

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 4 March 2021 at 6.00 pm

Present

Councillors

R M Deed (Leader)
R J Chesterton, R Evans, D J Knowles,
B A Moore, C R Slade and Mrs N Woollatt

Also Present

Councillor(s)

S J Clist, Mrs C P Daw, R J Dolley and B G J Warren

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Paul Deal (Corporate Manager for Finance), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Maria De Leburne (Legal Services Team Leader), Fiona Wilkinson (Principal Revenues & Benefits Officer), Sarah Lees (Member Services Officer) and Sally Gabriel (Member Services Manager)

Also in

Attendance:

Nick Sanderson (Acting Managing Director – 3 Rivers Developments Limited) and Bill Yardley (Non-Executive Director – 3 Rivers Developments Limited)

334. APOLOGIES (00-02-58)

There were no apologies.

335. PROTOCOL FOR REMOTE MEETINGS (00-03-05)

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

336. PUBLIC QUESTION TIME (00-03-20)

There were no questions from members of the public present.

337. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-03-43)

Members were reminded of the need to make declarations of interest when appropriate.

338. MINUTES OF THE PREVIOUS MEETING (00-04-00)

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

339. CORPORATE RECOVERY POLICY (00-04-28)

Following consideration of a report of the Deputy Chief Executive (S151), the Corporate Manager of Revenues, Benefits & Recovery and the Principal Revenues and Benefits Officer, the Audit Committee had recommended that the updated Corporate Recovery Policy be approved.

The Cabinet Member for Finance outlined the contents of the report stating that the fully updated policy reflected the new legislation which was due to come into effect in May 2021 and provided a more consistent approach for recovery of debt across the Council, it also provided a focus on assessing financial vulnerability and vulnerability in general.

RESOLVED that the revised policy be approved.

(Proposed by Cllr B A Moore and seconded by Cllr C R Slade)

Reasons for the decision:

- The policy will help to enforce and recover c£82m in local taxation and sundry debts. Failure to use a consistent approach could have a detrimental effect on budgets and delivery of services.
- The policy sets the framework for a consistent and sensitive approach to collecting debt whilst at the same time ensuring that the Council continues to maximise income collection and arrears recovery performance.
- This policy should ensure that each debtor is treated fairly and minimises then risk of legal challenge
- There is a potential reputational risk should the policy not be adhered to.
- Maximising income for the Council is essential particularly during current financially challenging years. It is important to have a policy that is clear and transparent to ensure any recovery action is timely and proportionate.

Note: * Report previously circulated; copy attached to the minutes.

340. ASSET MANAGEMENT AND CAPITAL STRATEGY PLAN 2021-2025 (00-11-10)

The Cabinet had before it a * report of the Corporate Manager for Property, Leisure and Climate Change seeking approval of the revised Asset Management and Capital Strategy Plan for 2021-2025.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the latest version of the plan set out a continued direction for managing assets. In the document, the assets were seen as the means by which public benefits were delivered either through their employment or to deliver services

or as investments. The plan highlighted joined up working that was taking place such as combining the grounds maintenance facility with the waste and recycling operation and set out the organisational framework for the strategic and day to day management of property through the placing of asset management in the Council structure and the establishment of specific asset management arrangements. Important issues such as carbon reduction were covered in the plan as were performance indicators to ensure that value for money was being delivered through the use of assets.

Consideration was given to capital financing and the increase in internal borrowing as highlighted within the report; it was explained that this mirrored the Capital Programme and outlined the use of temporary cash flow through investment.

RESOLVED that the Asset Management and Capital Strategy Plan for 2021-25 be approved.

(Proposed by Cllr R B Evans and seconded by Cllr B A Moore)

Reason for the decision – The delivery of the strategy will ensure best use of Council assets to continue to support the Council in delivering its service to the public.

Note: * Report previously circulated; copy attached to the minutes.

341. **BEECH ROAD, TIVERTON - DESIGN AND BUILD TENDER (00-15-25)**

The Cabinet had before it a * report of the Corporate Manager for Property, Leisure and Climate Change reviewing the results of the tender for Beech Road, Tiverton and seeking to award the JCT Design & Build 2016 Contract as amended.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the recommendation was to provide 3 social rented houses on HRA land at Beech Road. He explained that further consultation should take place with the owners of neighbouring properties as the previous consultation had taken place some time ago. He explained the tender process and highlighted that consideration had been given to quality as well as price in the scoring of the tenders received.

RESOLVED that:

The Deputy Chief Executive (S151) and the Deputy Leader and Cabinet Member for Housing and Property Services be given delegated authority to award the contract for works required to provide three social rented houses at Beech Road in Tiverton, once consultation has been concluded to:

- (i) Contractor 2 under a JCT Design and Build Contract 2016 (as amended).
- (ii) To fund the balance of the development at £222k as detailed in paragraph 5.8 of the report

(Proposed by Cllr R B Evans and seconded by Cllr C R Slade)

Reason for the decision - there was a need to confirm the award of the tender so that the specified work could be progressed and for the funding for the project be approved.

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

342. **OPTIONS FOR THE PROCUREMENT OF ENERGY (00-19-20)**

The Cabinet had before it a * report of the Corporate Manager for Property, Leisure and Climate Change providing an overview of the options available for the supply of gas and electricity to the Council.

The Cabinet Member for Finance outlined the contents of the report stating that the energy supply contract for the General Fund and Housing Revenue Account for gas and electricity had a break date of 1 October 2021 and a six month termination notice would need to be exercised. There was a need to procure energy for the next 3 years. LASER was a specialist trading arm within Kent County Council and was dedicated to delivering gas, electricity and other utility services for the public sector. He explained the value for money exercise that had taken place and the results of the ongoing carbon footprint assessment for the Council.

He praised the work of the former Cabinet Member for Climate Change for her input into the report and highlighted that there was a need for the Council to continue to improve its carbon footprint.

RESOLVED that:

- 1) Delegated authority be given to the Cabinet Member for Finance, in consultation with the Corporate Manager for Property, Leisure and Climate Change, to continue with the LASER energy framework covering the purchase of Gas and Electricity between 01/10/2021 and 30/09/2024; and
- 2) Delegated authority be given to the Corporate Manager for Property, Leisure and Climate Change to submit a letter of intent to participate in the Devon Energy Collective; and
- 3) To procure a further 50% of our electricity consumption via the 'Green Basket' under the LASER Framework for renewable energy for an additional £8k in the financial year 21/22.

(Proposed by Cllr B A Moore and seconded by Cllr C R Slade)

Reason for decision - By not exercising the break date on 01/10/2021 that requires 6 months' notice, the Council will continue to be contractually obliged to use the LASER Framework until 30/09/2024. The decision is to continue to use the OJEU compliant framework and the Council is getting economies of scale by joining this collaborative procurement with other Devon authorities.

Note: *Report previously circulated, copy attached to minutes

343. **FINANCIAL MONITORING (00-23-45)**

The Cabinet had before it and **NOTED** a * paper of the Deputy Chief Executive (S151) presenting a financial update in respect of the income and expenditure so far in the year.

The officer outlined the contents of the paper stating that monitoring to the end of December indicated a forecasted improvement of £43k which now indicated a deficit of £46k, in terms of the size of the overall budget, this was very close to a balanced budget. There was still some uncertainty with regard to how the Government would implement the Income Protection Scheme with regard to loss of income from Business Rates and Council Tax. He reflected on the Chancellor's budget which had taken place the day before and explained that this may have an indirect effect on the Council. The various relief schemes with regard to the pandemic were still in place and there was still more work to take place for the Revenues and Benefits team.

He also explained a new programme of Government funding opportunities that could be applied for via a bidding process.

Consideration was given to the amount of officer time given to the creation of bids for funding.

Note: *Paper previously circulated, copy attached to minutes.

344. **POSSIBLE CHANGE TO START TIME OF FUTURE MEETINGS OF THE CABINET (00-28-20)**

The Leader addressed the meeting requesting consideration of a change to time and possible day for Cabinet meetings to take place in the future. He explained that meetings of late had been very long and that maybe it was more appropriate for meetings to take place in the mornings.

Consideration was given to holding meetings from June at 10.00 on a Tuesday morning and it was generally agreed that this was a good idea.

It was therefore **AGREED** that future meetings (from June 2021) take place at 10.00am on a Tuesday and that the clerk supply the next meeting of the Cabinet with a revised schedule of meetings setting out a revised timetable for consideration.

(Proposed by Cllr D J Knowles and seconded by Cllr R J Chesterton)

345. **NOTIFICATION OF KEY DECISIONS (00-36-20)**

The Cabinet had before it and **NOTED** its *rolling plan for April 2021 containing future key decisions.

The clerk outlined the movements that had taken place within the plan.

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

346. **3 RIVERS DEVELOPMENTS LIMITED - BUSINESS CASE AND APPRAISAL FOR THE 9 DWELLINGS AT BAMPTON (00-37-00)**

The Cabinet had before it a * report of the Deputy Chief Executive (S151) and from 3 Rivers Developments Limited providing Cabinet with a business case for a development scheme at Bampton which was included in the company's recent Business Plan.

The Leader explained that the business case had been considered by the Scrutiny Committee at its meeting on 1 March 2021 and that a set of questions had been provided for consideration prior to determining the business case.

The Leader **MOVED** 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 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).

Upon a vote being taken this was **APPROVED**.

Following discussion the meeting returned to open session:

It was **RESOLVED** that the 3 Rivers Developments Limited business case for the site adjacent to Elizabeth Penton Way, Bampton, be approved.

(Proposed by Cllr B A Moore and seconded by Cllr R B Evans)

Reason for Decision - It had been agreed at Cabinet in July 2020 that any development with an estimated build cost in excess of £1m must be brought to Cabinet for consideration. This consideration would include a detailed business case report from the company.

Note: *Report previously circulated.

347. **3 RIVERS DEVELOPMENTS LIMITED UPDATE REPORT (00-48-16)**

The Cabinet had before it and **NOTED** a * report from the Deputy Chief Executive (S151) providing an update on current project performance and any key risks.

The Cabinet Member for Housing and Property Services stated that the information within the report provided an up to date reflection on the progress made by the company.

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

(The meeting ended at 7.34 pm)

CHAIRMAN