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All Members

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21 February 2023

Dear Member,

Council – 22 February 2023

I am now able to attach, for consideration at the next meeting of the **Council**, the following final draft minutes that were unavailable when the agenda was printed.

Item 4 – Council Minutes, 14 December 2022 & 18 January 2023

Item 8 – Cabinet Minutes, 7 February 2023

Item 10 – Scrutiny Committee Minutes, 20 February 2023
Standards Committee Minutes, 8 February 2023

Sincerely

Andrew Seaman

Member Services Manager

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 14 December 2022 at 6.00 pm

Present

Councillors

R F Radford (Chairman)
J Bartlett, E J Berry, J Buczkowski, W Burke, R J Chesterton,
Mrs C Collis, Mrs F J Colthorpe, D R Coren, L J Cruwys,
N V Davey, Mrs C P Daw, R M Deed, R J Dolley (Vice
Chairman), J M Downes, C J Eginton, R Evans, Mrs S Griggs,
P J Heal, B Holdman, D J Knowles, F W Letch, Mrs E J Lloyd,
Miss J Norton, S J Penny, S Pugh, Mrs E J Slade, C R Slade,
Mrs M E Squires, L D Taylor, B G J Warren and A White

Apologies

Councillors

J Cairney, B A Moore, D F Pugsley, R L Stanley, Mrs N Woollatt,
J Wright and A Wyr

94 **Apologies**

Apologies were received from Councillors J Cairney, B A Moore, D F Pugsley, R L Stanley, Mrs N Woollatt, J Wright and A Wyr.

95 **Public Question Time**

Ian Johnson asked:

1. It was unfortunate that there was a small error in the number of Conservation Areas in the Parish in the published Plan. This was a typographical error and is easily corrected. Can it be confirmed that this has no impact of the Adoption of The Plan and does not affect the implementation of its policies, not as reported in the Cabinet minutes?
2. On a member's comment at the Cabinet meeting that the publicity could have been better, please confirm that this was about MDDC's communications, not those generated by The Plan Team, noting that we put in huge efforts, spent £1,000s on our Communications Plan, and used many local networks to get the message out?
3. The Referendum turnout may have been small, but that is always the way with local polls that are not coincident with other polls, such as district and county ones. Cullompton and others had the advantage of their Referendums in 2021 being at the same time as District elections last year, all postponed by the pandemic. Can the Council confirm that that factor was not taken into account when the comments about turnout were made?

Finally, we wish to record our thanks to the Forward Planning Team for their guidance and support throughout the four years.

In response to the questions asked the Portfolio Holder for Planning and Economic Regeneration stated:

Answer to question 1:

It is noted that this was a small error and it does not detract from the achievement of the Neighbourhood Plan group in achieving this significant milestone. The factual error does not affect the policies of the Neighbourhood Plan or the adoption of the plan, and where the Neighbourhood Plan Policy T5: 'Design of Development' refers to 'conservation areas' this will apply to all 9 conservation areas in the parish.

Answer to question 2:

I believe that it may have been a reference to Mid Devon District Council's communications, but I can confirm that the Local Authority is restricted in terms of what it is allowed and able to do in terms of supporting communications around neighbourhood plans. In this case, as with other neighbourhood plans, Mid Devon District Council did undertake considerable communications to support the process – including issue press releases and contacting people who had previously made representations about the plan at the submission stage. Mid Devon District Council is aware of the considerable efforts of the Tiverton Neighbourhood Plan Team in terms of supporting communication activity throughout the lifetime of the project.

Answer to question3:

I agree that the referendum turnouts for the neighbourhood plans are often lower than for other types of election or where other elections do not take place at the same time. The turnout – 12.3% - is also not significantly different from other referendums elsewhere in the country in the recent past – for example, I know that recent neighbourhood plan referendums in Henley, Oxfordshire and Harleston, Norfolk achieved 15.3% and 16.4% turnout respectively. I would therefore reiterate and acknowledge the significant achievement of the Neighbourhood Plan Team in reaching the milestone of adoption of the plan.

96 **Declarations of Interest under the Code of Conduct**

None declared, Members were reminded of the need to declare any interests when appropriate.

97 **Minutes**

The minutes of the Full Council meeting held on 26 October 2022 and the minutes of the Extraordinary Council Meeting held on 1 December 2022 were agreed as a correct record and **SIGNED** by the Chairman.

98 **Chairman's Announcements**

The Chairman had attended the Armistice Day service and Remembrance Sunday Service in Tiverton.

The Chairman encouraged Members to complete the Member Induction Survey.

99 **Petitions**

There were no petitions presented.

100 **Notices of Motions**

There were none.

101 **CABINET - REPORT OF THE MEETING HELD ON 1 NOVEMBER 2022**

The Leader presented the report of the meeting of the Cabinet held on 1 November 2022.

102 **CABINET - REPORT OF THE MEETING HELD ON 29 NOVEMBER 2022**

The Leader presented the report of the meeting of the Cabinet held on 29 November 2022.

1. Mid Year Treasury Management Report (minute 92)

The Leader **MOVED**, seconded by Councillor D J Knowles.

THAT the recommendations of the Cabinet as set out in Minute 92 be **ADOPTED**

Following discussion and upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

Reason for the Decision – As stated in the report.

2. NW Cullompton Masterplan SPD (Minute 93)

The Leader **MOVED**, seconded by Councillor R Chesterton

THAT the recommendations of the Cabinet as set out in Minute 93 be **ADOPTED**

Following discussion and upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

Reason for the Decision – As stated in the report.

3. Tiverton Neighbourhood Plan – Decision To Adopt (subject to referendum result) (Minute 94)

The Leader **MOVED**, seconded by Councillor L Cruwys

- Those that were part of the Neighbourhood Plan Team were thanked for their contributions to this project.

THAT the recommendations of the Cabinet as set out in Minute 94 be **ADOPTED**

Following discussion and upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

Reason for the Decision – As stated in the report.

4. HRA CCTV Policy (Minute 98)

The Leader **MOVED**, seconded by Councillor C Daw

THAT the recommendations of the Cabinet as set out in Minute 98 be **ADOPTED**

Following discussion and upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

Reason for the Decision – As stated in the report.

103 **SCRUTINY COMMITTEE - REPORT OF THE MEETING HELD ON 21 NOVEMBER 2022**

The Vice Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 21 November 2022.

104 **SCRUTINY COMMITTEE - REPORT OF THE MEETING HELD ON 12 DECEMBER 2022**

The Vice Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 12 December 2022.

105 **AUDIT COMMITTEE - REPORT OF THE MEETING HELD ON 22 NOVEMBER 2022**

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 22 November 2022.

106 **ENVIRONMENT PDG - REPORT OF THE MEETING HELD ON 8 NOVEMBER 2022**

The Vice Chairman of the Environment Policy Development Group presented the report of the meeting of the Committee held on 8 November 2022.

107 **HOMES PDG - REPORT OF THE MEETING HELD ON 15 NOVEMBER 2022**

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Committee held on 15 November 2022.

108 **COMMUNITY PDG - REPORT OF THE MEETING HELD ON 22 NOVEMBER 2022**

The Chairman of the Community Policy Development Group presented the report of the meeting of the Committee held on 22 November 2022.

109 **ECONOMY PDG - REPORT OF THE MEETING HELD ON 10 NOVEMBER 2022**

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Committee held on 10 November 2022.

It was raised – in regards to minute 25 - that a member of the public was in attendance during this meeting.

110 PLANNING COMMITTEE - REPORT OF THE MEETING HELD ON 2 NOVEMBER 2022

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 2 November 2022.

111 PLANNING COMMITTEE - REPORT OF THE MEETING HELD ON 30 NOVEMBER 2022

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 30 November 2022.

112 Members Allowances and the Recommendations from the Independent Remuneration Panel

The Council had before it a report of the District Solicitor and Monitoring Officer setting out the recommended Members' Scheme of Allowances for 1 April 2023 to 31 March 2024.

The Leader of the Council explained that Member allowances should be in line with the percentage increase awarded under Local Government Services Pay Agreement and felt that the increase should be an average of the percentage increases that officers received which would be 6.66%. That there was a need for Member allowances not to fall below the average of other districts' Member allowances in Devon.

Councillor R Deed **MOVED** an **AMENDMENT**, seconded by Councillor C Eginton that:

Increase the Basic Allowance by 6.66 % (being a figure between the average staff increase of between 6.5% and 7.0%) from the current Basic Allowance of £5,494.68 to £5,857. or in cash terms that is an additional £362. p.a. that was equivalent to £1.00 per day.

The following was discussed:

- Constituents were experiencing a cost of living crisis and if Member allowances were increased this would send the wrong message to the public.
- The Council had previously agreed to increase Member allowances in line with officer pay and that it was the percentage that needed to be determined due to a scaled increase in officer pay.
- Teignbridge District Council had agreed a new Member allowance.
- That this decision should be deferred.
- There might be a need to cut services and increase tax and so should take the lowest figure recommended.
- It was clarified that this was a Council decision and that the decision could be deferred.
- Thanks was given to the Independent Remuneration Panel for their work.
- There was disappointment that only 4 Members had responded.

- That the allowance was optional for Members and that the recommendation should be agreed.
- New Members in the next administration would need to feel there was a reward.

Following the debate, Councillor A White **MOVED** in accordance with Procedure Rule 19.4: that the vote in respect of this **AMENDMENT** shall be by Roll Call. A roll call of Members present at the meeting was then taken.

Those voting **FOR** the **AMENDMENT**: Councillors J Bartlett, W Burke, RJ Chesterton, C A Collis, F J Colthorpe, C P Daw, R M Deed, C J Eginton, D J Knowles, S J Penny, S E Pugh, C Slade, E J Slade, M E Squires

Those voting **AGAINST** the **AMENDMENT**: Councillors J Buczkowski, D R Coren, L Cruwys, R J Dolley, J M Downes, R Evans, S Griggs, P J Heal, B Holdman, F W Letch, E J Lloyd, J Norton, L D Taylor, B G J Warren, A White

Those **ABSTAINING** from voting: Councillors E J Berry, N V Davey, R F Radford

The **AMENDMENT** was declared to have **FAILED**.

Councillor R Evans **MOVED** the **RECOMMENDATION**, seconded by Councillor B Warren that:

That the Members' Allowances Scheme in Appendix 2 be adopted for the period 1 April 2023 to 31 March 2024.

Upon a vote being taken the **RECOMMENDATION** was declared to have **FAILED**.

It was **PROPOSED** by Councillor J Buczkowski, seconded by Councillor L Taylor that:

No changes be made to the current Member Allowance scheme for the current financial year and for the financial year of 2023/24.

Councillor R Deed **MOVED** an **AMENDMENT**, seconded by Councillor C Eginton that:

This item be deferred to the next Full Council Meeting due to take place on the 22 February 2023.

The following was discussed:

- There was confusion with the report and its interpretation and that this should be deferred.
- It was clarified that it would not be the case that Member Allowances would stop.

Upon a vote being taken the **AMENDMENT** was declared to have been **CARRIED**.

Note: Councillors F Letch requested that their abstention from voting be recorded.

113 Questions in accordance with Procedure Rule 13

There were no questions submitted under Procedure Rule 13.

114 Special Urgency Decisions

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency taken since the last meeting. The Chairman informed the meeting that no such decisions had been taken in that period.

115 Questions to Cabinet Members

- Councillor F Letch asked whether a Scrutiny Committee was needed as Members had requested items to be added to Scrutiny agenda but were refused, which was against the Constitution.

The Leader of the Council stated that there was a need for the Scrutiny Committee and that this should be discussed with officers.

- Cllr L Taylor asked if it was appropriate for the Leader to also be the Portfolio Holder for Finance.

Cllr R Deed explained that it was not his intention to take on the portfolio and that there was only 5 months till the end of the municipal year. That the appointment of a new Cabinet Member in this position required training, it was also considered that the Leader had experience and knowledge in banking and it was felt that it was an appropriate solution at this moment in time.

- Cllr S Pugh wanted to know how successful the recent PDG meetings were in regards to the 2023/24 budget.

Councillor R Deed stated there had been a meeting with the PDG Chairmen and Vice-Chairmen which concluded that the recent PDG meetings were very successful. The PDGs would continue budget discussions in January 2023.

The Deputy Chief Executive added that the updated financial gap was circa £1m and that they were waiting for business rate metrics. The total income generation from new fees and charges would be circa £850,000. Savings would be discussed during the next PDG meetings.

- The Portfolio Holder for Environment and Climate Change received a written question from Councillor A Moore, which asked if the Cabinet Member felt charges were valid on a leaflet that had been distributed privately, which contained information that related to the 3 weekly residual waste collection.

Councillor C Slade explained that evidence contrary to the leaflet had shown that the system was working and that street scene had improved. The council had not received money to improve bin services and had not cut services.

- Councillor A White asked if the Leader would be sacking the rest of the Cabinet. In addition, an explanation was sought after, regarding the recent high turnover of Cabinet Members.

Councillor R Deed explained that he would not sack the rest of the Cabinet and that as Leader he had chosen the best available talents for Cabinet. A number of Members were not available at the time Cabinet were chosen but chose the appropriate people, the Leader was content with current Cabinet Members.

116 Members Business

Councillor R Evans thanked officers for their hard work and reminded Members that the Council had received funds for modular builds and that this was good for the Council.

Councillor R Dolley emphasised that there was a need to get these modular builds built.

Councillor C Eginton highlighted to Members the importance of keeping their Register of Interests updated.

Councillor R Deed stated that Cabinet had no intention of the 23/24 budget considerations leading to officer redundancies.

(The meeting ended at 7.45 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 18 January 2023 at 6.00 pm

Present

Councillors

R F Radford (Chairman)
G Barnell, J Bartlett, E J Berry, J Buczkowski, W Burke,
J Cairney, R J Chesterton, S J Clist, Mrs C Collis, L J Cruwys,
N V Davey, Mrs C P Daw, R J Dolley (Vice Chairman),
J M Downes, C J Eginton, R Evans, Mrs S Griggs, P J Heal,
B Holdman, D J Knowles, F W Letch, B A Moore, S Pugh,
D F Pugsley, Mrs E J Slade, C R Slade, R L Stanley, L D Taylor,
B G J Warren, Mrs N Woollatt and J Wright

Apologies

Councillors

R M Deed, Mrs E J Lloyd, Miss J Norton, S J Penny, A Wilce
and A Wyer

Present

Officers:

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy
Chief Executive (S151)), Maria De Leburne (District Solicitor
and Monitoring Officer), Richard Marsh (Director of Place), and
Andrew Seaman (Member Services Manager)

117 **APOLOGIES**

Apologies were received from Councillors: R Deed, Miss J Norton, S J Penny, A Wilce and A Wyer.

118 **PUBLIC QUESTION TIME**

A Question was received and read out by the Chairman from Roger Davey:

In April of last year the overspend on the Riverside development of the unsightly blocks of flats and houses which disfigure the riverside, was quoted as just over three quarters of a million pounds. Given that in September last year the council gave 3 Rivers a further 2.2 million to keep it afloat my questions are :-

No.1

Given the continuing haemorrhage of public funds to 3 Rivers, how many more millions of pounds of council tax payer's money does the council intend to plough into 3 Rivers?

No.2 Given that it is obvious that the council and some of its officers are incapable of controlling the expenditure on 3 Rivers will the council bring in some forensic accountants or other external body to examine all of the accounts , contracts and any other documents associated with this company.

No.3

Of especial concern must be the way in which the original multi million pound contract for the Riverside site was awarded to EBC (who later pulled out) after a cosy chat, without going out to tender. This is a flagrant breach of the public procurement regulations which 3 Rivers are bound by as a company owned by the council. These regulations insist on at least 3 companies being invited to tender. Even if the councils usual contractors do not wish to tender there are many national firms who I am sure would have tendered had they been asked. Instead the contract was awarded "on a design and build contract 2016 following negotiations with a contractor". This is the response from my freedom of information request

to 3 Rivers in 2019. This alone especially as a councillor and a council officer were directors of 3 Rivers at the time, is I believe another breach of the regulations and surely warrants further investigation by an external body. Why was the contract awarded in this way ?

No.4

Given 3 Rivers record thus far how can the council be sure that the costs for the Bampton and Park road developments are realistic and will not lead to the council taxpayers being saddled with yet more debt?

No.5

Given that this meeting is closed to the people who pay, if and when will the council release all of the information regarding 3 Rivers and the ongoing Riverside site fiasco?

The Chairman thanked Mr Davey for their questions and noted that answers would be submitted in writing.

A Question was received from Paul Elstone:

Question 1

There is an increasing level of public concern over the financial arrangement between the Council and 3 Rivers, including the HIGH debt levels and the impairment of loans. These concerns are borne out by the demonstration outside of Phoenix House this evening and recent press articles, Once more, a meeting about 3 Rivers will be held in secret. For transparency, can the voting tonight be conducted in public with individual votes recorded?

Question 2

External Auditors Grant Thornton have just published a report that identifies problems with 3 Rivers. A write-down of work in progress of £1.6 million, an overstated Tax deferment of nearly £500,000 increasing the loss provision on St Georges Court by £222,000. This is in addition to the already declared £790,000 impairment on the Council's books. Why can't Council see this Company is in increasingly serious trouble?

Question 3

Scrutiny Committee on Monday were told that the Council will not now fund 3 Rivers from external borrowing but will continue to do this from Council funds. With the over £900,000 budget cuts being asked for, how can the Council afford this?

Question 4

When given 3 Rivers current project delivery record. Cost exposures, and impaired loans, all available property development loan market evidence shows that the Council are providing highly preferential interest rates and loan terms to its own Company.

That 3 Rivers are unable to lend from the market something confirmed by the then Cabinet Member for Finance at Cabinet on 6 September 2022. Are the Council worried about the risk of being accused of giving 3 Rivers a significant commercial advantage in any tendering process, especially where public money is involved?

Question 5

Can the S151 Officer both confirm beyond any doubt that there will be no risk of a section 114 Notice being issued as a result of the Council's involvement with 3 Rivers?

The Chairman thanked Mr Elstone for their questions and noted that answers would be submitted in writing.

A Question was received from Belinda Boyles:

Why are you not busy concentrating on affordable houses for people like myself? Also, I would like to know why it is so hard to be prioritised, I lived in Bampton all my life, 34 years,

I've got 2 children sharing a bedroom, a boy and a girl. I have been on the system for 3 years now and I am finding it very hard to believe that my best chance of being able to bring my children up the right way is to move to all the way Plymouth. Where I am likely to get a 3 bedroom house which obviously I need. I just believe that the system is not running as it should.

Cllr R J Chesterton explained that there was a building programme in place, with a site in Tiverton for 70 council houses to be built for social rent and to passive house standards, with other sites planned. Other sites for small scale development across the Mid Devon were being sought. In addition, there was concern over the weighting for local priority through the Devon Home Choice system. A motion had been raised for the next ordinary Full Council meeting which sought to address the current Devon Home Choice system.

A Question was received from Rachel Kelland:

I don't actually live in a council property I am somebody that obviously earns a substantial amount of money between me and my partner and we live in private rented accommodation which is obviously exruciate as you can imagine. I think its okay you sat there saying about all these developments and everything going up but where is it about the locals staying local? Because apart of housing and as far as I get it from the Devon Home Choice and about the housing that was obviously allocated around local areas it was actually under the assumption that local people could stay local. Whereas obviously Belinda here has obviously been waiting for a property for over 3 years and other properties have become available which she been able to bid on but people in like Taunton or anywhere else has obviously been given these properties over certain people who have stayed local, obviously it is not just Belinda or other people that are obviously in this criteria and obviously I understand that obviously you know other people have different circumstances to why they would need a property over somebody else which is absolutely fine but in the same ball court where is the locals staying local?

Cllr RJ Chesterton explained that it was Devon Home Choice who decide the allocations, with a cascading criteria being used. The motion that had been submitted requested a review which would highlight if enough emphasis was put on local need. If Devon Home Choice had not followed protocol this would also be highlighted in the review.

A Question was received from Philip McShell:

I live in Bampton in a council property, bungalow, I was quite infuriated just a moment ago and thought I have to say something for this lady behind me with her 2 children, one is 5 years of age and one is 13 and I just want to comment to the gentleman who stood up and spoke in regard to what the Council are doing and incentives and things. I just wanted to ask how long does this lady have to wait her children are 5 years of age and her other child is 13, how old will they be when problems like this are fixed? People with a situation like this need support and help now, it's no point them waiting year on year out, you know, what reassurance can the Council give to people like this, a young mum struggling to bring up 2 children. What reassurance can the Council give?

Cllr R J Chesterton explained that it difficult for individual cases to be discussed in a public meeting and that if they wanted issues to be raised they were encouraged to get in contact with their Ward Member and the Cabinet Member for Housing.

119 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

Cllr R L Stanley declared a Disclosable Pecuniary Interest in that he was a Director of the 3 Rivers Development Company Ltd. And from this it was inferred that should any discussion ensue he would need to leave the meeting.

Cllr Mrs S Griggs declared a non-pecuniary interest in that she worked for Seddons Estate Agents.

120 **CHAIRMAN'S ANNOUNCEMENTS**

There were none.

121 **ACCESS TO INFORMATION - EXCLUSION OF PRESS AND PUBLIC**

The following was discussed:

- It was raised that item 6 should be discussed in public.
- The validity of the agenda.
- There was confusion whether Council were to advise or make a decision.
- That the Part 1 elements of agenda item 6 should be discussed in public.

The District Solicitor and Monitoring Officer confirmed that the decision making responsibility for 3 Rivers Developments Ltd rested with Cabinet and could not be vested elsewhere. The Council could not agree or disagree the business plans and cases presented, however, the Council could make its views known to the Cabinet by formal recommendation or could request that Cabinet notes the discussion of Council.

In addition, the District Solicitor and Monitoring Officer explained that the agenda had not changed, the recommendation had been clarified and that Council were to advise Cabinet as opposed to making a decision.

Councillor B Holdman **MOVED** an **AMENDMENT**, seconded by Councillor J M Downes that:

The Council stay in part1 for the debate and for the vote and to also request a recorded vote in part 1.

It was mentioned that:

- It was important for this to be discussed in an open forum and to go into part 2 when appropriate.

The **AMENDMENT** was declared to have **FAILED**.

The Chairman **PROPOSED** that the meeting go into part 2.

Upon a vote being taken, the proposal was declared to have **FAILED**.

The Chairman explained that the Council would remain in part 1 until it was necessary to move into part 2 for item 6.

122 **3 RIVERS DEVELOPMENTS LIMITED - BUSINESS PLAN 2023-2028 AND 2 ASSOCIATED BUSINESS CASES**

The Council received a *report from the Deputy Chief Executive which asked Members to review the business plan of 3 Rivers Developments Ltd. As well as 2 business cases for a second development scheme at Bampton and a business case for a 6 unit residential development scheme in Tiverton which were included in the 3 River's Developments Ltd recent Business Plan.

The following was discussed:

- Clarification over the impairment figure was sought, to which the Deputy Chief Executive (S151) explained that the figure had been provided by the finance team and had been audited by Grant Thornton. In addition, Grant Thornton were reviewing the 2021/22 accounts and were happy with what had been applied.
- It was asked where the £1.6m figure came from and what it referred to. The Deputy Chief Executive (S151) explained that it referred to an estimate from the property development company of the likely potential loss on the ST George's Court development.
- Clarification was sought over where funds were coming from to fund 3 Rivers Developments Ltd. The Deputy Chief Executive (S151) explained that it was a treasury investment decision, not an expenditure decision. It would be funded by temporary treasury holdings. The Council had decided that greater returns could be made if invested in a third party property development company.
- The report stated there had been no costs for borrowing, but it was asked if there would be future borrowing costs. The Deputy Chief Executive (S151) explained that all lending had been from temporary treasury deposits. There may be a need to borrow from the Public Works Loan Board (PWLb), but if this were to be the case there would still be an interest surplus margin.
- In relation to risk, it was asked when the level of risk would become unacceptable. The Deputy Chief Executive (S151) explained that it would be down to the Council to decide following advice from officers. It was clarified that the overarching financial strategy was decided by Full Council.
- It was asked if the Council had made better returns when compared to original investments. The Deputy Chief Executive (S151) explained that within the table under 3.6 it could be assumed with a 13% return with an estimated impairment that there had been a projected loss of £1.6m there was a profit position at the moment. It was less than anticipated and was skewed by one project, while all other projects were successful.
- It was challenged that interest had been generated and that this was not profit.
- The performance of the business was challenged.

Councillor Mrs N Woollatt **MOVED** that the meeting should be moved into part 2 and that standing orders be suspended. This was seconded by Councillor B G J Warren.

Upon a vote being taken, the **MOTION** was declared to have **CARRIED**.

The Chairman indicated that discussion with regard to the next item, may require the Council to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Committee would need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

THEREFORE it was **RESOLVED**: That, in accordance with Part I of Schedule 12A to the Local Government Act 1972, the press and public be excluded from the meeting for item 6 for the reason set out below:

- Information under paragraph 3 (contains information relating to the financial or business affairs of any particular person including the authority holding that information).

The meeting then returned to open session

It was therefore **RESOLVED** that:

1. Council recommends to Cabinet that neither of the business plans or business cases in their current form be supported.
2. Council recommends to Cabinet that it should consider whether it should continue to fund the company and if so to what stage. It further recommends that independent legal and financial advice be sought to help inform those considerations and explore what options are available.
3. That recommendations 1 and 2 be brought before an extraordinary Cabinet meeting no later than the 27 January 2023.

Note: *report previously circulated and attached to the minutes

The following recorded votes were taken during part 2 of the meeting:

Following the debate, Councillor B A Moore **MOVED** in accordance with Procedure Rule 19.4: that the vote in respect of recommendation 1 shall be by Roll Call. A roll call of Members present at the meeting was then taken.

Those voting **FOR RECOMMENDATION 1**: Councillors G Barnell, J Bartlett, J Buczkowski, W Burke, J Cairney, SJ Clist, L Cruwys, N V Davey, J M Downes, Mrs S Griggs, B Holdman, F W Letch, S E Pugh, L D Taylor, B G J Warren, Mrs N Woollatt, J Wright

Those voting **AGAINST RECOMMENDATION 1**: Councillors R Evans, P J Heal, B A Moore, R F Radford

Those **ABSTAINING** from voting: Councillors Mrs C A Collis, Mrs C P Daw, C J Eginton, D J Knowles,

The **AMENDMENT** was declared to have **CARRIED**.

Those voting **FOR RECOMMENDATION 2**: Councillors G Barnell, J Bartlett, J Buczkowski, W Burke, J Cairney, SJ Clist, L Cruwys, J M Downes, Mrs S Griggs, B Holdman, F W Letch, S E Pugh, L D Taylor, B G J Warren, Mrs N Woollatt, J Wright

Those voting **AGAINST RECOMMENDATION 2**: Councillors R Evans, P J Heal, B A Moore, R F Radford

Those **ABSTAINING** from voting: Councillors Mrs C A Collis, N V Davey, Mrs C P Daw, C J Eginton, D J Knowles,

The **AMENDMENT** was declared to have **CARRIED**.

(The meeting ended at 9.38 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 7 February 2023 at 10.00 am

Present

Councillors

C J Eginton (Vice Chairman, in the Chair), R J Chesterton, Mrs C P Daw, D J Knowles, S J Penny and C R Slade

Apologies

Councillor(s)

R M Deed

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Richard Marsh (Director of Place), Maria De Leburne (District Solicitor and Monitoring Officer), Paul Deal (Corporate Manager for Finance), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Matthew Page (Corporate Manager for People, Governance and Waste), Fiona Keyes (Operations Manager for Revenues Benefits & Recovery), James Hamblin (Operations Manager for Human Resources) and Andrew Seaman (Member Services Manager)

122. APOLOGIES

Apologies were received from Cllr R Deed.

123. PUBLIC QUESTION TIME (0:3.29)

The following questions were received from members of the public:

Paul Elstone:

Question 1

Page 16 of your papers Section 5.2 shows a 3 Rivers overspend of four hundred and one thousand pounds (£401,000) on the knowle lane Development. 3 Rivers do not even have outline planning on this site, so what exactly was this overspend for?

Question 2

On page 17 there is an overspend on the Shapland Place zed pod Modular development of four hundred and sixty seven thousand pounds (£467,000) mostly for planning. Planning changes that have increased the modular unit project budgeted amount by about 25%. Given these planning changes reduce the modular unit foot print by 1.5 meters surely the build cost should go down and not massively up. The MDDC chosen developer is not on the approved South West Procurement Alliance list for constructing enhanced energy performance homes yet their main competitor who is on the list was not asked to bid. Will the Cabinet Member for Housing please implement a comprehensive external audit on the Contract Awards and all costs for the Modular Homes at both the Shapland Place and Cullompton sites?

Question 3

On Page 18 Section 7 covers interest and loan repayments from 3 Rivers. Have 3 Rivers always met their interest and loan payment obligations on all project loans and at the due time?

Question 4

My last question covers Agenda Items 6, 7, 8 and 9 which all deal with lending to 3 Rivers. I was at the last Cabinet Meeting on 31 January and witnessed the public resignation of the 3 Rivers Finance Director. As he left he told me and one other that he was resigning because of the lack of competency of MDDC Officers and Cabinet Members. He is an experienced Commercial Director and I took him seriously and was concerned. Will the Leader of the Council arrange an external investigation into whether there is any basis for this statement?

The Deputy Leader thanked Mr Elstone for their questions and noted that any unanswered questions would be given a written response.

In regards to question 3, the Deputy Chief Executive confirmed that all payments with 2022/23 had been paid promptly with nothing outstanding.

124. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0:6.26)**

Councillor C J Eginton declared a non-pecuniary interest in that he owned a business that was based in Tiverton under item 17.

125. **MINUTES OF THE PREVIOUS MEETING (0:6.44)**

The minutes of the previous meeting from 3 January 2023 and 31 January were approved as a correct record and signed by the Deputy Leader, acting as Chair.

126. **UPDATE FROM THE CABINET MEMBER FOR CONTINUOUS IMPROVEMENT (0:13.54)**

This item was deferred to the next ordinary Cabinet meeting.

127. **QTR. 3 BUDGET MONITORING (0:15:16)**

The Cabinet were presented a report* which provided a financial update in respect of the income and expenditure so far in the year.

The following was discussed:

- Clarification was sought regarding the £467k cost for the Shapland modular housing. It was explained by the Corporate Manager for Public Health, Regulation & Housing that there had been additional costs due to the planning process as well as required design changes due to the nature of the site. It was added that a breakdown of the costs could be provided.

RESOLVED: That Cabinet

- a) Note the financial monitoring information for the income and expenditure for the nine months to 31 December 2022 and the projected outturn position;
- b) Note the use of Waivers for the Procurement of goods and services as included in Section 10.0;

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

128. **2023/24 BUDGET (0:24.50)**

The Cabinet were presented a report* which provided the proposed budgets for the General Fund and the Housing Revenue Account for the year 2023/24 and recommends the Band D Council Tax charge for 2023/24.

It was noted that in table 5.1 a typo would be amended to read “assumptions for fuel, 3-weekly black sack waste”.

RESOLVED: That Cabinet recommend to Council the following:

1. A Council Tax Requirement of £6,724,350 calculated using a Council Tax of £225.40 for a Band D property, an increase of £6.56 or 2.99% from 2022/23 and a Tax Base of 29,832.98, in accordance with the Local Authorities (Calculation of Tax Base) Regulation 1992, as amended, after the relevant adjustments in respect of the Council tax support scheme approved by Cabinet on 3 January 2023;
2. The overall budgeted Cost of Services within the General Fund of £16,720,364 for 2023/24 is approved as detailed across Appendices 1 – 2 and inclusive of the adjustments included within Table 1 in paragraph 5.1;
3. The 2023/24 budget requires no transfer from the General Fund Balance and a further temporary transfer of £57,657 from the New Homes Bonus EMR in order to balance and agree all of the transfers to and from Earmarked Reserves as detailed in Appendix 3;
4. HRA budget for 2023/24 be approved – Appendix 4;
5. HRA fees/charges are approved based on the attached Appendix 5;
6. Work on strategic planning for delivering a balanced budget for 2024/25 is commenced immediately.

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

129. **2023/24 CAPITAL STRATEGY (0:33.24)**

The Cabinet were presented a report* which proposed the 2023/24 Capital Strategy which also sought approval of the 2023/24 Capital Programme and requested the Cabinet noted the indicative Capital Programmes for 2024/25 to 2027/28.

The following was discussed:

- It was confirmed that the proposed lending to 3 Rivers Developments Ltd was included within the figures in recommendation 3 of the capital strategy.

RESOLVED: That Cabinet recommend to Council the following:

1. That the proposed 2023/24 Capital Strategy is approved.
2. To approve in principal the current estimated amounts of Slippage of £6,201k from the 2022/23 Deliverable Capital Programme and £33,231k of 2022/23 Capital Programme expenditure profiled over the life of the MTFP. This will be finalised and formal approval sought as part of 2022/23 Outturn report.
3. The overall Capital Programme for projects commencing in 2023/24 of £98,375k be approved and the indicative Capital Programmes across the four remaining years of this Medium Term Financial Plan covering 2024/25 to 2027/28 be noted.
4. To approve the 2023/24 Deliverable Budget based on the forecast spend profile of £64,826, this will include elements of amounts detailed in recommendations 2 & 3 above and will form the budget to monitor against in 2023/24, subject to any changes referred to in recommendation 2 at Outturn.

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

130. **2023/24 TREASURY MANAGEMENT STRATEGY (0:39:16)**

The Cabinet were presented a report* which presented the Treasury Management Strategy and Annual Investment Strategy for 2023/24.

The following was discussed:

- This report provided the outcomes of the capital programme and had shown that the Council were under borrowed, using internal balances where possible.

RESOLVED: That Cabinet recommends to Full Council

That the proposed Treasury Management Strategy and Annual Investment Strategy for 2023/24, including the prudential indicators for the next 3 years and the Minimum Revenue Provision Statement (Appendix 1), be approved.

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

131. 2023/24 – 2026/27 PROCUREMENT STRATEGY (0:43.46)

The Cabinet received a report* which introduced the draft new Procurement Strategy covering the period 2023/24 to 2027/28.

The following was discussed:

- Partnership with Devon County Council in order to support Mid Devon District Council's procurement arrangements and had made strategies more aligned.
- Asked if other authorities were involved, it was confirmed that East Devon District Council and the national parks of Exmoor and Dartmoor.

RESOLVED:

That Cabinet approve the attached Procurement Strategy.

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

132. THE COUNCIL TAX REDUCTION SCHEME & EXCEPTIONAL HARDSHIP POLICY (0:48.20)

The Cabinet were presented a report* which sought to amend the current scheme in order to expand the assistance for customers.

The following was discussed:

- Was important to help those in need during this cost of living crisis.
- This would come at a cost to the Council, circa £50k for Mid Devon District Council.

RESOLVED:

1. To increase the maximum reduction from 85% to 100%.
2. Disregard the housing element of universal credit in the calculation.
3. Increase the income bands by inflation each year.
4. Any income from welfare provision to be disregarded.
5. That this policy is adopted by Mid Devon District Council Cabinet.

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

133. **PAY POLICY (0:55.43)**

The Cabinet were presented the annual pay policy report* which complied with the legislative requirements of the Localism Act 2011 relating to senior pay in particular the role of the Chief Executive, Directors and other senior officers.

The following was discussed:

- For 2022/23 Mid Devon District Council employees received a cost of living wage rise. With talks for 2023/24 expected to commence significantly earlier, this would hopefully help with the retention and recruitment of staff.

RESOLVED: That Cabinet recommend to Council the Pay Policy 2023.

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

134. **ESTABLISHMENT (0:58.54)**

Cabinet were presented a report* which provided an update on both the Establishment of the Council together with its performance. It was noted that this report should be read in conjunction with the functions of individual officers highlighted in the Constitution. This built upon information shared in February 2022 and September 2022.

The following was discussed:

- In June 2022 Mid Devon District Council received the Petroc Employer of the Year award.
- The Council had experienced higher levels of sickness absence with Covid-19 being a factor.
- Turnover for the start of 2022/23 had seen an upward track however this had dropped off since September.
- Digital exit interviews had been launched.
- Asked why staff were not attending exit interviews, it was explained that a digital exit interview format had been launched which should mitigate this.
- It was noted that some employees may not want to leave comments and it would be reasonable for an exit interview to not be carried out.

RESOLVED: That Cabinet recommends to Council the contents of the report.

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

135. **NATIONAL NON DOMESTIC RATES (NNDR1) (1:07.05)**

The Cabinet were presented a report* which provided an update of the income generation and financial implications of the number of Business Rate properties in Mid Devon. The report sought to approve the NNDR1 (estimated income to be generated in 2023/24 from business rates). There was a statutory deadline for notifying Precepting Authorities and the Government by 31 January 2023 of their appropriate shares in accordance with the Non Domestic Rating (Rates Retention) Regulations 2013 Regulation 2(b). The Government return had been submitted and Preceptors informed of the estimated income.

RESOLVED: The Cabinet is asked to recommend to Council the contents of the report.

1. That the calculation of the NNDR1 net yield of £16,921,552 from 3,519 Business Rated properties is noted for 2023/24;
2. That the proportions distributed to the respective authorities and Central Government be allocated as per the statutory regulations; and
3. That Members note that Central Government will reimburse the Council through a Section 31 grant to compensate it for the reduction in collectable business rates as a result of introducing various reliefs under section 47

(Proposed by from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

136. **SHARED PROSPERITY FUND AND THE RURAL PROSPERITY FUND (1:13.22)**

The Cabinet received a report* which provided an update on the proposed delivery plan for the UK Shared Prosperity Fund (SPF), the report sought approval for the year 1 spend (2022/23) and delegated authority to the Director of Place, in conjunction with Cabinet Members, to approve the detailed SPF Policy and any accompanying guidance materials.

The following was discussed:

- That MDDC had received funding on the 31 January 2023.
- There had been positive engagement with local businesses.

RESOLVED That Cabinet:

1. Approve the UKSPF expenditure & Delivery Plan for Year One (2022/23) as outlined throughout the report.
2. Approve delegated authority to the Director of Place, in conjunction with the Cabinet Member for Finance, to finalise the detailed SPF Policy & grant arrangements;

3. Approve delegated authority to the Director of Place, in conjunction with the Cabinet Member for Planning and Economic Regeneration, to approve variations to the Delivery Plan, Investment Plan and/or grant scheme criteria;

(Proposed by Cllr R Chesterton and seconded by Cllr C Slade)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

137. CULLOMPTON TOWN CENTRE MASTERPLAN (1:21.25)

The Cabinet were presented a report* which sought approval for the Draft Cullompton Town Centre Masterplan Supplementary Planning Document (SPD) and Delivery Plan.

RESOLVED:

1. That Members note the comments received at the Stage 2 public consultation (Appendix 1 and 2) and the proposed changes as set out in Appendix 2;
2. That the Cabinet recommend to Council that:
 - i) Subject to the updates, detailed in Appendix 2, that the Cullompton Town Centre Masterplan Supplementary Planning Document (Appendix 3) and Delivery Plan (Appendices 4 & 5) be adopted; and
 - ii) Delegated authority be given to the Director of Place in consultation with the Cabinet Member for Planning and Economic Regeneration prior to publication to make any typographical, grammatical, imagery and formatting changes to the Cullompton Town Centre Masterplan Supplementary Planning Document; and
 - iii) That Cabinet note the Strategic Environmental Screening Report (Appendix 6) and the Habitats Regulations Assessment Screening Report (Appendix 7).

(Proposed by Cllr R Chesterton and seconded by Cllr S Penny)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

138. TIVERTON TOWN CENTRE MASTERPLAN (1:26.52)

The Cabinet were presented a report* which updated Members with recommendations in association with work undertaken by the Coastal and Market Towns Initiative, Shared Prosperity Fund and Rural England Prosperity Fund.

RESOLVED:

1. That the report is noted;
2. That:

- i) A budget of up to £60k is set aside from the Brown Field Register Fund (up to £35k) and Custom and Self Build Burdens Fund (up to £25k) for the completion of the Draft Masterplan SPD and accompanying Delivery Plan;
- ii) That Officer's commence the process to engage consultants to complete the Tiverton Town Centre Masterplan SPD and Delivery Plan process including commissioning assessments as required; and that
- iii) The timetable for the adoption of the Tiverton Town Centre Masterplan and Delivery Plan be agreed.

(Proposed by Cllr R Chesterton and seconded by Cllr C Slade)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

139. EAST CULLOMPTON (CULM GARDEN VILLAGE) MASTERPLAN SPD (1:31.07)

Members were presented a report* which informed Members of the outcome of the public consultation and asked Cabinet to consider the draft masterplan that has subsequently been produced taking these comments into account, the report also sought the a recommendation be made to Council to adopt the revised East Cullompton Masterplan Supplementary Planning Document (SPD).

RESOLVED:

1. That Members note the comments received at the Stage 2 public consultation (Appendix 1) and proposed changes set out in Appendix 2.
2. That the Cabinet recommend to Council that the Masterplan Supplementary Planning Document for East Cullompton (Appendix 3), which incorporates changes made following the Stage 2 public consultation, be adopted.
3. That delegated authority be given to the Director of Place in consultation with the Cabinet Member for Planning and Economic Regeneration to amend and finalise the document to reflect any agreed changes following Planning Policy Advisory Group and Cabinet meetings.

(Proposed by Cllr R Chesterton and seconded by Cllr S Penny)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

140. HOUSING ASSISTANCE POLICY (1:35.44)

The Cabinet were presented a report* which provided a revised Housing Assistance Policy under Article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, following a review of the current Housing Assistance Policy 2019-22.

RESOLVED:

1. That Cabinet approve the revised Housing Assistance Policy 2022-2025 attached in Annex A.
2. That delegated authority is given to the Corporate Manager for Public Health, Regulation and Housing, in consultation with the Cabinet Member for Housing, to make minor adjustments to the policy based on demand and local priorities.
3. That delegated authority is given to the Corporate Manager for Public Health, Regulation and Housing, in consultation with the Cabinet Member for Housing, to suspend some or all non-mandatory parts of the revised Housing Assistance Policy attached in Annex A (all elements of the Policy other than Section 4 Mandatory Disabled Facilities Grants) if adequate funding is not available.

(Proposed by Cllr S Penny and seconded by Cllr Mrs C Daw)
Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

141. REPLACEMENT ROOFING 2023 – 2026, AWARD REPORT (1:39.38)

The Cabinet were presented a report* which advised on the results for the tendering of the Replacement Roofing Programme 2023 – 2026.

RESOLVED:

1. That the new three year Replacement Roofing Contract be awarded to Contractor 1.
2. Delegated authority be granted to the S151 Officer (in consultation with the Cabinet Member for Housing and Property Services) to complete the associated Replacement Roofing Contract.

(Proposed by Cllr S Penny and seconded by Cllr D J Knowles)
Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

142. POLICY FRAMEWORK (1:42.02)

The Cabinet were presented a report* which sought that Cabinet recommend to Council that the Policy Framework be adopted. This was an annual report that defined the policy framework for Mid Devon District Council.

RESOLVED:

That Cabinet recommend to Full Council that the Policy Framework be adopted.

(Proposed from the Chair)
Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

143. SCHEDULE OF MEETINGS 2023-2024 (1:43.50)

The Cabinet were presented the schedule of meetings* for the next municipal year (2023/24).

RESOLVED:

That Cabinet recommend the schedule of meetings to Full Council. With an amendment that the 4 October 2023 Economy PDG meeting should be 5 October 2023 and that the 17 November 2023 Economy PDG meeting should be 16 November 2023.

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

144. NOTIFICATION OF KEY DECISIONS (1:44.50)

The notification of key decisions were noted.

(The meeting ended at 11.50 am)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 20 February 2023 at 2.15 pm

**Present
Councillors**

S J Clist (Chairman)
G Barnell, W Burke, L J Cruwys, Mrs S Griggs, F W Letch,
S Pugh, Mrs E J Slade and B G J Warren

**Apologies
Councillors**

E J Berry and Mrs E J Lloyd

**Present
Officers:**

Maria De Leburne (District Solicitor and Monitoring Officer), ,
Matthew Page (Corporate Manager for People, Governance and
Waste, James Hamblin (Operations Manager for HR) and
Andrew Seaman (Member Services Manager)

77 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs E Lloyd and Cllr J Berry.

78 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

No interests were declared under this item.

79 PUBLIC QUESTION TIME

Questions were received from Nick Quinn, the Chairman read out the following on his behalf:

I have read the report of the District Solicitor and Monitoring Officer regarding “the rights of members to place items for discussion relating to Council business on the agenda of the Scrutiny Committee”. At paragraph 2.4 - reference is made to “Each member of the scrutiny committee when they join is given training and a Flow Chart for Scrutiny Prioritisation and a Selection Criteria and a Scrutiny Proposal Form”. For Members of the Public to understand how Scrutiny Committee works in Mid Devon, it would be useful to see copies of:

1. The Scrutiny Proposal Form
2. The Selection Criteria
3. The Flow Chart for Scrutiny Prioritisation

Please can copies of these documents be attached to the Minutes of the Meeting?

The District Solicitor & Monitoring Officer confirmed that, for reference these document would be attached to the minutes.

80 MINUTES OF THE PREVIOUS MEETING

The minutes of the last ordinary meeting held on the 16 January 2023, were approved as a correct record and **SIGNED** by the Chairman subject to additional wording added within minute 71:

“So, hopefully Mr Quinn that gives you reassurance that we will address that in terms of the papers going forward to February Cabinet, where the budget will be approved. I would just add that, up to this point, we have not actually borrowed externally for 3 Rivers and the intention is not to, going forward, as long we have that capacity internally. So, hopefully, that answers that question.”

The minutes of the special meeting held on the 13 February 2023, were approved as a correct record and **SIGNED** by the Chairman subject to altered wording under minute 76 so that it read ‘Resolved’.

81 DECISIONS OF THE CABINET

No decisions had been called in.

82 CHAIRMAN'S ANNOUNCEMENTS

The Chairman noted that the next scheduled meeting would be on the 20 of March 2023.

83 ESTABLISHMENT

The Committee had before it, and **NOTED**, a *report from the Corporate Manager for People, Governance and Waste which provided an update on both the Establishment of the Council together with its performance.

Officers raised that:

- Mid Devon District Council faced increasing levels of sickness and that Covid-19 remained a factor. However for January it was reported that sickness levels had started to drop.
- A new digital exit interview process had been launched to better capture feedback from those leaving the organisation.
- Staff benefits had also been emphasised, which included reduced leisure centre membership fees.
- Mid Devon District Council was awarded the Petroc Employer of the Year award in June 2022.

The following was discussed:

- Consideration for colour-blindness needed to be given when infographics were used in the report.
- Clarification over hybrid working was sought, the Corporate Manager for People, Governance and Waste explained that circa 70% worked in a hybrid way, with 2-3 days in the office each week.
- Asked if there was a model guide for hybrid working, the Corporate Manager for People, Governance and Waste explained that support was given to

managers and emphasised the importance of communication. With training along with tips and guides were available.

- Asked what the biggest challenge had been, an officer explained that sickness had been higher than in previous years.
- It was felt that officer attendance within Phoenix House could be better and that a senior officer should be present.
- Asked if staff were subsidised for working from home the Corporate Manager for People, Governance and Waste confirmed that staff were not provided allowances when working from home.
- Clarification was sought over risk assessments of home offices, to which an officer confirmed that assessments were carried out.
- It was highlighted that it could be difficult to reach officers remotely and that the Phoenix House opening times had also made this difficult. The Corporate Manager for People, Governance and Waste reassured that Members that officers should be readily available even working in a hybrid fashion.
- Clarification was sought over agency staff, to which an officer highlighted that agency staff were able to demand higher wages particularly in technical and managerial roles.
- That there should be an office area for Member to be able to work in.
- That technology needed to be available to all Members.
- That all staff should be on 3CX.

Note: *report previously circulated and attached to the minutes

84 **SCRUTINY AGENDA PROCESS**

The Committee had before it, and **NOTED**, a *report from the District Solicitor and Monitoring Officer which outlined the process for items to be added to the Scrutiny Committee's agenda.

The following was discussed:

- That Scrutiny and items added should be accessible with the correct procedure followed.
- The process was established to support scrutiny.
- That article 7 should be read.
- That there was a form to be used as part of the scrutiny process.

85 **WORK PROGRAMME**

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

It was **RESOLVED** that the following items be added to the Scrutiny Committee's work programme:

- That an independent authority look into the process that was taken on the 3 Rivers business plan.
- Vacancy Control
- A more strategic approach to the services that need heavy subsidy.

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

(The meeting ended at 4.11 pm)

CHAIRMAN

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Public Document Pack

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 8 February 2023 at 6.00 pm

Present

Councillors

C R Slade, Mrs E J Slade, Mrs M E Squires, A Wyer, S J Clist and B G J Warren

Apologies

Councillor(s)

R M Deed, L D Taylor and Mrs N Woollatt

Present

Officer(s):

Stephen Walford (Chief Executive), Maria De Leburne (District Solicitor and Monitoring Officer) and Andrew Seaman (Member Services Manager)

12 Apologies and Substitute Members

Apologies were received from Councillors RM Deed, LD Taylor (substituted by Councillor S J Clist) and Mrs N Woollatt (substituted by Councillor B G J Warren).

13 Public Question Time

Public questions were received from Ms Coffin:

1. Item 8 – motion 582, Why can't all public meetings be audio recorded and of course this one. To enable the working public and those unable to attend or zoom the opportunity to understand and progress, how local governance decisions are made.
2. Appendix A Document 2, Councillor Barnell. I strongly support all five points for following reasons:
 - a) I have been refused permission to ask a question because subject not on the agenda; even though it did relate to an ongoing scrutiny sub-committee investigation. Therefore, was unable to progress proposal November 2021 from Cllr Barnell into anaerobic digesters. I still have no clarity as to whether it's still ongoing or whether there was a conclusion.
 - b) Councillors on committees are not obligated to raise matters on behalf of non ward constituents.

Appendix A Document 3, Planning committee – 1,2 and 3 I support all italics in red fully, all committees – 1,2,3,4,5 support italics in red.

Specifically and absolutely: Number 3, it has been obvious at planning meetings that members have not understood complicated applications. Developers and officers obviously failing to present sufficient evidence and clarity to enable balanced decision making. Not all speakers are objectors or vexatious many are often requiring clarification and assurance that the council has identified all potential detriment and imposed all necessary and enforceable mitigating conditions.

Absolutely 5, I have attended other LPAs in other districts and counties where more consideration is given to members of the public. So, if this council wishes to hold any credibility as to democracy, then the public must be allowed to speak without any additional restrictions.

Item 9 on the agenda, public complaints. I understand that this is not actually relevant on this agenda but I would like to make my comments anyway.

- a) Given this council's insistence that it takes all complaints – I'm talking about public ones now – and enforcement matters very seriously – is the present procedure sufficiently robust and effective?
- b) How can public access and progress registered complaints? This need not require sensitive info only identify number, initial date and classification whether commercial or anti-social noise/odour.
- c) How does the Council monitor and assess the effectiveness of present complaints system and against what standards.
- d) What are projected timelines for progress from complaint to abatement notice and then to enforcement, if required?
- e) Standards committee minutes 19 October page 7 item 9 complaints. Monitoring Officer refers to three complaints requiring review by independent person. Does one of these three cases refer to crossparks.

The District Solicitor & Monitoring Officer responded to question 1 and explained that the Council recorded the audio of its public meetings. In addition, in answer to question 2 it was explained that as part of the constitution, there was a requirement for public questions to relate to an agenda item. Finally in response to a question on Complaints, it was explained that the Standards Committee reviewed code of conduct complaints as opposed to public complaints.

The District Solicitor & Monitor Officer acknowledged comments on the complaints process and noted that someone would be contact in order for the process to be explained.

14 Minutes (0:9.25)

The minutes of the previous meeting were approved as a true record and signed by the Chairman.

15 Declarations of Interest Under the Code of Conduct (0:9.48)

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

16 Chairman's Annoucments (0:10.33)

The Chairman had no announcements to make.

17 Task and Finish Group (Council Procedure Rules Review) (0:10.52)

The Committee were presented a report* which outlined a task and finish group's recommendations on changes to the constitution with tracked changes provided. The Chair opened the floor to Members who raised the following points/questions:

The following was discussed:

- Under time, place and notice of meetings (4.3) it was suggested that the word approved be removed, to read "the Chief Executive will send a summons"
- Regarding recommendation G, rules regarding Substitute Members were discussed and how this might impact a committee politically, specifically the Planning Committee. It was clarified that an individual member could choose their substitute as per 3.1 under substitutes. It was noted that training was an important factor, particularly for planning which should not be political and ensured good attendance on committees.
- Quorum was highlighted and the conciseness of 6.1 was discussed. It was noted that there was an error in the wording under 6.1 and that it should not be a quarter of Members present but a quarter of the whole number of Members.
- Paragraph 9 (single issue debate) was discussed and clarification was sought as to why this had been removed. The District Solicitor & Monitoring Officer explained that it was unknown as to why this was the case and that this should be investigated.
- A typo was highlighted under 11.1.6 (b) as it read "within in" and discussion took place as to how this section should be worded.
- Regarding 12.1 it was sought as to why this had been removed. The District Solicitor and Monitoring Officer explained that it was uncertain as to why this was removed.
- Regarding 15, voting was discussed whether section 106 of the Local Government Finance Act 1992 should be included within the constitution. This section outlined the legal requirement that any Member who was 2 month or more in arrears with Council Tax payments must declare the fact and not vote at any meeting at which the budget or council tax matters would be discussed.

The Chief Executive reassured Members that officers conducted checks months prior to the vote on the budget in order to be compliant with this legislation.

RESOLVED: That

- a) The Council Procedure Rule 25.2 be suspended to allow the following amendments to be made to the Constitution at its next meeting.

- b) Subject to any further changes to recommendations (c), (d) and (g) below, the Council Procedure Rules be amended as outlined in Appendix B to this report subject to the following:
- i. Under 4.3 word approved be removed, to read “the Chief Executive will send a summons”.
 - ii. With the removal of “present at the meeting where physical presence is required (or in attendance including remotely where such physical presence is not required)” from 6.1.
 - iii. That point 9 to 9.2, single issue debate be kept, pending an investigation by the Monitoring Officer as to whether it could be removed.
 - iv. That 11.1.6 (b) be kept unchanged, but with proposition changed to motion.
 - v. That 12.1 (b) (rules of debate) and the paragraph below, not be removed, pending an investigation by the Monitoring Officer as to whether it could be removed.
 - vi. That section 106 of the Local Government Finance Act 1992 be added to the constitution under section 15.7, voting.
- c) The Council Procedure Rules regarding Member Questions be amended as set out in Appendix B Rule 10.
- d) The Council Procedure Rules regarding Public Questions be amended as set out in Appendix B Rule 8.
- e) Members’ Business remain on full Council but Members be asked to take account of the guidance on its use set out in this report at paragraph 4.4.
- f) The requirement for the Planning Committee to consider an Implications Report (if it proposes to determine an application contrary to policy and officer recommendation) before decision confirmed, be removed.
- g) The rules on Substitute Members be amended so that trained substitutes may come from any group where there is no other trained Member in the permanent Members’ political group.
- h) The practice at full Council for Chairs to have to read out minutes of each committee (including PDGs and Cabinet) be stopped.

(Proposed by Cllr C Slade, seconded by Cllr B G J Warren)

The meeting continued and the Committee considered the task and finish group's recommendation that motion 577 not be supported.

It was also **RECOMMENDED** to Full Council that Motion 577 not be supported.

(Proposed by Cllr C Slade, seconded by Cllr Mrs M Squires)
(Cllr B G J Warren voted against)

18 Update from the District Solicitor & Monitoring Officer (1:06.25)

The Committee noted an update from the District Solicitor & Monitoring Officer which highlighted to Members that the Constitution was due to be updated with changes to the following: That the number of Audit Committee seat read nine instead of seven as well as the relevant amendment following motion 580.

19 Motion 582 (Councillor A Wilce - 10 October 2022) (1:07.48)

The Committee had before it a motion that has been passed to this Committee from Council for consideration.

The District Solicitor & Monitoring Officer advised that the Motion was in 2 parts, firstly whether the hybrid meeting protocol should be part of the constitution. It was explained that Council already had a hybrid meeting protocol which had last been updated in January 2022.

Consideration was given to whether it should be part of the Constitution.

It was therefore **RECOMMENDED** to Council that the Hybrid Meeting Protocol should not be included in the constitution.

(Moved from the Chair)

The Committee then considered the second part of Motion 582, which asked the Standards Committee to consider whether any formal proceedings of the Council should be held online: that are required to be 'open to the public' or 'held in public; or, where Members are required to attend or be 'present'; or, where any notice that is required to be given that must specify the 'place' where those proceedings are to be conducted.

The District Solicitor & Monitoring Officer explained that the only meetings that were permitted by law to proceed remotely were licensing act hearings and that other meetings could not legally be held remotely.

Consideration was given to:

- It was felt that if a place had been referenced for a meeting it should not be held remotely and that this should be made clear.

It was therefore **RECOMMENDED** to Council that no changes be made in relation to Motion 582.

(Proposed by Cllr A Wyre, seconded by Cllr C J Clist)

20 Complaints (1:17.34)

The Committee noted the District Solicitor & Monitoring Officer's verbal update which highlighted that there were 2 district complaints that had been closed, 3 Town and Parish Council complaints had been completed, and 6 complaints that were under review.

A Committee Member asked if this was a normal volume of complaints, to which the District Solicitor & Monitoring Officer confirmed that this was an average amount of complaints.

21 Identification of items for the next meeting (1:19.15)

Noted that the Annual report of the Monitoring Officer would be on the next Agenda.

(The meeting ended at 7.22 pm)

CHAIRMAN