

## **FULL COUNCIL**

**6 SEPTEMBER 2022**

Present:

Councillors Austen, Bradford, Bullivant, Clarence (Vice-Chair), Colclough, Connett, D Cox, H Cox, Daws, Evans, Foden, Gribble, Haines, Hayes, Hocking, G Hook, J Hook, Jeffery, Jeffries, Keeling, Kerswell, MacGregor, Morgan, Mullone, Nutley, Nuttall (Chair), Parker, Patch, J Petherick, L Petherick, Purser, Rollason, Swain, Taylor and Thorne

Apologies:

Councillors Cook, Dewhirst, Eden, Goodman-Bradbury, Jenks, Khan, Orme, Peart, Phipps, Russell, Tume and Wrigley

Officers in Attendance:

Neil Blaney, Head of Place & Commercial Services  
Trish Corns, Democratic Services Officer  
Claire Moors, Principal Technical Accountant and Deputy Section 151 Officer  
Christopher Morgan, Trainee Democratic Services Officer  
Tom Phillips, Estates Surveyor  
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer  
Phil Shears, Managing Director  
Paul Woodhead, Head of Legal Services & Monitoring Officer to the Council

### **60. DECLARATIONS OF INTEREST**

Cllr J Petherick declared an interest as a member of the Planning Committee and stated that he would abstain from voting on the item to be considered.

Cllr Daws declared that he was a member of the conceptual Community Benefit Society for the Alexandra Theatre and had been granted dispensation to speak on the matter under consideration but not vote.

### **61. FUTURE HIGH STREET FUND - CAPITAL BUDGET INCREASE TO MITIGATE COST INFLATION RELATED TO THE NEWTON ABBOT CINEMA CONSTRUCTION AND FIT OUT**

The Executive Member for Economy and Jobs proposed the recommendation. This was seconded by the Leader who proposed an amendment as follows:

The Council resolves to:

- (1) *Commission its external auditors Grant Thornton, or another appropriately skilled and qualified external audit provider to review and report on the*

*governance of the Future High Street Fund in relation to the commissioning, construction costs, and contracting for the proposed new cinema and the information provided to Council to make informed decisions. The report to be commissioned as a matter of urgency and presented to the Audit Scrutiny Committee for consideration and any further recommendations;*

- (2) *With effect from October 2022 Officers present a comprehensive written report for each Executive meeting (whether held or not) on delivery of the Future High Street Fund (FHSF) and its various projects. The report will set out key objectives and timelines, progress towards them, identify when decisions will need to be made by Council / the Executive and all other necessary and relevant information about the FHSF to keep councillors fully informed. If necessary the report may be a Part II or 'exempt item'; and*
- (3) *Pending receipt of the Report commissioned in (1) above, the Council now adjourns to a date to be confirmed when it will consider the Officer recommendation for an additional capital budget of up to £600,000 in relation to the Cinema construction and fit out costs.*

This was seconded by the Executive Member for Corporate Services.

Cllr Mullone proposed an amendment to the Leader's amendment to add a fourth recommendation to *engage consultants who specialise in cinemas and the night time economy in the South West as a whole in order to establish how viable a new four screen cinema is.* This was seconded by Cllr Patch.

The Chair proposed, seconded by the Executive Member for Corporate Services that because of the financially sensitive information to be discussed the Council go into Part II session and exclude the press and public. This was carried.

**RESOLVED** that under Section 100 (A) (4) of the Local Government Act 1972 that press and public be excluded from the meeting for the discussion of the financial sensitive information on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of part 1 of schedule 12 A of the Act.

The Chair proposed, seconded by Cllr Bullivant that the meeting return to Part I with press and public present. This was carried and the meeting resumed in Part I.

The Head of Place and Commercial Services addressed Members. He stated that the purpose of the recommendation today was to secure additional funding that will enable Scott Cinemas to sign their lease with the Council, to allow the Council to progress the project. Without Scott Cinemas being legally committed the Council could not move forward.

If the decision today was to defer this presented a significant risk to delivery. Necessary actions, required to move the project forward would need to be

paused, adding further delay to the project and making it unlikely that the Council could meet the timescales required to draw down the funding.

The Part II report set out the safeguards to protect the Council's position and public money. There was a condition to allow the Council to review costs and walk away if the costs are too high.

In response to the Leaders proposed amendments the Head of Place and Commercial Services stated that the audit actions were already built into the process. The Council are able to provide the Executive with updates on costs and progress, this was already done on a monthly basis to the Executive Member. However, the delay from the third action puts the project at risk.

The Leader agreed to the additional recommendation proposed by Cllr Mullone (seconded by Cllr Patch). The Executive Member for Corporate Services who seconded the first amendment was also in agreement.

**RESOLVED** that:-

- (1) Commission its external auditors Grant Thornton, or another appropriately skilled and qualified external audit provider to review and report on the governance of the Future High Street Fund in relation to the commissioning, construction costs, and contracting for the proposed new cinema and the information provided to Council to make informed decisions. The report to be commissioned as a matter of urgency and presented to the Audit Scrutiny Committee for consideration and any further recommendations;
- (2) With effect from October 2022 Officers present a comprehensive written report for each Executive meeting (whether held or not) on delivery of the Future High Street Fund (FHSF) and its various projects. The report will set out key objectives and timelines, progress towards them, identify when decisions will need to be made by Council / the Executive and all other necessary and relevant information about the FHSF to keep councillors fully informed. If necessary the report may be a Part II or 'exempt item';
- (3) Pending receipt of the Report commissioned in (1) above, the Council now adjourns to a date to be confirmed when it will consider the Officer recommendation for an additional capital budget of up to £600,000 in relation to the Cinema construction and fit out costs; and
- (4) engage consultants who specialise in cinemas and the night time economy in the South West as a whole in order to establish how viable a new four screen cinema is.

A recorded vote was asked for by at least five Members under Procedure Rule 4.13.5.

Recorded vote under Procedure Rule 4.13.5

*For: Cllrs Austen, Bradford, Colclough, Connett, D Cox, H Cox, Evans, Foden, Haines, Hayes, Hocking, G Hook, J Hook, Jeffries, Keeling, Morgan, Mullone, Nutley, Parker, Purser, Rollason, Swain, Taylor and Nuttall.  
(24 members)*

*Against: Cllrs Bullivant, MacGregor and Patch.  
(3 members)*

*Abstain; Cllrs Clarence, Gribble, Jeffery, Kerswell, J Petherick, L Petherick and Thorne,  
(7 members)*

*Not voted: Cllr Daws  
(1 member)*

*Absent: Cllrs Cook, Dewhirst, Eden, Goodman-Bradbury, Jenks, Khan, Orme, Peart, Phipps, Russell, Tume and Wrigley  
(12 members)*

The meeting started at 10.00 am and finished at 12.50 pm.

Chair