that asked Members to consider the possibility of the reintroduction of a small number of Member Champions. He thanked Henry Gordon Lennox for his work and advice on this matter as well as Cllr Sarah Jackson for her invaluable advice. He thanked all councillors for their contribution and stated the roles were inter-linked and would be a great asset to the Council.

He went on to explain that the previous roles of the Lead Members system became unfit for purpose, was vague and overlapped with Cabinet members hence the need for a review. The results suggested a reduction in a number of positions to include four new Member Champions be created, and that

- Cllr Alan Dent be elected Armed Forces Champion
- Cllr Vicky Johns be appointed Sport & Exercise Champion
- Cllr Joe Whibley be appointed Culture Champion, and
- Cllr Tony Woodward be appointed Mental Health Champion

The Chairman thanked Cllr Paul Millar for this efforts and achievement in getting this review done so quickly.

**RECOMMENDED to Council to:**

1. Reintroduce Member Champions amend the Constitution as detailed in Appendix 2 and that the Member Champion areas of interest and appointees be made as detailed in paragraph 4.
2. Agree to receive a report following a further review the role of Member Champions prior to the Annual Meeting of Council in 2021.

**REASON:**

So Cabinet can decide whether to reintroduce Member Champions and, if so, to recommend changes to the Constitution to Council together with positions and appointees.

222 **Complaints to the Ombudsman during 2019/20**

This item would be discussed at the next meeting to be held on 28 October 2020.

223 **Protocol for Members Advisory Panels on Planning Matters update**

The Service Lead Planning Strategy and Development Management presented the report which sought to review the protocol for Members Advisory Panels on planning matters to ensure that the protocol was up to date and reflected good practice.

In 2007 the Council introduced a process known as the Members Advisory Panel to give a mechanism whereby Members could engage in pre-application discussions with developers looking to submit a planning application. The process was designed to give developers the benefit of input from Members at an early stage of their proposals to inform their thinking and minimise risk to them. From a Members perspective it gave them an opportunity to input into the proposals and ensure key concerns were understood by the developer and could help to influence the proposals at an early stage.

Discussions included the following:

- This would help Members going forward with clear conditions when meeting developers and landowners
- This should be suggested to Town and Parish Councils to consider adopting this protocol in their own planning procedures; therefore having a protocol for every level of the planning process.

The Portfolio Holder Democracy and Transparency thanked the Chairman for initiating this update and Ed Freeman for his report. He read out a quote from Transparency International UK:

'This protocol makes provision for transparency over engagement with developers throughout the entirety of the planning process, which is a key safeguard against the perception or reality of foul play.'

A change to the Member's Planning Advisory Group was decided to include other Portfolio Holders and Assistant Portfolio Holders as determined by the Chair of Advisory Panel to be appropriate.

**RESOLVED that Cabinet:**

1. in the membership list include the Portfolio Holder for Sustainable Homes and Communities and add 'as determined by the Chair of the Panel' to the sixth bullet point and adopt the proposed Protocol for Members Advisory Panels on Planning Matters and that this be published on the Council's web-site and used as the basis for all future meetings;
2. agree that the Council makes contact with the Town and Parish network to inform them about the Councils approach to Member Advisory Panels and suggest they adopt a similar approach.

**RECOMMENDED that Council;**

3. incorporate the Protocol for Member Advisory Panels on Planning Matters into the Constitution in the Code of Good Practice for Councillors and Officers Dealing With Planning Matters.

**REASON:**

To ensure that there was a clear and published protocol for Members Advisory Panel meetings.

224 **Leader's annual report on urgent executive decisions**

It was noted that there were no urgent key decisions taken in the last year.

**RESOLVED that Cabinet:**

note the report.

225 **Acquisition of Ocean Blue, The Esplanade, Exmouth - Process followed and business case for acquisition**

The Service Lead Place, Assets & Commercialisation presented this report that updated Members on the Council completion of the purchase of Ocean Blue on 4 March 2020; delivered in accordance with the adopted Commercial Investment Framework.

The investment opportunity was marketed in the summer 2018 and at a time prior to the Commercial Investment Framework being adopted. The Council's Deputy Chief Executive (in post), Leader and Portfolio Holders for Asset Management, Finance and Economy (at the time) supported an offer being made; subject to the usual due diligence and Council approvals. Once the Commercial Investment Framework was adopted in February 2019, the Council then followed the approach set out within.

There were discussions concerning rental income projections re the Covid-19 situation and that the Queen's Drive Delivery Group should be included in further discussions, with their Terms of Reference being used in schemes such as this. In answer to why it appeared to have taken 7 months for this acquisition to come to Cabinet the Chief Executive said that this was the only property the Council had required under the Commercial Investment Framework so there was always a learning process in anything new to take forward in the future and all steps taken seemed appropriate at the time.

Further discussions included the following:

- For good commercial reasons certain discussions could not have been made public
- Had Ocean Blue been considered for other uses?
- The need to talk the tenants to compliment other developments along Queen's Drive area
- The need to consult with local residents to what their wished for from the building
- A process was followed with ward members being brought in towards the end of negotiations
- Were in a privilege position as the ground lease owners which therefore enhanced its value
- The building was in a key and iconic position on the Exmouth seafront.

- Why were Members not told about the acquisition before the press release was sent out?
- The need for further discussion around the issues that had been raised.

**RESOLVED that Cabinet:**

Note the content of the report.

**REASON:**

to provide enhanced awareness of the detail behind the acquisition.

226

**Newton Poppleford & Harpford Neighbourhood Plan Examiner's Report**

The report provided feedback and set out proposed changes following the examination of the Newton Poppleford & Harpford Neighbourhood Plan. The independent examination of the Plan had now concluded and the final Examiner's report received. In accordance with the relevant legislation, the District Council must consider its response to the Examiner's recommendations and also satisfy itself that the Plan meets the necessary 'basic conditions'.

Due to the Covid-19 pandemic, the referendum would be delayed until after May 2021. However, the publishing of the decision notice itself would give the Plan 'significant weight' in the determination of planning applications in the Newton Poppleford & Harpford parish area.

The Chairman and Deputy Leader thanked all officers involved in getting this Neighbourhood Plan to this stage. The Deputy Leader then withdrew from the debate and vote due to a declaration of interest.

**RESOLVED that Cabinet:**

1. agree the Examiner's recommendations on the Newton Poppleford & Harpford Neighbourhood Plan (the Plan);
2. agree that a 'referendum version' of the Plan (incorporating the Examiner's modifications) should proceed to referendum and a decision notice to this effect be published, and
3. congratulated the Neighbourhood Plan Steering Group on their hard work.

**REASON:**

The legislation required a decision notice to be produced at this stage in the process. The Plan was the product of extensive local consultation and had been recommended to proceed to referendum by the Examiner subject to modifications which were accepted by the Parish Council.

**Attendance List**

**Present:**

**Portfolio Holders**

M Armstrong	Portfolio Holder Sustainable Homes and Communities
P Arnott	Leader
P Hayward	Deputy Leader and Portfolio Holder Economy and Assets
G Jung	Portfolio Holder Coast, Country and Environment

D Ledger	Portfolio Holder Strategic Planning
P Millar	Portfolio Holder Democracy and Transparency
M Rixson	Portfolio Holder Climate Action
J Rowland	Portfolio Holder Finance
J Loudoun	Portfolio Holder Policy Co-ordination and Regional Engagement

**Cabinet apologies:**

J Bailey	Portfolio Holder Corporate Services and COVID-19 Response and Recovery
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**Also present (for some or all the meeting)**

Councillor Kevin Blakey  
Councillor Susie Bond  
Councillor Bruce De Saram  
Councillor Alan Dent  
Councillor Peter Faithfull  
Councillor Steve Gazzard  
Councillor Nick Hookway  
Councillor Ben Ingham  
Councillor Tony McCollum  
Councillor Geoff Pook  
Councillor Geoff Pratt  
Councillor Tony Woodward  
Councillor Eileen Wragg  
Councillor Sarah Jackson  
Councillor Eleanor Rylance

**Also present:**

**Officers:**

Tim Child, Service Lead - Place, Assets & Commercialisation  
Amanda Coombes, Democratic Services Officer  
Simon Davey, Strategic Lead Finance  
Ed Freeman, Service Lead Strategic Planning and Development Management  
John Golding, Strategic Lead Housing, Health and Environment  
Henry Gordon Lennox, Strategic Lead Governance and Licensing  
Libby Jarrett, Service Lead Revenues and Benefits  
Debbie Meakin, Democratic Services Officer  
John Symes, Finance Manager  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)  
Mark Williams, Chief Executive

Chairman .....

Date: .....