



Council

Minutes

Thursday, 22 July 2021 at 19:00

PRESENT:-

Mr Deputy Mayor, Councillor Thompson, (in the Chair); Councillors Annison, Bensly, Bird, Cameron, Candon, G Carpenter, P Carpenter, Fairhead, Flaxman-Taylor, Freeman, Galer, Grant, Hanton, D Hammond, P Hammond, Jeal, Lawn, Martin, Mogford, Plant, Price, Robinson-Payne, Smith, Stenhouse, Wainwright, B Walker, C Walker, Wells, A Wright & B Wright.

Ms S Oxtoby (Chief Executive Officer), Ms K Sly (Finance Director), Ms C Whatling (Monitoring Officer), Mrs P Boyce (Strategic Director), Ms K Watts (Strategic Director), Mrs M Burdett (Head of Inward Investment) & Mrs S Wintle (Corporate Services Manager).

LEADER'S ANNOUNCEMENT

The Leader of the Council asked Council to stand for a minute's silence in memory of the late Shirley Weymouth who was a Councillor between 2000 & 2018 and Mayor of Great Yarmouth for the 2015/16 Municipal Year.

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Her Worship the Mayor, Councillor Sue Hacon and Councillors Cordiner-Achenbach, Borg, Myers, Smith-Clare, Talbot, Waters-Bunn & Williamson.

2 DECLARATIONS OF INTEREST

Councillors Fairhead, Freeman & Wells declared a personal interest in item 12, Governance of Great Yarmouth Preservation Trust (GYPT) & Norfolk Conservation Ltd as they were members of the GYPT Board. Councillors Freeman & Wells declared that they would leave the meeting for the determination of the item and would not speak or vote on the item.

Councillor Hanton declared a personal interest in any items relating to treasury matters on the agenda as he was Chairman of Community Safety Great Yarmouth Ltd.

3 MAYOR'S ANNOUNCEMENTS

(i) Mr Deputy Mayor, Councillor Thompson, announced that the Civic Service would take place on Sunday, 15 August 2021 at 15:00 at Great Yarmouth Minster.

(ii) The Leader of the Council reported that Covid19 cases were on the rise in the Borough and that mobile testing units had been deployed to Gorleston, Hemsby & Ormesby. In consultation with Public Health England, pop-up tents offering lateral flow tests would be sited at the Bowls Green on Gorleston Promenade and Mill Lane Playing Field, Bradwell at the weekend.

The Leader stressed that all residents should follow the Government guidelines and self-isolate when required. Unfortunately, Her Worship the Mayor, Councillor Sue Hacon, who was self-isolating as a close family member had tested positive for Covid19, had not followed the guidance and had acted irresponsibly by going shopping and had therefore been suspended from the Conservative Group pending an investigation.

4 ITEMS OF URGENT BUSINESS

Mr Deputy Mayor, Councillor Thompson, reported that there were no items of urgent business which required discussion.

5 MINUTES

The minutes of the meeting held on 25 May 2021 were confirmed.

CARRIED.

(i) Councillor Wainwright reported that he had not been allowed to speak on the item regarding the Election of the Deputy Mayor 2021-22 which went against the Council's Constitution, as two motions were put to Council, one from Councillor Smith and one from himself, but only one motion was voted upon.

The Leader of the Council asked for a point of order as the minutes were only required to be considered for accuracy and not to be debated.

The Monitoring Officer confirmed that the confirmation of the minutes of the previous meeting was for the purpose of accuracy only and should not re-open debate. The nomination of Mayor and Deputy Mayor was considered to be part of the general business to be considered at Annual Council and was covered under Article 31 of the Council's Constitution.

(ii) Councillor Price asked that in regard to item 16, that his surname be amended from Peck to Price.

6 SERVICE COMMITTEE DECISION LIST FOR THE PERIOD 1 MARCH TO 1 JUNE 2021

That the Service Committee Decision List for the period 1 March to 1 June 2021 be approved.

PROPOSER: Councillor Smith
SECONDER: Councillor Plant

CARRIED.

7 HOUSING REVENUE ACCOUNT OUTTURN 2020-21

Council received and considered the report from the HRA Service Accountant.

The Chairman of Housing & Neighbourhoods, Councillor Grant, reported that the Housing Revenue Accounts annual outturn was a deficit of £1.001m, against a budget deficit of £1.446m, resulting in a variance of £445k. The impact of the 2020/21 deficit, meant that the HRA would carry forward £8.558m of reserves into 2021/22.

Councillor Grant reported that the reduced Right to Buy sale completions in 2020/21, together with increased acquisitions and new build dwelling additions being added, meant the overall stock available for let had increased in year to 5,787 dwellings. Due to the impact of Covid19 restrictions on capital improvement works, budget totalling £1,267k was requested to be carried forward to support the 2021/22 programmes.

PROPOSER: Councillor Grant

SECONDER: Councillor D Hammond

That Council approve:-

(i) the outturn position for the Housing Revenue Account for 2020/21 as included in the report and appendices,

(ii) the updated 2021/22 HRA revenue and expenditure budget as detailed at Appendix C; and

(iii) the updated 2021/22 HRA capital programme and associated financing of the as detailed within the report and at Appendix D.

CARRIED.

8 2020-21 TREASURY MANAGEMENT OUTTURN REPORT

Council received and considered the report from the Finance Director.

The Leader of the Council presented the treasury management activity for the 2020/21 financial year which included:-

(i) The overall treasury position for 2020/21,

(ii) The borrowing requirement and debt for 2020/21; and

(iii) The borrowing outturn for 2020/21.

The Leader of the Council reported that the treasury management strategy for 2020/21 was approved at by Full Council in February 2020 and this report provided the final treasury activity for the 20/21 financial year and

performance against the indicators set within the treasury management strategy.

The Leader of the Council reported that as at 31 March 2021, the Authority had net borrowing of £100m, arising from its revenue and capital income and expenditure. This was made up of firstly £134m of loans, which was an increase of £15m from 31 March 2020, largely due to capital spend. Secondly, investments stood at £34m at the end of 2021 up from £22m from the previous financial year due to the timing of cash received.

The Leader of the Council reported that in line with expectations, significantly lower income was generated from cash and short-dated money market investments, including money market funds in 2020/21, as rates on cash investments are close to zero percent. The investment limit was exceeded within the first month of 2020/21 for the Barclays FIBCA account where the maximum limit of £1.5m was breached as £2.6m was invested, and for the Money Market Fund which had a maximum limit of £12m which was breached at one point when £19m was invested. In both cases, this was due to the unexpected higher retained cash balances due to the timing of receipt of grant monies ahead of paying out, as a result of Covid19. When the strategy was set, such balances could not have been anticipated. The balances were put in these funds to generate a better return on the investments in line with our strategic goals of security, liquidity and return. This was because whilst the Debt Management Office investments level was unlimited, the interest rates were so poor during the year, that at times, they were at a negative interest rate. Therefore the decision was taken to breach the limits and hold these funds in the Money Market Fund & the FIBCA account to generate a better return on the investments in line with our strategic goals of security, liquidity and return.

The Leader of the Council further reported that the impact of a 1% rise in interest rates limit was also breached, as the limit was set based on a lower investment balance and higher loan balances based on the anticipated levels when the Treasury Management Strategy was written. The Council's investment balances have increased by 25% and loan balances have decreased by 33% again due to Government funding received to assist with the pressures relating to the pandemic.

PROPOSER: Councillor Smith
SECONDER: Councillor Plant.

That the Council approve the Treasury Management Outturn Report and Indicators for 2020/21.

Council received and considered the report from the Finance Director.

The Leader of the Council presented the general fund year end budget monitoring position for the 2020/21 financial year. The outturn position, as reported, would be used to produce the draft statutory accounts that would be subject to external audit later in the year.

The Leader of the Council reported that in respect of the revenue outturn position, there was a reported surplus of £497,250 which the report was recommending be allocated to the Treasury Management Reserve, Insurance Reserve and Special Projects Reserve. The outturn on the capital programme, together with its financing and an updated programme for 2021/22 which reflected the carry forward of capital projects not completed in 2020/21, plus the additions to the capital programme of the Beach Huts, Wellesley Recreation Ground, Crematorium Roof and Marina Centre, as detailed at section 5 of the report. Appendix E had been amended and was included as a separate attachment, reflecting the total programme for 2021/22.

The Leader of the Council reported that the outturn position reflected the impact of Covid19 on the revenue position for the year. Government funding of £3.5m had been received in the year for the emergency support and new burdens, mainly in relation to the administration of the many grant schemes, and also the sales, fees and charges funding which had covered 75% of the reduced income, compared to the budget. Reduced income not covered by the fees and charges scheme had been mitigated by the general tranche funding.

The Leader of the Council reported that the detail within the report and appendices provided commentary on the more significant variances compared to the budget. Most significant variances included an addition to the bad debt provision in the year which had been reviewed to reflect the impact of the last 12 months and debt recovery, reduced income from demand led services for example, car parking income and also more favourable variances from reduced interest payable and additional turnover in the year. The outturn position allowed for the roll forward of some unspent service budgets which had been earmarked for ongoing commitments in 2021/22.

PROPOSER: Councillor Smith

SECONDER: Councillor Plant

That Council agree:-

(i) the outturn position for the general fund for 2020/21 as included in the report and appendices;

(ii) the transfers to and from reserves as detailed within the report and Appendix A together with an updated reserves statement (Appendix C);

(iii) transfer the surplus to the earmarked reserves as detailed within the report;

(iv) the financing of the 2020/21 capital programme as detailed within the report and appendices; and

(v) the updated capital programme for 2021/22 as included in the report (section 5) and Appendix E.

CARRIED.

10 TOWN DEAL HEADS OF TERMS, PRIORITISATION EXERCISE AND MONITORING & EVALUATION UPDATE

Council received and considered the report from the Chief Executive Officer.

The Leader of the Council reported that at the Town Deal Board on the 16 March 2021, the Heads of Terms, (HoT), for a Town Deal of up to £20.1 million to deliver ten Immediate Investment Priorities set out in the Town Investment Plan was agreed. The HoT offered for a Town Deal of up to £20,100,000 against an original ask of £24,780,390. This report confirmed the Board prioritised interventions that were made in line with the value of the funding award and provided an update regarding the subsequent monitoring & evaluation, (M&E), that has taken place.

Councillor Plant referred to pages 79 and 80 of the agenda report which detailed the extensive regeneration works underway in the Borough and reported that he was most grateful to all the officers who had worked tirelessly to secure funding of £280 million to ensure that our town was a good place to live, work and raise a family coming out of the pandemic.

Councillor Wainwright asked that thanks were recorded in the minutes for the work of the Town Deal Board members and officers alike.

PROPOSER: Councillor Smith

SECONDER: Councillor Plant.

That Council:-

(i) acknowledge MHCLG receipt of the said agreed interventions;

(ii) note that the subsequent Monitoring and Evaluation (M&E) submission for addressing key conditions by 24 May 2021 have been addressed, including financial information;

(iii) acknowledge that preparatory work on the delivery of Stage 2 Business case is underway; and

(iv) note the M&E reporting schedule for the Town Deal as per agreed Heads of Terms.

CARRIED.

11 INDEPENDENT REMUNERATION PANEL - REVIEW OF MEMBERS' SCHEME OF ALLOWANCES

Council received and considered the report from the Corporate Services Manager.

The Leader of the Council reported that the purpose of this report was to inform Members of the need to convene the Independent Remuneration Panel to undertake a full review of the Great Yarmouth Borough Council Members' Scheme of Allowances, including all Special Responsibility allowances in accordance with the requirements of the Local Authorities (Members' Allowances) Regulations 2003. Great Yarmouth Borough Council Members' Scheme of Allowances had become due for review in 2020, however due to the COVID 19 pandemic, the review on the allowances was put on hold. Some preliminary work was undertaken in March 2021 which allowed the Panel to understand the changes that had occurred in the way Members were undertaking their roles during the pandemic.

PROPOSER: Councillor Smith

SECONDER: Councillor Wainwright

That Council approve:-

(i) the commencement of a full review of the Members' scheme of allowances;

(ii) note the statutory Terms of Reference for the Independent Remuneration Panel;

(iii) agree that the Independent Remuneration Panel report its review for consideration by Council at its meeting in November 2021;

(iv) agree to the Independent Remuneration Panel Members receiving payment of £100 per meeting; and

(v) delegate to the Chief Executive Officer, Monitoring Officer and Corporate Services Manager following discussion with Group Leaders the appointment of the individual Members to the Independent Remuneration Panel.

CARRIED.

12 GOVERNANCE OF GREAT YARMOUTH PRESERVATION TRUST AND NORFOLK CONSERVATION LIMITED - THE LOCAL AUTHORITIES (COMPANIES) ORDER 1995

Councillors Freeman & Wells hereby left the meeting during the determination of this item.

The Monitoring Officer gave a point of correction in regard to paragraph 2.6, the job title should read Project Director and not Project Manager. The Monitoring Officer reported an update from the Chairman of the Great Yarmouth Preservation Trust (GYPT) regarding paragraph 3, Norfolk Conservation Ltd, that Darren Barker had stepped down as a Director but this had not yet been recorded at Companies House.

The Leader of the Council reported that a review of governance had identified an issue with appointments to GYPT which needed to be rectified. The unusual concept around the appointment of members from which directors were then selected, did not seem ever to have been observed. This meant that GYPT had long been non-compliant with its own rules. It was not openly understood or acknowledged that GYPT had become (with a change in legislation) a local authority regulated company. The creation of Norfolk Conservation Ltd did not appear to have been led by the Council and the company had accordingly, not been acknowledged as a local authority controlled company. These issues could now be addressed, and the recommendations of this report seek to regularise the position with regard to appointments, allowing GYPT to move forward with the modernisation of its Articles. The steps necessary to make the changes to the appointments and articles were set out in Appendix 2 to this report.

Councillor Wainwright reported that it was a complex report and it would have been helpful to Members if a briefing had been arranged on this item. Councillor Wainwright reported that GYPT was a highly respected organisation and had operated well over the years under the chairmanship of Barry Coleman and Bernard Williamson. However, as he was not an expert in such governance matters, he would abstain from voting.

Councillor Wainwright asked what would happen if the changes to the Articles were made and then not agreed by GYPT members at the meeting in September and whether making Kate Blakemore a Director, would be a conflict of interest in her two roles representing both the Council and the Trust.

The Chief Executive Officer clarified the reason behind the report coming to Council for approval.

The Monitoring Officer confirmed that the new articles had been put forward by GYPT as a result of work undertaken by an independent consultant, Julian Lomas, and that Kate Blakemore had taken advice in regard to the trusteeship and was aware that her first duty was to protect the interests of GYPT.

Councillor Wainwright asked for further clarification as to what would happen if GYPT did not agree to accept the new Articles and how Norfolk Conservation Ltd fitted in to the matter.

The Leader of the Council reported that Norfolk Conservation Ltd had been formed in 2014 when Councillor Wainwright had been Leader of the Council.

The Monitoring Officer reported that it was the Trust's decision to change its Articles on the advice of Julian Lomas and if the changes were not agreed, then a further report would be brought to Council. The formation of Norfolk Conservation Ltd had been authorised by the CEO at the time and Section 151 Officer and had not been reported to Council. She suggested that Councillor Wainwright should speak to Councillor Williamson, who was a Director of Norfolk Conservation Ltd, in regard to this matter.

PROPOSER: Councillor Smith

SECONDER: Councillor Plant

That Council:-

(i) appoint the existing appointed directors of Great Yarmouth Preservation Trust (GYPT) (Councillors Williamson, Fairhead, Freeman, Hacon and Wells) as “members” of GYPT (note that they will remain directors);

(ii) approve the new form of Articles of Association then to be adopted by GYPT, set out at Appendix 3;

(iii) appoint Iain Robertson, the Council’s Major Projects & Development Director, and Sheila Oxtoby, the Chief Executive, as additional members of GYPT until such time as the new Articles of Association are formally adopted;

(iv) and appoint Kate Blakemore, the Council’s Strategic Director, as an additional member of GYPT, to remain a member after the new Articles of Association are formally adopted, at which time she will also become a director of GYPT.

CARRIED.

13 WINTER GARDENS - NATIONAL LOTTERY HERITAGE FUND ACCEPTANCE

Council received and considered the report from the Head of Inward Investment.

The Leader of the Council reported that on 19th May 2020, the Policy and Resources Committee agreed to further work being undertaken to complete a stage 1 application to the National Lottery Heritage Fund (NLHF) Heritage Horizons Programme for the Great Yarmouth Winter Gardens. In February 2021, Council submitted a next stage application seeking the £9.9M match funding from the NLHF to fully restore and bring back into use the Winter Gardens. As a result of this bid, the Council has been offered the full £9,977M of National Lottery Heritage Funding (NLHF) as requested under the Heritage Horizons programme, subject to the completion of the development application.

The Leader of the Council reported that in considering the detail of this report, Members were asked to receive an update of the project and accept the Grant Notification Letter received from the National Lottery Heritage Fund and progress the development application, based on the proposal that the Winter Gardens is restored, celebrated and animated, providing a co-designed complementary mixed use offer, including community outreach and activities, visitor services and interpretation and food/beverage provision.

The Leader of the Council congratulated the officers concerned for all their hard work in securing the funding to restore the Wintergardens to its former glory.

PROPOSER: Councillor Smith
SECONDER: Councillor Grant

That Council approve:-

- (i) the acceptance of the development grant of £420,800 and the Terms of the Grant and include a project budget of £810,800 to deliver the development stage of the projects; and
- (ii) that the capital programme is updated to reflect the delivery of the Wintergardens project totalling £16 million along with the financing of the project as detailed in the report.

CARRIED.

14 NOTICE OF MOTION

Council considered the following motion from Councillors Smith, Plant, P Carpenter, P Hammond, Wells and Flaxman-Taylor which was presented by the Leader of the Council.

We as Elected Members of Great Yarmouth Borough Council request that

Council agree to holding an Extraordinary meeting of Council to consider the granting of Freedom of the Borough to Michael Thomas Jeal.

Councillors Wainwright, P Carpenter, B Walker, A Wright, Robinson-Payne and Plant congratulated Councillor Jeal on his nomination to receive the Freedom of the Borough which was a fitting honour to a much respected, long serving and staunch supporter Councillor for the Nelson Ward.

The Leader of the Council was hopeful that Councillor Jeal and HMS Dauntless could be made Freeman of the Borough at the same time, as during Councillor Jeal's first term as Mayor of the Borough of Great Yarmouth, he had sailed on HMS Dauntless from Scotland to Great Yarmouth as part of his civic duties.

Councillor Jeal reported that he was overwhelmed by the kindness of his fellow Councillors at being bestowed this honour both for himself and his family.

PROPOSER: Councillor Smith

SECONDER: Councillor Wainwright

That Council agree to holding an Extraordinary meeting of Council to consider the granting of Freedom of the Borough to Michael Thomas Jeal.

CARRIED.

15 NOTICE OF MOTION

Council considered the following motion received from Councillors Waters-Bunn, Wainwright, Robinson-Payne, A Wright, Williamson and Cordiner-Achenbach which was presented by Councillor Robinson-Payne.

Fireworks are used by people throughout the year to mark different events. While they can bring much enjoyment to some people, they can cause significant problems and fear for other people and animals.

There are many vulnerable members of our community that are petrified by the loud noises fireworks make, such as the elderly, those who live alone, those that suffer from PTSD and mental health disorders as well as some children and adults with learning difficulties. These people can be very distressed by the noise and many have to suffer in silence on their own.

Fireworks can be a source of fear and distress for many animals (including pet

animals, farm livestock and wildlife). Animals affected not only suffer psychological distress but can also cause themselves injuries - sometimes very serious ones - as they attempt to run away or hide from the noise.

I therefore call upon GYBC, to only allow noise free/low noise fireworks to be used in any organised firework displays held on its land, from July 2021 onwards. These events will still be enjoyed by the masses that enjoy firework displays, and will also give the opportunity for those who do not like the loud bangs to enjoy them too.

When advertising these events we can publicise why we have changed also. I also call upon GYBC to write to all outlets that sell fireworks to suggest that from today onwards, they only sell noise free / low noise fireworks in their establishment.

Councillors Candon and Price spoke against this motion and reported that they were unable to support it.

Councillors Wainwright, A Wright & B Wright echoed the sentiments of Councillor Robinson-Payne and that the welfare and protection of the vulnerable, elderly and animals of the Borough should be of the utmost concern to all Councillors.

PROPOSER: Councillor Robinson-Payne

SECONDER: Councillor Wainwright.

MOTION LOST.

16 NOTICE OF MOTION

Council considered the following Motion from Councillors A Wright, B Wright, Fairhead, Borg, Williamson, B Walker and C Walker which was presented by Councillor A Wright.

Great Yarmouth Borough Council believes planning works best when developers and the local community work together to shape local areas and deliver necessary new homes; and therefore calls on the Government to protect the right of communities to object to individual planning applications.

PROPOSER: Councillor A Wright

SECONDER: Councillor Robinson-Payne.

MOTION LOST.

17 ANY OTHER BUSINESS

Mr Deputy Mayor, Councillor Thompson, reported that there was no other business being of sufficient urgency to warrant consideration at the meeting.

The meeting ended at: 20:36