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17 February 2022

Dear Member

Council – 23 February 2022

I am now able to enclose, for consideration at the next meeting of the **Council**, the following report that was unavailable when the agenda was printed:

Scrutiny Committee Minutes - meeting held on 14 February 2022

Yours sincerely

Sally Gabriel
Member Services Manager

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 14 February 2022
at 2.15 pm

Present

Councillors

B G J Warren (Chairman)
G Barnell, E J Berry, Mrs F J Colthorpe,
L J Cruwys, Mrs S Griggs, P J Heal,
F W Letch, Mrs E J Lloyd, S Pugh,
R F Radford and A Wilce

Also Present

Councillor(s)

R M Deed, S J Clist, D R Coren, Mrs C P Daw, R J Dolley,
C J Ginton, R Evans and Mrs N Woollatt

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place), Jill May (Director of Business Improvement and Operations), Karen Trickey (District Solicitor and Monitoring Officer), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Matthew Page (Corporate Manager for People, Governance and Waste), Maria De Leburne (Operations Manager for Legal and Monitoring), Clare Robathan (Policy and Research Officer), Carole Oliphant (Member Services Officer) and Jessica Watts (Member Services Apprentice)

115 APOLOGIES AND SUBSTITUTE MEMBERS (0.04.10)

There were no apologies or substitute Members

116 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.04.21)

Cllr A Wilce declared a personal interest for item 11 as he was the Member concerned

117 PUBLIC QUESTION TIME (0.05.10)

The Chairman read the following questions from Mr N Quinn, a local resident, regarding agenda item 10:

Will Members take note that this report starts with only a single error but, as each paragraph tries to explain the changes between the two Tables, it ends with multiple differences – some going back to 2017.

Q1: Why were these errors not corrected promptly?

Are Members aware that the question at Full Council on 15th December 2021, referred to in para 2.7, was specifically about the 2020/21 figures. The reply was specific as well “the difference is due to a revised interest payment for one parcel of

land on one development” (See Minute 90). There was no mention, at that time, of any other land deals or VAT changes in other years.

Q 2: Can Members be assured the statements in paragraphs 2.5, 2.6 and 2.7 can be relied upon?

Members will note that the report conclusion states that the figures in these tables were not for specific approval – but, surely, that should not have made a difference to the accuracy of information given.

Q 3: Should Members be able to rely on the financial information, given in any report, being correct – no matter what the purpose of the report?

Will Members note the 2021/22 interest/recharge total of £502.6k, shown in Table 2, was the ‘actual’ amount received up to the end of October 2021 - confirmed by the S151 Officer at the Cabinet meeting on 30th November 2021 (See Minute 111).

Will Members also note that at Cabinet on 1st February 2022, the reported 2021/22 interest/recharge total was only £414.0k. The S151 Officer confirmed this was the actual amount received “up to 31st December 2021” (See Minutes 130 and 152).

If £502.6k had been received at the end of October, but only £414.0k is here at the end of December –then £88,600 has gone missing!

Q 4: Where has this £88,600 gone?

In response the Deputy Chief Executive (S151) stated:

A1. The errors included in the table first provided to this Committee in November 2021 have been apologised for and fully explained and corrected at the next available meeting which was the Audit Committee about 10 days later. The Scrutiny Committee was also sent a correction paper and Cabinet also had the correct table. The errors on the table have absolutely no bearing on the Council’s accounts it was just data which was transposed. The errors were identified by a member of the finance team as the papers went through the rounds and it was flagged up at the earliest opportunity and a corrected table was presented.

A2. The other errors the questioner makes reference to are not errors they are adjustments to data after clarifying further information on recharges and interest applied to transactions between 3 Rivers and the Council that has been explained previously.

A3. With regard to question 2 and 3 the answer is yes.

A4. The November report states that the table below summaries the transactions since the company’s inception. On that basis the interest figure shown in this table has been completed on a cash received basis and I think the questioner makes the point about cash received. The February report states that these figures relate to 2021-2022, therefore these are compiled on an accruals basis and therefore cash received in 2021-2022 relating to prior years is excluded.

The Council’s accounts are produced on an accruals basis and this is what is audited by our external auditor when they arrive at their overall opinion.

The errors that have been identified have been apologised for, corrected and dealt with.

Honorary Alderman David Nation, referring to item 11 on the agenda asked:

Does the Chairman of Scrutiny agree with me that restricting contributions from non-Cabinet Members and showing contempt for members of the public seeking to be involved is contrary to how a Council is meant to operate?

It is undemocratic, dictatorial and brings the Council into disrepute. There was little in the way of debate as Members attempts to contribute were stifled by the Chairman's insistence that they only put a question. I noticed also that there was a refusal to deal with a question from a member of the public without even an explanation. Members of the public don't even know what the question was about. As the first Chair of Scrutiny under the present structure it was made very clear to me that non-Cabinet Members must be given every opportunity to express their views and enter into the debate if they express an interest in doing so. That seems to have gone by the board.

Will the Scrutiny Committee urge the Cabinet to reconsider the way they operate?

The Chairman indicated that his questions would be answered when the item was discussed.

118 **MINUTES OF THE PREVIOUS MEETING (0.15.38)**

The minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

119 **DECISIONS OF THE CABINET (0.16.48)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 1st February 2022 had been called in.

120 **CHAIRMAN'S ANNOUNCEMENTS (0.16.59)**

The Chairman had no announcements to make.

121 **REGULATION OF INVESTIGATORY POWERS (0.17.09)**

The Committee had before it and **NOTED**, the *Annual Review of the Regulation of Investigatory Powers (RIPA) Policy from the District Solicitor and Monitoring Officer.

Note: *Policy previously circulated and attached to the minutes

122 **ESTABLISHMENT (0.18.23)**

The Committee had before it, and **NOTED**, the annual *review of the Establishment from the Corporate Manager for People, Governance and Waste.

The Officer explained that although it had been a challenging year that all services had been maintained. Sickness absence had remained low but had seen a slight

increase over the winter months which was expected. Agency spend had increased due to gaps in personnel who were sick, isolating or current vacancies not yet being filled. Turnover remained a challenge.

In response to Members concerns about the increased turnover rate the Corporate Manager for People, Governance and Waste explained that the staff survey had indicated that people were less satisfied but that the Council was looking to learn from the survey.

The Chief Executive explained that the overarching turnover rates were comparable with other local authorities and that staff satisfaction was a concern with a sense of fairness apparent. The Council tried to treat people fairly and equally but some examples were staff being furloughed when others had to work through the pandemic.

In response to Members requesting to see a plan to tackle turnover, the Corporate Manager for People, Governance and Waste stated that the Staff Survey Action Plan would be brought to a future meeting of the Scrutiny Committee.

He explained that the Council used a competency framework to better use people's skills and this lead to a progression pathway for staff.

Note: *Review previously circulated and attached to the minutes.

123 **UPDATE ON MENOPAUSE WORKING GROUP RECOMMENDATIONS (0.42.57)**

The Committee had before it, and **NOTED**, an *update on the Menopause Working Group recommendations from the Operations Manager for People, Governance and Waste.

Note: *Update previously circulated and attached to the minutes

124 **FINANCE - CLARIFICATION ON DATA CONSIDERED BY SCRUTINY COMMITTEE IN NOVEMBER 2021 (0.46.04)**

The Committee had before it, and **NOTED**, a *report from the Deputy Chief Executive (S151) providing clarification on data considered by the Scrutiny Committee in November 2021.

Note: *Report previously circulated and attached to the minutes

125 **THE CONDUCT OF THE CABINET MEETING 1ST FEBRUARY 2022 (1.00.17)**

A request had been received from Cllrs Barnell, Clist, Lloyd and Wilce with regard to their views on conduct during the Cabinet meeting on 1 February 2022. The Chair invited those members to address the committee. In responding to the four members' comments, the Leader of the Council stated that it had been acknowledged that the Cabinet meeting had a very long agenda. He had taken the view that it would not have been appropriate to allow Members to stray off the agenda, asking at the commencement of Cabinet that only questions were asked. It was acknowledged that the rules permitted such and the heavy workload of the

meeting had led to such an approach on that occasion. If he had offended anyone he apologised.

Consideration was given to:

- The views of present and former chairpersons within the Scrutiny Committee who stated that it was the Chairman's role to control the meeting and that on occasions they had to be firm
- Full Council having adopted the Strong Leader and Cabinet model
- The view that the item was not the concern of the Scrutiny Committee, if needed the matter should have gone to the Standards Committee
- The Leader had not done anything contrary to the procedure rules in the Council's Constitution and that had been confirmed by the Monitoring Officer
- The public perception about how Council meetings should be run
- Whether the agenda of the meeting should have been split between two meetings
- The view of one proposer that a joint Cabinet and Scrutiny Working Group should be formed to establish a protocol.

The Chairman stated that he had listened to the recording of the Cabinet meeting and that the Leader was faced with a heavy agenda. He suggested in future that the agenda could be split into two meetings to allow for debate. He acknowledged that the Leader had stated at the beginning of the meeting that it was a large agenda and non-Cabinet Members should restrict their statements to questions only.

It was therefore **AGREED** that:

- 1) For points 1 and 2, the proposers' views had been noted and the Cabinet be asked to review the concerns raised
- 2) For points 3 and, 4, the proposers' views had again been noted and would be picked up within the Standards Committee's established Task & Finish Group review of the Council's Procedure Rules.

(Proposed by the Chairman)

Note:

- i) Cllr G Barnell requested that his vote against (2) be recorded
- ii) Cllr Mrs F J Colthorpe requested that her abstention from voting on (1) be recorded

126 **FORWARD PLAN (1.58.47)**

The Committee had before it, and **NOTED**, the *Forward Plan.

Note: *Plan previously circulated and attached to the minutes

127 **SCRUTINY OFFICER UPDATE (1.59.50)**

The Scrutiny Officer provided the following update:

- The final report of the scrutiny spotlight review of 'women in local government' was due to come to Committee in March.
- We were still following up a number of the replies on the bio-energy industry joint Devon review. Two Councils were still hoping to discuss at future Scrutiny meetings; one had said yes; two have said their work programmes were too busy; and one was hoping to have a further conversation in the coming weeks with Cllr Warren.
- Broadband work was progressing – we held a very well attended Member briefing with Airband. The next steps were to get dates in the diary of all Members to meet with Airband, and that work was taking place with regard to prioritising the list of members depending on rollout dates.

128 **WORK PLAN (2.01.29)**

The Committee had before it, and **NOTED**, the *Scrutiny Committee Work Plan.

It was agreed that:

- The Staff Survey Action Plan be brought to a future meeting
- Inclusive Participatory Budgeting proposal to be brought to a future meeting

Note: *Work Plan previously circulated and attached to the minutes

(The meeting ended at 4.18 pm)

CHAIRMAN