

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 11 June 2020 at 6.00 pm

### **Present**

#### **Councillors**

R M Deed (Leader)  
L D Taylor, G Barnell, S J Clist,  
D J Knowles, Ms E J Wainwright, A White  
and Mrs N Woollatt

### **Also Present**

#### **Councillor(s)**

J Cairney, Mrs F J Colthorpe, N V Davey, Mrs C P Daw,  
R J Dolley, J M Downes, R Evans, B Holdman, F W Letch,  
R F Radford, Mrs M E Squires, B G J Warren, A Wilce,  
J Wright and A Wyer

### **Also Present**

#### **Officer(s):**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Maria De Leiburne (Legal Services Team Leader), Deborah Sharpley (Solicitor), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Sarah Lees (Member Services Officer), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

### **183. APOLOGIES (00-03-25)**

There were no apologies for absence.

### **184. REMOTE MEETINGS PROTOCOL (00-03-34)**

The protocol for remote meetings was **NOTED**.

### **185. PUBLIC QUESTION TIME (00-03-51)**

The Chairman read the following questions from Nick Quinn - Local Resident.

My first question concerns: Agenda Item 6 (Performance and Risk), specifically the Corporate Risk Management Report - Appendix 6

Against the Risk: SPV Governance Arrangements - 3 Rivers: it is stated that "Openness and Transparency" is demonstrated by: "Regular reports to Cabinet, in open session where possible" and the 'effectiveness of action' is shown as Positive.

However, over the last three years, not a single report by, or about, 3 Rivers has ever been discussed by Cabinet in open session. The 3 Rivers Governance Report on today's Agenda looks likely to be no different.

My question is:

Since no 3 Rivers report has been discussed by Cabinet in open session for three years – do Cabinet consider the 'Positive' rating is appropriate?

My second areas of concern are: Items 8 and 9 on the Agenda – Exclusion of the Public from the discussion of the 3 Rivers Governance Report.

This company was set up, three years ago, to “support the Revenue Stream of the Council and reduce the burden on the Council Tax payer”.

As I understand it, no income has been forthcoming - and there is currently the likelihood of significant costs to the Council Tax payer.

There is a good deal of public interest in the operation and performance of this company, yet the public are continually excluded from any discussion of it.

My question is:

In view of the potential impact on the Council Tax payer, and to uphold the Nolan Principles of Accountability, Openness, Honesty and Leadership - will Cabinet please see fit to discuss this report in open session?

In response to the questions the Chairman stated that

1. He was not going to comment at this stage and that he would approach that when the item was discussed
2. This would be discussed at agenda item 8.

#### **186. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-07-24)**

Members were reminded of the need to declare any interests when appropriate.

#### **187. MINUTES OF THE PREVIOUS MEETING (00-07-47)**

The minutes of the previous meeting were approved as a correct record.

#### **188. PERFORMANCE AND RISK (00-10-00)**

The Cabinet had before it and **NOTED** a \* report of the Director of Corporate Affairs and Business Transformation providing Members with an update on the performance against the Corporate Plan and local service targets.

Consideration was given to:

- The Corporate Plan aim to facilitate the housing growth that Mid Devon needs, including affordable housing and the number of affordable homes delivered;

The Group Manager for Performance, Governance and Data Security reported the number of houses built in quarter 4 was 4.

- The need to move the Corporate Plan aim for reducing the carbon footprint to the Climate Change portfolio.
- Staffing and recruitment of District Officers
- The quarterly 3 Rivers Development Limited shareholder reports and the dates of the shareholder meetings

Note: \* Report previously circulated, copy attached to minutes.

#### 189. **NOTIFICATION OF KEY DECISIONS(00-22-45)**

The Cabinet had before it and **NOTED** its \*rolling plan for July 2020 containing future key decisions.

Note: \*Plan previously circulated, copy attached to minutes

#### 190. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (00-23-44)**

Prior to considering the following item on the agenda, discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 15 15.02(d) (a presumption in favour of openness) of the Constitution with the following issues being raised:

- Legal advice with regard to information pertaining to individuals, financial and business affairs and legal professional privilege
- The Cabinet were aware of the public interest in the subject
- The financial and business affairs of the company and that much of that information was confidential or had been provided as such
- Members needed to be have a full and frank debate on the issues which should take place in closed session
- Opportunities in the future to discuss matters in open session.

The Cabinet decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore:

**RESOLVED** that: under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 namely information relating to any individual; paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and paragraph 5 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

(Proposed by the Chairman)

### 191. **3 RIVERS GOVERNANCE REPORT**

The Cabinet had before it a \*report of the Chief Executive with regard to a review of the governance arrangements for 3 Rivers Developments Limited.

The Leader outlined the contents of the report and a full discussion took place including:

- Continued support for the company
- Directorships and appointments
- Measures to protect the Council's financial and legal interests
- Governance arrangements with regard to current and future developments

Returning to open session the Cabinet:

**RESOLVED** that the recommendations (as amended) outlined in the report, addressing the issues discussed, be approved.

(Proposed by the Chairman)

Note: \*Report previously circulated..

(The meeting ended at 10.46 pm)

**CHAIRMAN**