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All Members

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1 September 2023

Dear Member

Full Council – 6 September 2023

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

Update 5 September 2023 - An upload error occurred which has since been fixed.

8 **REPORTS** (*Pages 5 - 136*)

Available in other languages and formats on request
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To receive and consider the reports, minutes and recommendations of the recent meetings as follows:

1. Cabinet
 - 6 June 2023
 - 4 July 2023
 - 1 August 2023
 - 16 August 2023
 - 29 August 2023 (to follow)
2. Scrutiny Committee
 - 19 June 2023
 - 17 July 2023
 - 14 August 2023 (to follow)
 - 24 August 2023 (to follow)
3. Audit Committee
 - 27 June 2023
 - 22 August 2023
4. Environment PDG
 - 20 June 2023
 - 15 August 2023
5. Homes PDG
 - 13 June 2023
 - 8 August 2023
6. Community PDG
 - 27 June 2023
 - 22 August 2023
7. Economy PDG
 - 8 June 2023
 - 3 August 2023
8. Planning Committee
 - 14 June 2023
 - 12 July 2023
 - 30 August 2023 (to follow)
9. Standards Committee
 - 21 June 2023 (to follow)

Yours sincerely

Andrew Seaman
Member Services Manager

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 14 August 2023 at 5.30 pm

Present

Councillors

R Gilmour (Chairman)
G Westcott (Vice Chairman), D Broom, Mrs F J Colthorpe,
A Cuddy, G Czapiewski, M Farrell, B Holdman, R Roberts and
S Robinson and G Westcott

Apologies

Councillors

L G J Kennedy and N Woollatt

Also Present

Councillors

C Harrower, J Lock and D Wulff

Present

Officers:

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

19 **APOLOGIES AND SUBSTITUTE MEMBERS (00:03:39)**

Apologies were received from Cllrs L G J Kennedy and N Woollatt.

Councillors E Buczkowski, J Buczkowski, G Duchesne, F Letch and L Taylor attended the meeting via Teams.

20 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:03:49)**

No interests were declared under this item. Members were reminded of the need to make declarations of interest where appropriate.

21 **MINUTES OF THE PREVIOUS MEETING (00:04:25)**

The minutes of the previous meeting, held on 17 July 2023, were approved as a correct record and **SIGNED** by the Chairman.

22 **DECISIONS OF THE CABINET (00:04:49)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 17 July 2023 had been called in.

23 **CHAIRMAN'S ANNOUNCEMENTS (00:04:55)**

The Chairman had no announcements to make.

24 **ESTABLISHMENT UPDATE REPORT (00:05:02)**

The Committee had before it, and **NOTED**, a report* from the Corporate Manager for People, Governance and Waste and the Operations Manager for Human Resources

which gave Members an update on both the Establishment of the Council together with its performance. This report should be read in conjunction with the functions of individual officers highlighted in the Constitution.

The following was raised by officers and the Cabinet Member for Working Environment:

- Sickness remained high since the Covid-19 pandemic.
- In house sickness training was delivered to Managers and received positive feedback.
- A new long service award process had been implemented.
- Year on year agency spend had been seen to decrease.
- That Staff survey was due to be conducted in September 2023.

The following was discussed:

- Asked what action had been taken to mitigate the high sickness rates. The Operations Manager for Human Resources explained that up to date training had been delivered to Managers within the Council, they had kept the training in-house and bespoke and confirmed that there was sickness data that could be analysed.
- It was encouraged that staff take up the offer of a free flu jab.
- Asked what support structure was in place to help employees return to work? It was explained by the Operations Manager for Human Resources that reasons for and length of sickness could vary and was based on individual circumstances. Examples of support included the employee assistance programme and an occupational health provider.
- A T-Level was similar to an apprenticeship and was something the Council had welcomed to encourage recruitment.
- That patterns of sickness were calculated with notifications when 6 days or more sickness was taken in a 12 month period. However, this would vary on a case by case basis.
- Asked whether indirect costs had been included in the calculations for delivering the training, it was explained by the Operations Manager for Human Resources that time spent training was not considered as an indirect cost. Training on key areas such as sickness absence is deemed business as usual.
- Corporate Manager for People, Governance and Waste noted in terms of sickness rates, the Council looked for patterns.
- Asked how vacancy rates impacted key services. It was explained by the Corporate Manager for People, Governance and Waste that agency costs

were a challenge and that vacancy rates were considered on a case by case basis, and was dependent on the role in question.

- High turnover was noted to be expensive and it was highlighted that private companies were able to pay a higher salary and that perks for working at a local authority seemed less competitive in recent years. The Operations Manager for Human Resources explained that exit interviews were conducted and that a level of turnover benefitted an organisation but agreed that turnover was a balancing act.

Note: *report previously circulated and attached to the minutes

25 **PUBLIC QUESTION TIME (00:26:39)**

Nick Quinn, a local resident asked:

Question 1.

Is the Workforce Review Group, and Vacancy Management as a whole, really cost effective?

The Chairman explained that the Establishment and Agency costs are separate entities but related. Higher rates of turnover, sickness and vacancies will inevitably lead to higher agency costs as the Council needs to ensure it delivers essential services to the public e.g. Waste. In coming through the pandemic but then the aftermath which basically is an economy with full employment but also high levels of vacancy (and competing wages) the public sector including local government has a considerable challenge on its hands.

The Council is addressing its challenge to reduce costs both through reducing agency expenditure but also in ensuring its establishment is appropriately resourced and aligned to its priorities. This has involved all vacancies being reviewed by a weekly Workforce Review Group panel to ensure that vacancies are either signed off with immediate effect, paused for 3 months or a longer period of time. This is so the Council is both on the best footing possible in terms of how it aligns resource to its priorities but also addresses the continuous squeeze on public resources.

Question 2

Does the Council have a traditional Organisation Chart that shows the areas of responsibility, span of control and the reporting lines for all staff?

The Chairman explained that in terms of role titles and structure charts this report is an update to the formal end of year report which is published to Cabinet each February alongside the Pay Policy and which then goes to Scrutiny and then Full Council for approval. So the time for publishing formal structure charts and posts would normally be in this report.

Question 3

If there is; can it be published so the Public, and Members, can see it?

The Chairman explained that this would be published in February 2024.

Question 4

If there is not; can one be prepared and published?

The Chairman in response, confirmed that one would be prepared and published.

26 WORK PROGRAMME (00:31:57)

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

The following items were identified by the Committee as needing to come to a future meeting:

- Motion on governance structure, committee system, looking at pre-scrutiny. A report would go to full council (MO advised) but suggested something came to Scrutiny in December 2023.

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

(The meeting ended at 18:03)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 24 August 2023 at 5.30 pm

**Present
Councillors**

R Gilmour (Chairman)
D Broom, E Buczkowski, Mrs F J Colthorpe, A Cuddy, G Czapiewski,
M Farrell, B Holdman, S Robinson and G Westcott

**Apologies
Councillors**

R Roberts

**Also Present
Councillors**

J Buczkowski, G Duchesne, L Taylor, J Wright and D Wulff

**Present
Officers:**

Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leiburne (District Solicitor and Monitoring Officer), Andrew Seaman (Member Services Manager) and David Parker (Member Services & Policy Research Officer)

27 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.40)

Apologies were received from Cllr R. Roberts

Cllrs S. Clist, L. Cruwys, A. Glover, S. Keable, L. Knight and J. Lock attended by Teams

28 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.04.01)

Members were reminded of the need to make declarations where appropriate.

29 PUBLIC QUESTION TIME (0.04.23)

Three members of the public raised questions which were accepted.

Nick Quinn raised the following questions:

Question 1:

A “*Part 2*” report by the Deputy Chief Executive called “*Creation of a Property Development Company*” was discussed and approved by Cabinet on 30/03/2017. It was subsequently released under FOI.

Would you please confirm that the development at the rear of the Town Hall, St Georges Court, was put forward in this report as the first project for 3 Rivers?

Answer:

The Deputy Chief Executive (S.151) answered that it was a categorical yes.

Question 2:

Regarding the fees of the Architectural Practice that designed St George’s Court and did the plans for it (*Mikhail Riches*). Was it the Council, or 3 Rivers, that ultimately paid for this work?

Answer:

The Deputy Chief Executive (S.151) answered that back in 2019, when that contract was awarded to Mikhail Riches, it was the Council who had contracted with Mikhail Riches for the scheme. However, when the scheme transferred to 3 Rivers all of the intellectual property, the plans and therefore the costs were fully transferred across to 3 Rivers, so ultimately 3 Rivers paid for that work.

Question 3:

The outcomes of external reviews into 3 Rivers were reported to Cabinet in June 2020. These showed there were problems with the company at that time - but the Company was allowed to continue in operation. Now, in 2023, another external review has resulted in the Cabinet recommending the wind-up of the Company. Can it be publicly explained why the Cabinet decided not to wind-up 3 Rivers in 2020, when any loss is likely to have been less?

Answer:

The Deputy Chief Executive (S.151) answered; the two external reviews in 2020 did not show that there were problems with the company, they were commissioned by an incoming cabinet administration to confirm that the company had all the correct legal and financial controls and governance in place and that is exactly what those two external commissions came back to the cabinet with. They came up with 33 recommendations and all the recommendations in the two reports were adopted and recommended by cabinet and approved by Full Council.

At the same juncture the Council agreed to continue with the property development company investment. In 2023 the Council had asked the S151 officer to commission an external review into the financial viability of the company. That is what he did and that was part of the considerations made by cabinet at its recent meeting. As far as the explanation as to why the cabinet decided not to wind up 3 Rivers in 2020, the cabinet had asked for and received advice around governance of the company, it was happy with that advice and it decided to continue with its investment in the company, three years later the financial position along with things like Covid, cost of living crisis etc. had changed the economic outlook of many things in the world including the development business.

The Cabinet Member for Finance added that closing the company was not a recommendation that was included within the report that was received in 2020 and to remind members of the public that the council had a different administration now and that the Council was being asked look back at a decision made three years ago by a different cabinet and indeed by a different set of Councillors and it was impossible to know what had been in the minds of the cabinet at the time. The Cabinet Member reiterated that the recommendations that were in the 2020 report were not to wind the company up at that time.

Paul Elstone asked the following questions:

Question 1.

At the Cabinet Meeting of the 16th August 2023 reasons were given by the S151 Officer as to why 3 Rivers had failed so disastrously and primarily due to St Georges Court. However, the S151 Officer failed to mention the following, namely. At the November 2019 Cabinet Meeting and in response to the S151 Officer announcing a massive financial impairment figure linked to St Georges Court, a 3 Rivers Director

said the following: I quote verbatim from the meeting voice recording. “the only problem being in the first year where we have taken on St George’s Court scheme there was obviously no profit on it. If that had been a profitable project, to be honest, if 3 Rivers had taken it on a commercial basis it would, (then after a pause he says) sorry had been offered it on a commercial basis, it would not have taken it. So, we are delivering a project that the Council wanted to see done, that was likely to only break even”.

The 3 Rivers Director making this statement was in fact the very same S151 Officer. My question: Please fully explain where was the required level of S151 Officer good financial governance which the position demands? In fact, please explain where there was any governance at all?

Answer:

A written Answer will be provided.

Question 2

There were expert and professional persons available and who specialise in business company wind-ups.

Therefore, in full consideration of the foregoing, his question was:

How can any reasoned and rational decision makers conclude that the S151 Officer was the best person to lead the 3 Rivers company wind-up this including disposal of assets?

Answer:

The Cabinet Member for Finance stated that the S151 Officer had a statutory duty to ensure the proper finances of the Council and it was unimaginable that he would not be involved in such a significant winding up of a company such as 3 Rivers. He could not see how the Council would be able to take this action without the involvement of the S151 Officer. He further commented that the S151 Officer is a professional of the Council, an officer of the Council and that the Council needed to reply upon his very good advice. The S151 Officer is under a statutory duty and if he was not leading this then the Council would very likely be acting unlawfully.

Barry Warren asked the following questions:

Question 1. (a) What was the date of the notification of the call in please?

(b) Has the date of the ‘call in’ and the timing of the notification been compliant with the timescales as set out in law and the MDCC Constitution?

(c) Is this late notification considered to be in accord with the policy to achieve openness and transparency?

Question 2. In the light of this reason for ‘call in’, and latest advice/comment by the District Solicitor, were Cabinet given full, detailed and reliable advice on which to make their decisions?

Question 3. Bearing in mind the criticism voiced by the Cabinet Member for Finance, for continued support of investment in 3 Rivers by past Members, is there any record, anywhere, that the S151 Officer ever voiced his disagreement with any of

the 3 Rivers Investment Proposals, Business Plans or Business Cases, before they were approved by Members?

The Chairman stated that written Answers will be provided.

The Deputy Chief Executive S151 responded, with regard to the sign off of the report by the three chief statutory officers of the council, that that was normal practice for the sign off of every single Council report so that although a single officer may write a report there was never a single officer who would sign off a report. The Cabinet Member for Finance added that in respect to question 2, If Cabinet had made a decision to wind up 3 Rivers the financial consequences of that decision are outside of the power of cabinet, it would be outside of the budget and policy framework, that is why it is a recommendation to Full Council to take that course of action. The Cabinet Member thought that it was entirely correct for the recommendation to be called to Scrutiny.

30 DECISIONS OF THE CABINET (0.24.28)

A Decision made by the Cabinet on 16 August 2023 in respect of the following report was called in for consideration by Councillor R Gilmour.

3 Rivers Options Appraisal Report

1. Cabinet recommend to Full Council a “soft closure” of 3 Rivers Development Ltd. over a sensible short term period in order to minimise any potential financial exposure and maximise returns from company assets.
2. Delegated authority is given to the Deputy Chief Executive in conjunction with the Cabinet Member for Finance to deliver/instruct all necessary activities in order to deliver a “soft closure” and maintain timely decision making in order to protect the Council’s position during this process.
3. That the Deputy Chief Executive, in discussion with the Cabinet Member for Finance procure any additional professional advice required to protect the Council’s position and maximise the return to the Shareholder and minimise any potential further losses.

The reason for the call in was:

- The decisions are outside of the Budget & Policy Framework.

The Chairman read a statement which included the following:

- That this Extraordinary Scrutiny Committee Meeting had been called today to identify whether the decision of Cabinet to recommend “soft closure” of 3 Rivers Development Ltd, and any losses or costs that would be incurred by Mid Devon Council.
- That any decision of the Cabinet or of the Full Council around the future options for 3RDL was projected to carry a cost for Mid Devon residents.
- That the Committee’s objective was to learn any lessons that need to be

learned to prevent a repeat of this scenario in the future. As those who do not remember the past, are condemned to repeat it.

- That the Committee was not here to assign blame, rather to ensure that the blameless – the residents – were not left to pick up the bill for similar failures in the future.
- That no matter how well-meaning, humans were fallible. This was why we build procedures and controls around decision making. One such role was the role of Scrutiny, with the defined role in our Constitution and, more widely, as Councillors of this Council to speak up and ask questions to ensure good decision making.
- The majority of the current Councillors had no part in the decision making process around 3 Rivers Development Ltd, until the future options decision be presented to Full Council lessons must be learnt from the past to ensure the Council does not repeat the mistakes of predecessors.
- Time should be set aside on the Committee's Work Programme to talk to previous Cabinet members, senior officers and other relevant parties to learn lessons.

RESOLVED that:

1. Time be set aside in the Work Programme for a "3 Rivers lessons learned" exercise and that any recommendations that come out of that be reported back to cabinet.
2. A "3 Rivers – Lessons to be learned" issue take place over one or two meetings in November and any recommendations sent back to Cabinet by the end of December 2023.

(Proposed by the Chairman, Cllr R Gilmour)

(The meeting ended at 6.07 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 30 August 2023 at 2.15 pm

Present

Councillors

L J Cruwys (Chairman)
S J Clist, G Cochran (Vice Chairman),
Mrs F J Colthorpe, G Duchesne, R Gilmour,
M Jenkins, F W Letch, N Letch, M Farrell
and S Robinson

Apology

Councillor

B Holdman

Also Present

Councillors

D Broom, J Buczkowski and C Harrower

Also present

Virtually

E Buczkowski, S Keable, L Knight and D Wulff

Also Present

Officers

Maria De Leburne (District Solicitor and Monitoring Officer), Angharad Williams (Development Management Manager), John Millar (Area Team Leader), Tina Maryan (Area Planning Officer), Dr Stephen Carr (Corporate Performance & Improvement Manager), David Parker (Member Services & Policy Research Officer) and Sarah Lees (Member Services Officer)

Also in

Attendance

Michelle Woodgate, Highways, Devon County Council

23 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr B Holdman who was substituted by Cllr S Robinson.

24 PUBLIC QUESTION TIME

There were no public questions.

25 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

Members were reminded of the need to declare any interests where appropriate.

Cllr S Clist declared a Disclosable Pecuniary Interest and a Personal Interest in relation to item 2 on the Plans List – the redevelopment of site and erection of a Chapel of Rest and Funeral Parlour (Use Class E) at 19 High Street, Cullompton, Devon – since the applicant was known to him and had arranged funerals in the past for his family. He would leave the meeting for the duration of this item.

26 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on the 12 July 2023 were agreed as a true record and duly signed by the Chairman.

27 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded the Committee that there would be a site visit at 9.45am on 5th September 2023 regarding: 22/00907/FULL – Retention of disused quarry for use as two firing ranges at Devon & Cornwall Constabulary, Pondground Quarry, Holcombe Rogus, Devon. Further details would be circulated in due course.

28 WITHDRAWALS FROM THE AGENDA

There were no withdrawals from the Plans List.

29 THE PLANS LIST (00:06:00)

The Committee considered the application in the *Plans List.

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

- a) 23/00073/MFUL – Change of use of A Block (1040 sqm) from D1 (Non Residential Institutions) to B8 (storage or distribution) at Petroc, Bolham Road, Tiverton.

The Area Team Leader outlined the contents of the report by way of presentation which highlighted the following:

- The position of the application site within the Petroc campus.
- Consideration of the safeguarding impacts.
- The proposed hours of operation which were 8.30am to 5.30pm Monday to Friday and 8.30am to 2.00pm on Saturday's.
- Security arrangements both during operating hours and overnight.
- Photographs showing the view from the building, looking towards the entrance, views to the south and the roads left and right.
- The proposed parking area was also illustrated in addition to the gates and entrances into and out of the building for the customers to use.
- Some initial objections had been made by the Economic Development Team who were concerned about the potential loss of education provision.
- Highways had raised no objections.

Consideration was given to:

- The continuing lack of educational facilities for 16 – 18 year olds in the local area, students having to attend colleges in Exeter or Taunton in order to study for 'A' levels.
- The expansion of the town due to the growing number of new housing developments creating more young people needing post 16 education.
- Highways concerns, especially along Kennedy Way and Bolham Road during school opening and closing hours.

- The type and extent of the proposed security arrangements.
- Granting a time limited permission was not an option.
- Concerns regarding the company's business plan was not a material planning consideration.
- A discussion relating to the different models of education was not relevant to this application.

It was therefore **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr S Clist and seconded by Cllr F Letch MBE)

Reason for the Decision – as set out in the report.

Notes:

- (i) The Agent spoke. An invitation was extended by the Chief Executive from Petroc to come and talk to Members about existing and future plans at Petroc.
- (ii) Cllr Tim Bridger spoke as a representative from Tiverton Town Council.

b) 23/00896/FULL – Redevelopment of site for the erection of a Chapel of Rest and Funeral Parlour (Use Class E) at High Street, Cullompton, Devon.

The Area Planning Officer outlined the contents of the report by way of presentation which highlighted the following:

- Two main issues had been considered in relation to the application, access and the impact of the design on the Conservation Area.
- Highways had no objection to the application.
- Concerns regarding the safety of pedestrians had been considered and a condition included to restrict the vehicles using the yard to those using or visiting the business only.
- The Conservation Officer had had some initial concerns and had suggested some changes including the removal of a clock feature which would have been too grand. They were now satisfied that the design better reflected the historic character of the site.
- Photographs were shown showing what the site looked like now, where the bus stop was in relation to the site, where and what the surrounding buildings were which fully enclosed the site in question.

Consideration was given to:

- The yard at the rear of the site being big enough to allow the turning of large vehicles, it was confirmed that it was.
- Safeguarding issues regarding the use of nearby buildings by children.
- A standard archaeological condition was included such that no development could take place on the site until a 'written scheme of investigation' had been submitted and approved by the Local Planning Authority.

- Concerns regarding the safety of pedestrians were expressed due to the busy nature of the pathway and the blind corner upon exiting the site.
- Highways would not support the use of mirrors or cameras and were keen to stress that access permission had already been granted and concerns regarding the position of the bus stop had already been tested at appeal.
- Appropriate signage into and out of the site, bearing in mind the site was in a Conservation Area, might address some of the concerns regarding pedestrian safety.

It was therefore **RESOLVED** that planning permission be granted subject to conditions with an additional condition requiring additional safety measures to be agreed in relation to the access, including appropriate signage, and that delegated authority be given to the Development Management Manager, the Chairman of Planning Committee and the Ward Member to agree appropriate wording.

(Proposed by the Chairman)

Reason for the Decision – as set out in the report.

Notes:

- (i) One of the Ward Members, Cllr James Buczkowski spoke.
- (ii) Cllr S Clist declared a Disclosable Pecuniary Interest and a Personal Interest in relation to item 2 on the Plans List – the redevelopment of site and erection of a Chapel of Rest and Funeral Parlour (Use Class E) at 19 High Street, Cullompton, Devon – since the applicant was known to him and had arranged funerals in the past for his family. He would leave the meeting for the duration of this item.

30 **MAJOR APPLICATIONS WITH NO DECISION (01:01:00)**

The Committee had before it, and **NOTED**, a list *of major applications with no decision.

It was **AGREED** that the applications remain as delegated.

Note: *List previously circulated, copy attached to the minutes.

31 **APPEAL DECISIONS (01:02:00)**

The Committee had before it, and **NOTED**, a list of appeal decisions.

Note: *List previously circulated, copy attached to the minutes.

32 **PERFORMANCE DASHBOARD 01:04:00)**

The Corporate Performance and Improvement Manager gave a presentation to the Committee regarding the Performance Dashboard. This illustrated a series of tables showing performance indicators against planning targets, associated corporate risks and a helpful pie chart.

During the brief discussion that followed, the Dashboard was considered to be accessible, however, it was felt that it should also include performance in relation to Planning Enforcement. It was agreed that this would be investigated and included in the next update being brought before the Planning Committee.

33 CALL IN PROCEDURE (01:10:00)

The Development Management Manager reminded the Committee that only material planning considerations could be used to call-in a planning application and that if an application had been outstanding for more than 21 days, to come and talk to her as a first step in trying to move things on. The Committee thanked the Development Management Manager for being so helpful in what was a very demanding role.

(The meeting ended at 3.25 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 29 August 2023 at 5.15 pm

Present

Councillors

L Taylor (Leader)
J Buczkowski, S J Clist, S Keable, J Lock, J Wright and D Wulff

Apologies

Councillors

N Bradshaw

Also Present

Councillors

D Broom, E Buczkowski, G Duchesne, R Gilmour, C Harrower,
L Knight and S Robinson

Also Present

Officers:

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leburne (District Solicitor and Monitoring Officer), Paul Deal (Corporate Manager for Finance, Property and Climate Change), Matthew Page (Corporate Manager for People, Governance and Waste), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Darren Beer (Operations Manager for Street Scene), Luke Howard (Environment and Enforcement Manager), Andrew Seaman (Member Services Manager) and Sarah Lees (Member Services Officer)

31. **APOLOGIES**

Apologies were received from Cllr N Bradshaw.

Cllrs A Cuddy, G Czapiewski, M Fletcher, N Woollatt attended via Teams.

32. **PUBLIC QUESTION TIME**

Paul Elstone:

Question 1

Paragraph 2.7 on Page 169 of your papers says that the Council contracted to purchase the Post Hill Site for £410,000 in December 2017. But Land Registry shows the land was purchased for £492,000 in October 2020. Can these differences be explained?

Question 2

In a document dated December 2017 3 Rivers are shown as a Nominee as part of the commercial transaction to acquire the Post Hill site. Please explain the full reasons as to why this Nominee status was necessary?

Question 3

In papers presented to the Planning Committee on the 8th June 2016, as justification for the Council buying the Post Hill Land, for Affordable Homes the following is said. "Benefits in bringing forward the development more quickly". That was 7 years ago. Since then, David Wilson Homes, who were contractually required to build around 70 affordable homes before the Council took over this liability as part of the land purchase agreement, have now fully completed their Braid Park development with all homes occupied. Despite spending over £1 million, this Council has not put a single affordable home on the site. The Council wasted money and has effectively blocked the building of 70 Affordable Houses - how does this demonstrate the good governance that is both expected and required of a Council?

Question 4

According to the Land Registry, 3 Rivers paid £2.75 million plus taxes in December 2019 for land in Knowle Lane, Cullompton. The land had Outline Planning permission which had only been granted on appeal after this Council supported by Cullompton Town Council had refused it. Yet this Council lent 3 Rivers the money to buy this highly contentious plot of land. 3 Rivers has done nothing with it since and has allowed the outline planning approval to lapse. Any future development will have to apply for new Planning permission, which this Council should oppose again. The Council has allowed 3 Rivers to devalue this site, how does this demonstrate the good financial governance that is both expected and required of a Council?

The Leader thanked Mr Elstone for their questions and stated that a written answer would be provided.

Graeme Barnell**Question 1**

What is the strategy of this administration in addressing the availability of housing especially of affordable and social rented housing?

Answer

Cabinet Member for Housing and Property Services confirmed that the Council does currently have a clear Housing Strategy 2021-25, with an objective to increase the number of affordable homes and specifically to increase the Council housing stock of social and affordable rent accommodation. The report is consistent with this strategic position, nonetheless the draft Housing Revenue Account (HRA) target of 500 new Council houses in 5-years represents an acceleration and increase of the original strategy target of 160 homes.

Question 2

If such a strategy is being formulated, when can it be expected?

Answer

See above.

Question 3

When will regular performance data regarding the delivery of the various types of affordable housing become available? I asked many times for this KPI to be included in the regular performance updates during my time on the Council both as Cabinet member and as a member of Scrutiny and the Homes PDG but it has never happened. Perhaps you will be more successful?

Answer

The number of new Council houses built will be part of the new performance dashboard for Homes PDG provided on a quarterly basis.

Barry Warren**Question 1**

It is noted that under Section 3 of the report on Page 175 of the papers the heading Statutory Officer sign-off/mandatory checks that the S151 Officer and Monitoring Officer signed on the 15th August 2023. It is also noted that the Corporate Manager for Public Health, Regulation and Housing has signed on behalf of the Chief Executive/Corporate Director.

As the recommendations within this report have major implications for the council on a number of issues why hasn't the Chief Executive been personally involved to safeguard the reputation of the Council?

Answer:

The Corporate Manager for Public Health, Regulation and Housing responded and stated that the report has been fully reviewed and approved by the Leadership Team including the Chief Executive. Nonetheless, following the retirement of the former Corporate Director responsible for Housing (Jill May), the Corporate Manager for Public Health, Regulation and Housing has been appointed to act as an interim Director for all Housing functions from 1 June 2023, therefore has authority to sign-off the report.

Question 2

Why have the relevant elements of this report in relation to acquiring housing and the expenditure of HRA monies not been referred to the Homes PDG (HPDG) in the first instance so that they could consider the proposals and make recommendations to Cabinet?

Answer:

The HPDG (and Cabinet) have already approved a policy position to build more Council Housing under the Housing Strategy 2021-25. This report does not represent a new policy approach but puts forward recommendations aligned with policy that are financial decisions relevant for Cabinet.

Question 3

Recommendation 1 refers to 'subject to and agreed valuation'. Who is to set the valuation and who is to agree it? Will it be a genuine independent valuation?

Answer:

Should Cabinet agree to take the recommendation forward, the final amount that the HRA pay for St George's Court will be informed by an independent valuation. Who will provide this valuation has not been determined at this stage. This will be further informed by a valuation for the purposes of HRA rent setting for this site which legally has to be provided by the District Valuer.

Question 4

A potential purchase price for St George's Court is set out in the body of this report and is given as £8.65M. What is the basis for this amount?

Answer:

This is the impaired value of the outstanding loan to 3RDL for St George's Court and has been used for the basis of the appraisal of potential value for money and viability of this site to the HRA. This figure is allowed for in the draft MDDC Statement of Accounts 22/23.

Question 5

In the light of many concerns expressed as to the quality of workmanship on the site of St. Georges Court will there be an independent survey and report commissioned before any final valuation or agreement to purchase?

Answer:

The Council continues to work with 3RDL to ensure that the site meets the relevant standards of workmanship. Furthermore, the HRA would not be in a position to complete the potential acquisition of the site until full Building Control sign-off has been provided for every dwelling and all other regulatory approvals are in place.

Roger Davey**Question 1**

Given the projected scale of losses incurred by 3 Rivers, in particular the town hall development. Will the council commit to finishing this project including the landscaping to as high a standard as possible and then to place it on the open market and market it aggressively in order to maximise the monies returned to the public coffers?

Answer

The Cabinet Member for Finance stated that the Council has committed a number of times to fund to completion both the St George's Court and Haddon Heights projects. This remains our firm commitment.

Question 2

Will the council arrange a public enquiry into the whole 3 Rivers debacle where all of the information held by the council and 3 Rivers is released to the public?

Answer

The Council has discussed the potential of a "lessons learned" piece of work. This was discussed only last week at a meeting of our Scrutiny Committee.

Question 3

Will the council release the cost analysis report prepared by Randell Symonds LLP for this development given that all the reasons for the original decision to withhold the report i.e. that disclosure would damage 3 Rivers ability on future contracts and would give competitors insight into the costing and procurements methods used by this company etc., are now irrelevant as the company is to be wound up?

Answer

The company is still trading and a formal decision on the future of St George's has not yet been finalised. Therefore the Council will not be releasing any commercially sensitive information regarding this development at the current time.

33. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

No interests were declared under this item. Members were reminded of the need to make declarations of interest where appropriate.

34. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting, held on 1 August 2023 and 16 August 2023, were approved as a correct record and **SIGNED** by the Leader.

35. CORPORATE PERFORMANCE REPORT

Cabinet had before it and **NOTED** a report* of the Corporate Manager for People, Governance and Waste which provided Members with an update on performance against the corporate plan and local service targets for quarter 1 (2023/24).

It was highlighted that with regards to complaints, performance had been higher than what was detailed within the report presented.

Note: * Report previously circulated.

36. CORPORATE RISK REPORT

Cabinet had before it and **NOTED** a report* of the Corporate Manager for People, Governance and Waste which provided Members with a quarterly update on the Corporate Risk Register.

The following was discussed:

- It was asked whether the risks titled Culm Garden Village and Cullompton's Town Centre Relief Road, should be considered at the same level of risk. To which the Deputy Chief Executive (S151) acknowledged that these were linked, but the reason for a difference in risk was due to the long term funding received for the Culm Garden Village and that it was appropriate to treat these as separate risks. The relief road was considered higher, which was also agreed by the Audit Committee.

Note: * Report previously circulated.

37. QTR. 1 BUDGET MONITORING

Cabinet had before it a report* which presented the forecasted outturn position for the General Fund, Housing Revenue Account and Capital Programme for the financial year 2023/24, covering the period between April 2023 to June 2023.

The following was highlighted:

- The General Fund faced a £527k overspend at year end, which was significantly better than initial projections. The previous administration set a budget with a projected yearend overspend of £625k. Along with this, there was a £400k salary saving target which meant that a balanced budget required over £1m to be delivered in year.
- Planning and Building Control income was lower than forecasted due to stagnation of the housing market. Recycling income prices had dropped since the budget was set. However these were offset by higher income from Garden Waste and Leisure Services.
- HRA was projected to have a £346k underspend due to slippage of projects.

The following was discussed:

- Whether vacancy targets had put pressure on the use of agencies and it was asked how this was managed. The Corporate Manager for Finance explained that agency costs were included within the savings target presented which was above £400k.
- It was highlighted that many organisations and Local Authorities were struggling with sickness rates and turnover.

RESOLVED that:

1. The Cabinet are asked to:

- a) Note the financial monitoring information for the income and expenditure for the three months to 30 June 2023 and the projected outturn position;

- b) Agree the amendment to the Capital Programme of £3,733k reflecting the inclusion of Leasing costs in line with amended regulations and other additions since the budget was set;
- c) Note the updated Treasury Management reporting as required by regulation, and recommend that Council approves the changes to the treasury and prudential indicators in tables 6.3.1 and 6.3.2;
- d) Note the use of Waivers for the Procurement of goods and services as included in Section 9.

(Proposed by J Buczkowski, seconded by S Keable)

Reason for the decision:

The financial resources of the Council impact directly on its ability to deliver the Corporate Plan prioritising the use of available resources in 2023/24. The Monitoring Report indicates how the Council's resources have been used to support the delivery of budgetary decisions.

Note: * Report previously circulated.

38. **PERFORMANCE UPDATE - PERFORMANCE DASHBOARDS**

The Cabinet **NOTED** a verbal update from the Corporate Manager of People, Governance and Waste in which it was outlined that the development of performance dashboards were delivered to each Policy Development Group (PDG), with Homes PDG having two. There was also a planning and corporate dashboard and that the Corporate Dashboard would be circulated to Cabinet.

39. **ENVIRONMENT ENFORCEMENT YEARLY REVIEW REPORT**

Cabinet had before it and **NOTED** a report* of the Corporate Manager for People, Governance and Waste which provided Members with an overview of the Environment and Enforcement service for the financial year 2022/23.

It was highlighted that there were no outstanding abandoned vehicles from the 22/23 financial year.

The following was discussed:

- An explanation was sought on the process followed when abandoned cars were removed by the Council. An officer explained that they were kept for up to for 14 days, after that, they were crushed. If someone claimed the vehicle, they would have to pay the removal costs as well as a fixed penalty notice for abandoning a vehicle.
- Parking Outturn 2016 – 2023 was raised and it was noted that costs had increased. But so had the variance. An officer explained that due to increased costs the income generated had reduced.
- The Council's fleet of electric vehicles was welcomed.
- The Enforcement team were due to undertake Police and Criminal Evidence Act training.

Note: * Report previously circulated.

40. REVIEW OF 3 WEEKLY BIN COLLECTIONS

Cabinet had before it a report* of the Corporate Manager for People, Governance and Waste which outlined the effectiveness of the council's waste and recycling scheme, known as the Bin-it 123 scheme, as implemented in October 2022. It also highlighted the improvement of operational efficiency of collection crews, increased recycling rates and limiting CO2 emissions. It also provided a review of recycling frequency following the Cabinet decision on 29 Nov 2022 to complete a weekly recycling trial in the District during the financial year 2023-2024.

The following was highlighted:

- The Council had been flexible with the transition to the 'Bin it 123' scheme and that side-waste had been collected, but there was a need to stop collecting side-waste. It was noted that other top performing Authorities had a zero tolerance approach and did not collect side-waste.
- First few months were encouraging and that the recycling rate was just under 60%.
- A weekly recycling pilot was agreed to be undertaken but due to unclear funding and costs it was asked to defer until financially feasible.

The following was discussed:

- Concern was raised over stopping the collection of side-waste and of the length of time it would be left until dealt with. It was also asked how communal refuse points would be managed and how those that left side-waste would be identified. An officer explained that initially households would be contacted but if further breaches continued, Section 46 would be applied. This would be a formal warning that would last for 1 year and could then be escalated further if this warning was breached.
- The Corporate Manager for People Governance and Waste explained that the Council would not let the District become untidy and that they were asking for residents to comply with the scheme. The Council would ensure that residents had the appropriate containers and bins, it was also about working with residents and landlords, providing support if needed.
- That statistics and figures should be reported to the Environment PDG to ensure that the Council kept on track.
- That top performing authorities were collecting every 2 weeks, clarification was sought as to why the council was being compared to every 2 week collection models when the Council collected every 3 weeks. The officer explained that these authorities were identified as the top performers and that it was to highlight that none collected side-waste.
- It was raised that this Council should be compared to authorities that also collected every 3 weeks. To which the Corporate Manager for People, Governance and Waste agreed that this could be reported to the Environment PDG.
- It was noted that the increased recycling rates should be celebrated, and that recycling pots and pans should also be considered.
- Education on recycling was raised, to which the Corporate Manager for People, Governance and Waste explained that education was important and needed to be continual so that recycling awareness was maintained. In addition, it was also raised

that many people learn in different ways and that it was key to find the right medium of communication.

- School education on recycling was raised. To which an officer explained that Schools were already being engaged with.
- It was noted that all had a responsibility to keep wards within the Council clean and tidy.

RESOLVED that:

1. To cease collecting side waste from 1 October 2023 and deliver a comprehensive communications programme in advance of this to minimise the need for enforcement.
2. To postpone the trial scheduled for 2023-2024 to allow for an evaluation of the effectiveness of the current scheme against the metrics of recycling % achieved, residual tonnage reduction, and overall cost to the authority.

(Proposed by the Leader, Cllr L Taylor)

Reason for decision:

This report identifies with the 'Environment' priority area of the Corporate Plan for 2020- 2024 'increase recycling rates and reduce the amount of residual waste generated'. Supporting and enabling customers to recycle and reduce residual waste contributes to Mid Devon District Councils' commitment to the Devon Climate Emergency.

Note: * Report previously circulated

41. NEIGHBOURHOOD MANAGEMENT POLICY

Cabinet had before it a report* of the Corporate Manager for Public Health, Regulation and Housing which outlined that under the Neighbourhood and Community Standard, the Regulator of Social Housing (RSH) requires all registered providers to publish a policy setting out, how in consultation with their tenants, they will maintain and improve the neighbourhood's associated with their homes. This has been developed following an in-depth review of the policy in consultation with tenants and partner organisations.

The following was discussed:

- That there were no comments were received during the consultation. It was asked how the Council could engage more widely so that responses were received. The Corporate Manager for Public Health, Regulation and Housing explained that it was difficult getting responses for consultations, and that a new approach to improve engagement was due to take place, with other new always considered.
- The topic of vulnerable people was raised along with the safeguarding elements found within the report. The Corporate Manager for Public Health, Regulation and Housing explained that all vulnerable people were considered within Council policies.
- It was sought that a paragraph on vulnerable people/safeguarding be added to these policy reports, to which the Corporate Manager for Public Health, Regulation and Housing agreed that that this could be included in future policy reports.

RESOLVED that:

Cabinet adopt the updated Neighbourhood Management Policy and Equality Impact Assessment contained in Annexes A and B respectively.

(Proposed by S Clist seconded by J Wright)

Reason for decision:

A stated aim of the Council is to deliver sustainable communities.

Note: * Report previously circulated.

42. **3 RIVERS OPTIONS APPRAISAL REPORT**

No recommendations from the Scrutiny Committee were received

43. **HOUSING REVENUE ACCOUNTS - LARGE SITES OPTIONS APPRAISAL**

Cabinet had before it a report* from the Corporate Manager for Public Health, Regulation and Housing which provided options for potential large sites within the Housing Revenue Account (HRA) development programme. The sites considered are Post Hill, Tiverton, St Georges Court, Tiverton and Knowle Lane, Cullompton. These sites are presently within the control of the Council with Post Hill held within the HRA.

The report aimed to obtain agreement for the 5-year HRA development programme (2023/24 to 2027/28) in respect of these large potential sites for new social housing within Mid Devon Housing (MDH) stock taking into account the options analysis presented.

The following was discussed:

- Clarification was sought over the costs to adapt housing as it seemed like quite a round number. The Corporate Manager for Public Health, Regulation and Housing explained that this was an estimated cost, but there was data to support this estimated cost.
- Asked why this accommodation was appropriate for those over 60. The Corporate Manager for Public Health, Regulation and Housing explained that the accommodation had ground floor and lift access and with more adaption work it would be suitable for over 60s. In addition, the location was central to town and had good transport links and good accessibility to medical sites. It was also noted that there was not a similar site within the vicinity of Tiverton.
- Some over 60s occupied family homes and that this could generate some healthy movement within the council's stock.
- Asked if this accommodation would be available for the whole of Mid Devon. The Corporate Manager for Public Health, Regulation and Housing reassured that there was flexibility with this, but the initial focus was for Tiverton tenants.
- Asked if there would be any flexibility in terms of the age of the targeted tenants. The Corporate Manager for Public Health, Regulation and Housing explained that there would be flexibility but the focus was to target over 60s. In addition, that there was no perfect age to choose and that other tenants would still be considered.
- Asked how tenants would be encouraged to downsize and whether this would be managed by Devon Home Choice. The Corporate Manager for Public Health,

Regulation and Housing explained that the aim was to invite tenants to free up family homes and that it would sit outside of Devon Homes Choice.

- Asked if there would be an option for right to buy, if covenants would be set and whether ground rent and service charges would apply. The Corporate Manager for Public Health, Regulation and Housing explained that details would be introduced to the Homes PDG and that in terms of right to buy a certain percentage could be exempt from this and that all details would be made aware to incoming tenants. There was an aim to build a community and that policies would be made clear outlining any service charges.
- Concern was raised over the cost of £100k and felt that this report was good enough for tax-payers. In addition, it was felt that the data and evidence provided in this report was poor. It was raised that those over 60 leaving their homes would be when medical support was needed and often already had established communities and families to support them and so felt it was unlikely to convince these individuals to move.
- That St George's court was not appropriate accommodation and that clarification was sought as to how the upkeep costs would be maintained with social housing charges.
- The rent plus model was raised as an idea that could be used by the Council.
- The Corporate Manager for Public Health, Regulation and Housing reassured that tenants would not be recharged and that the HRA would maintain those properties and would only apply to those who had a right to buy. No tenants were charged to maintain their properties. A local letting approach should not be compared to the decanted example provided as these were two very different things. The HRA does not use the rent plus model because it does not work with the long sustainability of the HRA's stock. Other providers could use the rent plus model and it had been known to work well. For Post Hill better suited providers would be sought and where the rent plus model could be applied.
- There was a need to make difficult decisions quickly to avoid further costs and that other ways to recuperate costs should not be discredited.
- There were two main benefits of this report, firstly it made more social housing available within the district, and secondly, it provided the Council 38 new properties.
- Disappointment was raised that this report had not thought wider and that there was concern of what would happen to aging tenants when the accommodation was no longer appropriate. The Corporate Manager for Public Health, Regulation and Housing explained that specific needs of individuals would be identified and that a move through to the adult social care sector would be needed. Many properties were already suitable but would consider individual needs.
- It was noted that this report was in the interest of the HRA and not 3 Rivers Development Ltd.
- Raised whether better options for St George's Court could be considered and that this decision was not eliminating potentially better options. The Deputy Chief Executive explained that was a binary decision and that the HRA had considered other options. In addition, options for St George's could not be maintained indefinitely.
- This would be a community asset, and that housing was a big issue within this community and that community needs outweighed commercial needs.

- It was asked how this report fitted in procedurally and whether it was valid, it was felt that this report verged on predetermination. The District Solicitor & Monitoring Officer explained that this decision was subject a valuation and would not impact any upcoming decision due to go to Full Council.
- In addition, it was raised that regardless of what the Council agrees at Full Council on 3 Rivers Development Ltd, these properties would still be for sale and were therefore not linked.
- It was raised that the delegated authority given should be closely monitored and that Cabinet should consider implementing a deadline. To which the Leader reassured that he was confident that the Cabinet members involved would work closely with officers. In addition the Deputy Chief Executive explained that regular financial updates were provided at meetings of the Cabinet.
- The Knowle Lane viability was raised, to which it was explained that the option presented and the circumstances within the HRA were different to the 3 Rivers Development Ltd business plan previously presented to the previous administration.
- The Post Hill site was raised, with reassurance sought that this would not proceed. It was also asked how likely it was to pass this site onto another provider. The Corporate Manager for Public Health, Regulation and Housing explained that the cost of Post Hill was too expensive and that grant funding was unavailable for this site. However, other providers might be able to obtain funding due to differing restrictions and that the rent plus method could be applied in this instance, but was not viable for the HRA.

RESOLVED that:

1. That Cabinet approve the acquisition of St Georges Court, Tiverton by the HRA subject to an agreed valuation.
2. Delegated authority be granted to the S151 Officer and the Corporate Manager for Public Health, Regulation and Housing (in consultation with the Cabinet Members for Finance and Housing & Property Services) to complete the purchase of St Georges Court, Tiverton.
3. Subject to Recommendations 1 and 2, that Cabinet approve a local lettings approach for the allocation of social housing at St Georges Court as primarily over-60 years accommodation with a mix of 28 social rent and 11 affordable rent units.
4. That Cabinet approve the HRA undertaking a feasibility study into the acquisition and development of Knowle Lane, Cullompton as social housing for potential inclusion later in the HRA 5-year development programme.
5. That Cabinet agree the HRA will not progress its proposed development and relevant tender for Post Hill, Tiverton.
6. Subject to Recommendation 5, that Cabinet grant delegated authority to the S151 Officer and the Corporate Manager for Public Health, Regulation and Housing to explore alternative options for the delivery of affordable housing at Post Hill, Tiverton including potential sale or transfer of the site. This is to be brought back to Cabinet for consideration in due course.

(Proposed by S Clist, seconded by J Lock)

Reason for decision:

Homes and the Environment are a priority for the Council and this includes increasing the supply of affordable homes in the District.

Note: * Report previously circulated.

44. NOTIFICATION OF KEY DECISIONS

The Cabinet had before it, and **NOTED**, the notification of Key Decisions*.

The S106 Governance item had been postponed from the 19 September 2023 to the 14 November 2023.

Note: * Notification of key Decisions previously circulated.

45. ORGANISATIONAL RESPONSE TO THE NATIONAL CONSULTATION ON THE CLOSURE OF (STAFFED) TICKET OFFICES ON THE RAILWAY NETWORK

The Leader of the Council raised concern of the announcement made by the Rail Delivery Group that train companies were pressing ahead with plans to close up to 1000 rail ticket offices across England over the next 3 years.

It was highlighted that:

- Not all residents are able to use station ticket machines, or have the means to book a ticket in advance.
- Concern that the closure of ticket offices will disproportionately affect elderly and disabled residents.
- Concerns was raised over possible staff redundancies.

RESOLVED that Cabinet:

- Instruct the Chief Executive to write to Mark Harper MP Secretary of State for Transport, and the Chief Executive of the Rail Delivery Group, expressing this Council's opposition to the possible closure of staffed rail ticket offices – and in particular the offices across the Devon County Council area, including Tiverton Parkway.
- Instruct the Chief Executive to write to the rail operator(s) running local ticket offices, expressing the Council's opposition to any plans to close the staffed ticket office at Tiverton Parkway or within the Mid Devon area.
- Refer this issue to Scrutiny with the recommendation that representatives from the relevant rail operator(s) are invited to attend a Scrutiny Meeting at the earliest possible point to discuss future plans for ticket offices within Mid Devon.

Proposed by Leader, Cllr L Taylor)

Reason for decision:

That Staffed ticket offices provide a vital service to residents in Mid Devon.

(The meeting ended at 7.46 pm)

CHAIRMAN

Report for: Cabinet

| | |
|----------------------|--|
| Date of Meeting: | 29 August 2023 |
| Subject: | 2023/24 QUARTER 1 MONITORING |
| Cabinet Member: | Cllr James Buczkowski, Cabinet Member for Finance |
| Responsible Officer: | Andrew Jarrett, Deputy Chief Executive (S151) |
| Exempt: | N/A |
| Wards Affected: | All |
| Enclosures: | Appendix A – General Fund Summary Appendix B – General Fund Service Variances Appendix C – Employee Cost Summary Analysis Appendix D – Income Summary Analysis Appendix E – HRA Summary and detail variances Appendix F – Capital Programme Summary |

Section 1 – Summary and Recommendation(s)

To present the forecast Outturn position for the General Fund, Housing Revenue Account and Capital Programme for the financial year 2023/24.

Recommendation(s):

1. The Cabinet are asked to:

- a) **Note the financial monitoring information for the income and expenditure for the three months to 30 June 2023 and the projected outturn position;**
- b) **Agree the amendment to the Capital Programme of £3,733k reflecting the inclusion of Leasing costs in line with amended regulations and other additions since the budget was set;**
- c) **Note the updated Treasury Management reporting as required by regulation, and recommend that Council approves the changes to the treasury and prudential indicators in tables 6.3.1 and 6.3.2;**
- d) **Note the use of Waivers for the Procurement of goods and services as included in Section 9.**

Section 2 – Report

1.0 Introduction

- 1.1 This report contains information relating to the Council's overall financial performance for the 2023/24 financial year. Monitoring the Budget is an important part of the Council's performance management framework. The aim is to keep a tight control on spending on services within a flexible budget management framework.
- 1.2 The purpose of this report is to highlight to Cabinet our current financial status and the likely reserve balances at 31 March 2024. It encompasses both revenue, in respect of the General Fund, the Housing Revenue Account (HRA), and Capital Programme. The detail underpinning these projections is included within the body of report in the following sections / appendices:
- The projected General Fund outturn position for 2023/24 (**Section 3 + Appendices A to D**);
 - The projected HRA Outturn position for 2023/24 (**Section 4 + Appendix E**);
 - The projected Capital Outturn position for 2023/24 (**Section 5 + Appendix F**);
 - Summary Treasury Management position (**Section 6**);
 - Collection Fund Update (**Section 7**);
 - The projected Reserves Outturn position for 2023/24 (**Section 8**);
 - The Procurement Waivers utilised during the quarter (**Section 9**).
- 1.3 Favourable variances generating either increased income or cost savings are expressed as credits (negative numbers), whilst unfavourable overspends or incomes below budget are debits (positive numbers). Any variance against the agreed budget will impact on the Council's reserves. This monitoring focuses on significant budget variances (+/- £20k), including any remedial action where necessary leading to an estimated overall Outturn position.
- 1.4 The Council's financial position will be constantly reviewed to ensure its continued financial health and delivery of excellent Value for Money.
- 1.5 This report also includes Section 9 which updates Members on the use of Procurement Waivers during the first quarter of 2023/24. A procurement waiver is where contract procedure regulations have not been applied due to exceptional circumstances, such as urgency of the goods/services being required, or the specialist nature of the goods/services where there is no effective competition to provide it.
- 1.6 Members should note that officers have also identified areas where some unbudgeted expenditure can be mitigated through the use of earmarked reserves. Therefore this is shown in Appendix A within the individual service areas enabling clarity on the overall forecast outturn variance that will affect General Reserves.

- 1.7 A summary of the Council's Treasury Management year end position is shown in Section 8. This now includes further detail as required by new regulations.

2.0 Executive Summary of 2023/24

- 2.1. The report indicates a projected General Fund outturn variance of £527k over spend and a HRA outturn variance of £346k under spend. In respect of the Capital Programme, there is a variance of £26,241k against the 2023/24 Deliverable Budget, this is explained through a forecast £59k underspend, £1,229k overspend and slippage of £27,411k across various projects. These forecasts will continue to be refined during the year, which should result in more accurate year end forecasts.
- 2.2. The General Fund position must be considered against the position agreed by Full Council in March to draw £625k from General Reserves to balance the budget and the £400k vacancy saving target to be identified in-year. Therefore, to have reduced this £1,025k challenge to £527k is actually disciplined budgetary control and a reduction to the planned draw from reserves of £98k. Therefore, the reported position should be considered positively at this point in the year.
- 2.3. Although overall targeted staffing savings are on track, the Council continues to struggle with recruitment and retention particularly within Waste requiring higher usage of agency staff than planned. Some service areas that were dependent upon agency support have reduced or removed this requirement through successfully filling roles. Therefore forecast outturn agency costs are significantly lower than last year.
- 2.4. In respect of income, there are significant reductions in Planning and Building Control income due to the increasingly depressed housing market leading to fewer planning applications and build sign offs.
- 2.5. If the forecast level of overspend is required to be covered from General Reserves, this will reduce the balance to £1,497k rather than the planned £1,400k, thereby reducing the requirement by £98k. However, this is below the agreed minimum £2m balance and therefore action needs to be taken to address the matter, through the wider MTFP strategy.

3.0 The General Fund

- 3.1. The forecast General Fund over spend for the current year is £527k after transfers to and from Earmarked Reserves. A summary explanation of these key variances is shown in **Appendix A**, service by service. **Appendix B** also provides the detail of the key variances and those above £20k (+ or -) at individual service level to enable full transparency of the position.

- 3.2. The table below shows the overall Budget, Forecast and Variance, summarised for 2023/24.

Table 1 – General Fund Summary

| Financial Summary for 2023/24 | 2023/24 Budget £ | 2023/24 Forecast £ | 2023/24 Variance £ |
|---------------------------------------|---------------------------------|-----------------------------------|-----------------------------------|
| Total Net Cost of Services | 15,664,819 | 15,834,270 | 169,451 |
| Other Income and Expenditure | (3,201,584) | (2,862,678) | 338,905 |
| Total Net Budgeted Expenditure | 12,463,235 | 12,971,593 | 508,356 |
| Total Funding | (12,463,235) | (12,444,489) | 18,746 |
| Net Income and Expenditure | 0 | 527,102 | 527,102 |

- 3.3. The current incomes from our major fee income streams are shown in **Appendix C**. It shows that the full year forecast Income variance is £131k above budget. However, this excludes the impact of £68k reduced recycle income. The lower than forecast income in Planning and Building Control reflect the economic/market conditions. Car Parking income is slightly down on budget due to the delay in implementing the tariff increases. Within Waste, Garden and Trade waste is healthy and above forecasts, however recycle prices, which are excluded from Appendix C, have dropped and therefore this income stream is lower than expected. Similarly, waste disposal charges have increased by £20 per tonne. Other Service income streams remain relatively close to expectations.
- 3.4. The current employee costs are shown at Appendix D. It shows a full year forecast under spend of £273k, after taking into account the £400k vacancy target included within Corporate Management (with the actual savings shown against the respective service areas). This is due to continued vacancies and in some cases increased sickness absence. Notable savings are being made in Property, Economic Development, Planning and IT due to vacancies not being filled. All vacancies are fully reviewed to consider if the position can be removed permanently. Within Public Health, the use of Homes for Ukraine funding is offsetting the administrative cost of operating the scheme on behalf of the government. No service is showing an over spend on staff costs.
- 3.5. The forecast impact on the outstanding local government pay award has been amended from the assumed 5.5% budgeted uplift, to reflect the current (rejected) offer of the higher of £1,925k or 3.88%. This creates a relatively minor variance (+ or -) in each service area depending on the average pay in that area.
- 3.6. Agency Spend to date continues to be high following on from 2022/23. This is particularly applicable to Waste which has high levels of sickness in the year so far and is required to maintain the service. This is partially offset by underspends on the staffing establishment, leading to a net additional cost of

£226k. However, some vacancies have been filled, in planning for example, meaning that the forecast for the remainder of the year is markedly lower than in the prior year. This reduction is also driven in part by the need to offset the vacancy target and the agreed draw from general reserves. Some agency is funded by grant to undertake specific project work, such as economic development.

- 3.7. The Other Income and Expenditure variance shown in the table within para 3.2 above, includes the budgeted £625k draw from General Reserves, whereas the final outturn variance will be the actual transfer to or from General Reserves. Therefore the £625k is not shown to be drawn at this time.
- 3.8. Interest received on temporary treasury investments were higher (£94k) than budget due to continued increase in interest rates following setting the budget.
- 3.9. Following the rejection of business plans submitted by the Council's subsidiary company, 3 Rivers Developments Ltd, and the decision to only allow the company to complete their live developments, further impairments were processed at 2022/23. Depending on the future of the company, additional impairments will likely be required. Both live developments are entering their final stages with completion on St George's expected imminently and by the end of the year at Bampton.

4.0 Housing Revenue Account (HRA)

- 4.1. This is a ring-fenced reserve in respect of the Council's housing landlord function. It is increased or decreased by the surplus or deficit generated on the HRA in the year. At Quarter 1 2023/24 the forecast year end budget position is a net surplus of £346k. An explanation of the key variances and those above £20k + or -) are highlighted within **Appendix E**.
- 4.2. A snapshot of a number of the more significant variances identified giving rise to the forecast surplus:
 - £251k salary savings due to vacant posts and delays in filling vacancies, net of pay award;
 - £200k overspend on external contractors this largely as a consequence of staff shortages;
 - £50k additional spend requirement on materials;
 - £94k additional investment income on cash balances;
 - £211k underspend forecast on capital financing costs due to slippage to the 2023/24 projected capital spend;
 - £55k surplus between housing and garage rents
- 4.3. It is anticipated that the forecast variance will increase the budgeted transfer to the Housing Maintenance Fund and so the HRA reserve balance will remain at £2m.

5.0 Capital Programme

5.1. The Capital Quarter 1 summary is attached as Appendix F to this report. The total Capital Programme Approval is £139,277k, although much of this is planned to be spent in future years. Therefore a Deliverable Programme for 2023/24 of £66,296k has been set. These schemes will continue to be funded as before through a mix of unspent Capital Grants, Capital Earmarked Reserves or Prudential Borrowing. The Deliverable Programme detailed above has been adjusted by £3,733k for the following additional projects that have been identified since setting the budget:

- Forecast Lease additions are now included in the Capital Programme as they contribute to our Capital Financing Requirement, these are all related to Vehicles £347k in the General Fund and £180k in the HRA;
- Two additional properties have been purchased to help with the Private Sector Housing need by utilising government grants; these amount to £371k, this includes the initial purchase price and required works in order to bring them into use. It is anticipated that there will be two more acquisitions during 23/24;
- £347k Capital Grant Funding has been received for The Shared Prosperity Fund and Rural England Prosperity Fund. It is anticipated that this will be spent during 2023/24 to help improve the vibrancy of Town Centres;
- £2,488k to be made available to 3 Rivers in order to complete those developments currently under construction in line with the Full Council decision.

5.2. At Quarter 1 the actual, committed and forecast spend for 2023/24 amount to £17,486k; leaving a variance of £48,810k against the 2023/24 Deliverable Budget. Of which, £59k is an under spend; £1,229k is an over spend, £27,411k will slip into future years and £22,568k is no longer required. This can be explained by the following key variances.

£59k Under spend

- £42k relating to Spin Bike replacement in our three Leisure sites (just to note this is partially offset by additional spend of £31k on other Leisure equipment projects at EVLC and LMLC).

£1,229k Over spend

- £432k on various Housing schemes (Projects 8, 33 & 37) where we are ahead of anticipated profile in terms progress on feasibility work;
- £743k in relation to modular schemes in Tiverton and Cullompton, additional funding has been achieved for these projects and is referred to on Appendix F.

£27,411k Slippage into future years

- £13,138k Cullompton Town Centre Relief Road (HIF project) – project currently on hold following the second rejection of a bid for Levelling-up Funding – alternative funding options continue to be explored;
- £1,000k Land Acquisition – Continuation of search for suitable site;
- £13,273k various HRA development projects to be completed largely in 2024/25 and 2025/26.

£22,568 Budget no longer required

- £22,061k relating to 3 Rivers schemes of which delivery is being further considered;
- £396k relating to CVSC potential energy savings works – as funding bid was unsuccessful;
- £111k relating to HRA development Project 41 as this was spent in 2022/23.

5.3. The expenditure will be funded by the use of £1,491k of Capital Receipts (including 1-4-1 receipts), £1,733k grant funding, £5,470k Revenue Contributions such as S106 or utilisation of reserves and £8,792k through internal borrowing. No further external borrowing has been required during the year.

5.4. The movement on the Capital Receipts Reserve for the year is given below:

Table 3 – Capital Receipts Reserve Summary

| Capital Receipts Reserve Summary | £k |
|--|----------------|
| Balance at 1 April 2023 | (7,309) |
| Sale of Council Houses (nil to date – forecast 10) | (909) |
| General Fund Sales | (49) |
| Pooling of Housing Capital Receipts to Government | 0 |
| Forecast Capital Receipts to be applied in year | 1,491 |
| Balance at 31 March 2023 | (6,776) |

Note – the remaining balance of £6,776k is committed in order to fund any slippage, specific projects in ICT and Private Sector Housing and to balance the Capital Medium Term Financial Plan.

5.5. Only £72k is expected to be required from the Capital Earmarked Reserve to fund capital projects; therefore, the forecast balance on this reserve is £143k at 31st March 2024. This remaining balance is committed to fund any slippage and to balance the Capital Medium Term Financial Plan.

5.6. The Council also holds New Homes Bonus which can be used for either Revenue or to support future Capital Programmes, the balance held at 31 March 2023 is £2,883k again, of which £401k is committed to support the 2023/24 Revenue Budget and £472k is expected to fund the forecast Capital spend for 2023/24 and a further £650k of this remaining balance to fund future

Capital Spend. The remainder is expected to be used to support future Revenue spending.

6.0 Treasury Management

6.1. The CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management 2021 introduced a new requirement for 2023/24 that members be updated on treasury management activities and indicators at least quarterly. This section, therefore, ensures this Council is implementing best practice in accordance with the Code.

6.2. Prudential and Treasury Indicators for 2023/24 as of 30 June 2023

6.3. It is a statutory duty for the Council to determine and keep under review the affordable borrowing limits. During the quarter ended 30 June 2023, the Council has operated within the treasury and prudential indicators set out in the Council's Treasury Management Strategy Statement for 2023/24 (approved at Full Council 08/03/2023). The Deputy Chief Executive (S151) reports that no difficulties are envisaged for the current or future years in complying with these indicators.

6.3.1. The Council's updated treasury indicators for 2023/24 are as follows:

| Treasury Indicators | 2023/24 Original Forecast £000 | 2023/24 Q1 Updated Forecast £000 |
|--|--------------------------------------|--|
| Authorised Limit for External Debt | 107,000 | 64,000 |
| Operational Boundary for External Debt | 98,000 | 55,000 |
| Gross External Debt | 45,910 | 33,450 |
| Short-Term Investments | 10,000 | 20,000 |
| Net Borrowing | 35,910 | 13,450 |

6.3.2. The Council's updated prudential indicators for 2023/24 are as follows:

| Prudential Indicators | 2023/24 Original Forecast £000 | 2023/24 Q1 Updated Forecast £000 |
|---|--------------------------------------|--|
| Capital Expenditure | 64,826 | 17,486 |
| <i>Of which General Fund</i> | 17,084 | 4,005 |
| <i>Of which HRA</i> | 21,634 | 9,745 |
| <i>Of which Loans to Subsidiary Company</i> | 26,108 | 3,736 |
| Capital Financing Requirement (CFR)* | 96,793 | 53,623 |
| <i>Of which General Fund</i> | 14,223 | 9,832 |
| <i>Of which HRA</i> | 51,934 | 43,791 |
| <i>Of which Loans to Subsidiary Company</i> | 30,636 | 0 |
| Annual Change in CFR | 25,814 | (10,969) |
| In-Year Borrowing Requirement | 12,500 | 0 |

**see 6.4 for more information*

6.4. Investment Portfolio

6.4.1. In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the Council's risk appetite. Continued increases to Bank Rate throughout the first quarter of the year, and anticipated future increases, have led to steady increases in rates offered by banks and building societies, with current rates far exceeding levels seen over recent years. These increases appear to be levelling off, but due to the timing of deposits, the full benefit of the higher interest rates will not be seen until late 2023/24.

6.4.2. The Council's investment portfolio as at 30 June 2023 was made up of short term investments/deposits to the value of £22.92m, comprising of £21.50m in fixed term investments and £1.42m in NatWest call accounts. In addition to this, the Council also holds £5.00m in the CCLA commercial property fund.

6.4.3. The following table shows short term investments/deposits held as at 30 June 2023.

| Institution | Principal £000 | Interest Rate | Start Date | Maturity Date |
|----------------------------------|---------------------------|--------------------------|-------------------|----------------------|
| Thurrock Council | 2,000 | 3.550% | 25/10/2022 | 24/10/2023 |
| West Dunbartonshire Council | 2,000 | 3.900% | 25/10/2022 | 25/07/2023 |
| NBK International PLC | 2,000 | 5.020% | 02/05/2023 | 02/11/2023 |
| NBK International PLC | 2,000 | 4.700% | 02/05/2023 | 02/08/2023 |
| NBK International PLC | 1,000 | 4.970% | 15/05/2023 | 15/11/2023 |
| Santander | 2,000 | 4.600% | 15/05/2023 | 15/08/2023 |
| Goldman Sachs International Bank | 2,500 | 4.835% | 26/05/2023 | 29/08/2023 |
| Goldman Sachs International Bank | 2,500 | 4.840% | 01/06/2023 | 01/09/2023 |
| Santander | 2,000 | 4.930% | 16/06/2023 | 18/09/2023 |
| DMO | 3,500 | 4.880% | 26/06/2023 | 03/07/2023 |

6.4.4. The Council received an average return of 4.21% on investments during the first three months of 2023/24, up from 0.57% at the same point in the previous year. Returns during the early part of 2023/24 were weakened slightly by maturing investments made before the full extent of Bank Rate increases was known, and so this rate is slightly below the interest rates on offer during that time. Performance is expected to improve marginally through the rest of 2023/24 following further increases to interest rates.

6.4.5. The Council currently has £5m deposited with the CCLA (Churches, Charities and Local Authorities) Local Authorities' Property Fund, which pays dividends quarterly. For the first quarter of 2023/24, dividends of £55k (4.39%) were

received, up from £47k (3.73%) for the same period in 2022/23. There has been a small decrease in fund value of £6k during the first quarter of 2023/24. The Council's share in the fund is now valued at £4.632m.

- 6.4.6. Officers can confirm that the approved limits within the Annual Investment Strategy were not breached during the quarter ended 30 June 2023.

6.5. Borrowing

- 6.5.1. The Council has no short-term borrowing but has existing PWLB loans of £33.310m as at 30 June 2023, in addition to £2.037m in finance leases.

- 6.5.2. The Council's revised Capital Financing Requirement (CFR) for 2023/24 is £53.623m, a reduction against the original forecast due to slippage and underspends in the Capital Programme (see 5.2 for more detail). The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions. Table 6.3.1 shows the Council has forecast borrowings at 31 March 2024 of £33.450m, and so will have utilised £20.173m of cash flow funds in lieu of borrowing to finance the CFR of £53.623m shown in table 6.3.2.

- 6.5.3. There has so far been no new borrowing in 2023/24, and it is expected that there will not be a need for new borrowing before the end of the financial year. This is a reduction in the level of borrowing forecast at the start of the year, which originally stood at £12.500m, and is mainly due to slippage in the Capital Programme.

6.6. Economic Update

- 6.6.1. The Council's treasury advisor, Link Group, provided the following forecasts on 26 June 2023 (PWLB rates are certainty rates, gilt yields plus 80bps):

| Link Group Interest Rate View | 26.06.23 | | | | | | | | | | | | | |
|-------------------------------|----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--|
| | Jun-23 | Sep-23 | Dec-23 | Mar-24 | Jun-24 | Sep-24 | Dec-24 | Mar-25 | Jun-25 | Sep-25 | Dec-25 | Mar-26 | Jun-26 | |
| BANK RATE | 5.00 | 5.50 | 5.50 | 5.50 | 5.25 | 4.75 | 4.25 | 3.75 | 3.25 | 2.75 | 2.75 | 2.50 | 2.50 | |
| 3 month ave earnings | 5.30 | 5.60 | 5.50 | 5.30 | 5.00 | 4.50 | 4.00 | 3.50 | 3.00 | 2.70 | 2.60 | 2.50 | 2.50 | |
| 6 month ave earnings | 5.80 | 5.90 | 5.70 | 5.50 | 5.10 | 4.60 | 4.00 | 3.50 | 3.00 | 2.70 | 2.60 | 2.60 | 2.60 | |
| 12 month ave earnings | 6.30 | 6.20 | 6.00 | 5.70 | 5.30 | 4.80 | 4.10 | 3.60 | 3.10 | 2.80 | 2.70 | 2.70 | 2.70 | |
| 5 yr PWLB | 5.50 | 5.60 | 5.30 | 5.10 | 4.80 | 4.50 | 4.20 | 3.90 | 3.60 | 3.40 | 3.30 | 3.30 | 3.20 | |
| 10 yr PWLB | 5.10 | 5.20 | 5.00 | 4.90 | 4.70 | 4.40 | 4.20 | 3.90 | 3.70 | 3.50 | 3.50 | 3.50 | 3.40 | |
| 25 yr PWLB | 5.30 | 5.40 | 5.20 | 5.10 | 4.90 | 4.70 | 4.50 | 4.20 | 4.00 | 3.90 | 3.80 | 3.80 | 3.70 | |
| 50 yr PWLB | 5.00 | 5.10 | 5.00 | 4.90 | 4.70 | 4.50 | 4.30 | 4.00 | 3.80 | 3.60 | 3.60 | 3.50 | 3.50 | |

- 6.6.2. It is now expected that the MPC will continue to increase Bank Rate to at least 5.5%, and that it will remain elevated for a short period before it starts to gradually decline over the medium term.

6.6.3. The first quarter of 2023/24 saw:

- A 0.2% m/m rise in real GDP in April, partly due to fewer strikes;
- CPI inflation falling from 10.1% to 8.7% in April, before remaining at 8.7% in May. This was the highest reading in the G7;
- Core CPI inflation rise in both April and May, reaching a new 31-year high of 7.1%;
- A tighter labour market in April, as the 3myy growth of average earnings rose from 6.1% to 6.5%;
- Interest rates rise by a further 75bps over the quarter, taking Bank Rate from 4.25% to 5.00%;
- 10-year gilt yields nearing the “mini-Budget” peaks, as inflation surprised to the upside.

6.7. Other

6.7.1. During the quarter ended 30 June 2023, a further £977k was loaned to 3 Rivers Developments Limited, a wholly owned subsidiary company of the Council. The total outstanding loan value at this date was £21,052k. Interest of £289k was charged by the Authority in respect of these loans for the period 1 April 2023 to 30 June 2023.

7.0 The Collection Fund

7.1. Mid Devon is a Collection Authority for Council Tax and Non-Domestic Rates, and as such, is required to produce a Collection Fund Account for the Mid Devon area.

7.2. The Council collects Council Tax on behalf of Devon County Council, Devon Fire and Rescue Service, Devon & Cornwall Police and the Town/Parish Councils. The forecast Council Tax collection rate for 2023/24 is 96.38% (97.1% in 2022/23). The budget was based upon a collection rate of 96.5% and therefore this resulted in a forecast collection deficit of £12k for the year, with Mid Devon’s share of this amounting to £2k. In addition, there was a significant movement between the January collection forecast to the 2022/23 outturn position resulting in an additional deficit of £744k, with Mid Devon’s share being £98k. Therefore the overall deficit is £756k with £100k specifically applicable to Mid Devon District Council.

7.3. The Non-Domestic Rates collection rate is forecast to be 96.75% for 2023/24 (96.8% in 2022/23). This leads to a forecast collection deficit of £354k for the year, with Mid Devon’s 40% share of this amounting to £154k. In addition to this, the Devon Business Rates Pool is forecast to collectively make a surplus and Mid Devon’s share is forecast as £150k.

7.4. This demonstrates how our Revenues section has consistently been effective in collecting the annual charge in extremely challenging economic times.

8.0 Reserves

- 8.1. The General Fund Reserve is the major Revenue Reserve of the Council. It is increased or decreased by the surplus or deficit generated on the General Fund in the year. This reserve held a balance of £2,025k at the start of the year.
- 8.2. During the 2023/24 budget setting process a number of late changes were required in order to agree the budget. Given the timing of these changes, it required funding to be taken from the General Fund Reserve, which will reduce the balance below the minimum £2,000k requirement.
- 8.3. However, the actual reserve will be increased or decreased by the surplus or deficit generated on the General Fund in the year. As outline above, this is currently forecast to be £527k.
- 8.4. The table below shows the opening position of key operational balances of the Council, the forecast in year movements and final predicted position at 31 March 2024:

Table 4 – Summary of Key Reserves

| Usable Reserves | 31/03/2023 | Forecast In Year Movement | 31/03/2023 |
|---|------------|---------------------------------|------------|
| REVENUE | £000's | £000's | £000's |
| General Fund (See Section 3) | (2,025) | 527 | (1,497) |
| Earmarked Reserves | (18,160) | 192 | (17,968) |
| HOUSING REVENUE ACCOUNT (See Section 4) | (2,000) | (346) | (2,346) |
| CAPITAL Receipts Reserve | (7,309) | 533 | (6,776) |

- 8.5. The General Reserve held a balance of £2,025k as at 31/03/23 and as shown above is currently forecast to decrease to £1,497 due to the forecast £527k over spend. This falls below the agreed minimum of £2,000k. Cabinet, in consultation with the Deputy Chief Exec (S151), will need to consider whether the minimum level remains appropriate and assuming so, have a plan as to how and over what period it will be replenished back to the £2,000k minimum.

9.0 Procurement Waivers

- 9.1. In exceptional circumstances, there are sometimes justifiable reasons to act outside the contract procedure regulations. These include the following reasons:
- I. The work, goods or materials are urgently required, and loss would be entailed by delay arising from advertising;

- II. The work, goods or materials required are of such special nature that no advantage would accrue by inviting competitive tenders;
- III. There is no effective competition for the goods or materials required by reason of the fixing of prices under statutory authority or that such goods or materials are patented or proprietary articles or materials;
- IV. Transactions, which, because of special circumstances, may (either individually or as a class) be excepted from time to time by the Cabinet of the Council.

9.2. In such circumstances, prior written approval of the Deputy Chief Executive (S151) is required and Cabinet will be informed. Below is a list of the Procurement Waivers utilised during the first quarter of this financial year:

Table 5 – Summary of Procurement Waivers applied

| Ref | Subject of the Waiver | Approximate Value £ | Reason Code |
|-----|--|----------------------|---------------|
| 1 | Award of a contract for the supply only of windows, doors and shower wall panels and accessories 2023 - 2026 | Up to £50k per annum | III |
| 2 | Renewal of Fire Alarm System at Lords Meadow | £22k | II |
| 3 | Housing Benefit Subsidy Audit | £20k | II |
| 4 | Opentext MetaStorm CRM Software maintenance renewal | £8k | I, II and III |
| 5 | Use of The Oyster Partnership to provide specialist agency workers to cover externally funded projects | £180k | I and II |
| 6 | Supply of First Aid & Lifeguard training/qualifications | £10k | II and III |
| 7 | Ongoing maintenance and repair of Godswill Baler | £170k | I, II and III |
| 8 | Completion of electrical works by MAT Electrical after Robert Heath Ltd left unfinished works | £25k | I |

10.0 Conclusion

- 10.1. Members are asked to note the Revenue and Capital Outturn figures for the financial year 2023/24 and the use of procurement waivers during the quarter.
- 10.2. In addition, Members are requested to approve the addition of the Leasing budgets to the 2023/24 Capital Programme in line with updated regulations. Similarly, Members are asked to note the expanded Treasury Management information provided – again in line with updated regulations.
- 10.3. We continue to closely monitor the financial position and amend our expectations accordingly. The budget process for 2024/25 is now underway and Managers are working hard to develop proposals to mitigate the future year's forecast shortfalls.

Financial Implications

Good financial management and administration underpin the entire document. A surplus or deficit on the Revenue Budget will impact on the Council's General Fund balances. The Council's financial position is constantly reviewed to ensure its continued financial health.

Legal Implications

None.

Risk Assessment

Regular financial monitoring information mitigates the risk of over or underspends at year-end and allows the Council to direct its resources to key corporate priorities. Members will be aware that the Council continues to face a financially difficult and uncertain future. As such, the Strategic Risk Register (monitored by Audit Committee) includes a specific risk relating to this issue (CR7).

Impact on Climate Change

The General Fund, Capital Programme and the Housing Revenue Account all contain significant investment in order to work towards the Council's Carbon Reduction Pledge.

Equalities Impact Assessment

No equality issues identified for this report.

Relationship to Corporate Plan

The financial resources of the Council impact directly on its ability to deliver the Corporate Plan prioritising the use of available resources in 2023/24. The Monitoring Report indicates how the Council's resources have been used to support the delivery of budgetary decisions.

Section 3 – Statutory Officer sign-off/mandatory checks**Statutory Officer: Andrew Jarrett**

Agreed by or on behalf of the Section 151

Date: 03/08/2023 via Leadership Team meeting

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 08/08/2023 via Leadership Team meeting

Chief Officer: Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 08/08/2023 via Leadership Team meeting

Performance and risk: Dr Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 23/05/2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Paul Deal, Corporate Manager for Finance, Property and Climate Change

Email: pdeal@middevon.gov.uk

Telephone: 01884 23(4254)

Background papers: 2023/24 Budget Report to Cabinet / Full Council

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GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD FROM 01 APRIL TO 30 JUNE 2023

| | | 2023/24 Annual Budget | 2023/24 P3 Actuals | 2023/24 Full Year Forecast | 2023/24 Full Year Variance (0 = On budget) | 2023/24 Variance Funded To/(From) Earmarked Reserves | 2023/24 Variance after EMRs | 2023/24 Full Year Variance (0 = On budget) |
|---|------------------------|--------------------------|--------------------------|----------------------------------|---|---|-----------------------------------|--|
| General Fund Summary | Appendix B Note Ref | £ | £ | £ | £ | £ | £ | % |
| Cllr Luke Taylor (Leader) | | | | | | | | |
| Corporate Management | 1a | 1,337,539 | 3,096,682 | 1,552,539 | 215,000 | 0 | 215,000 | 16.1% |
| Performance & Improvement | 1b | 96,659 | 22,838 | 96,659 | 0 | 0 | 0 | 0.0% |
| Cllr Simon Clist | | | | | | | | |
| Bereavement Services | 2a | (32,239) | 5,991 | (32,239) | 0 | 0 | 0 | 0.0% |
| Parks & Open Spaces | 2b | 340,379 | 43,725 | 360,379 | 20,000 | (20,000) | 0 | 0.0% |
| Commercial Estate | 2c | (215,379) | (133,473) | (215,379) | 0 | 0 | 0 | 0.0% |
| Property Services | 2d | 1,766,356 | 377,107 | 1,750,354 | (16,002) | (8,998) | (25,000) | -1.4% |
| Community Alarms | 2f | (95,482) | (40,711) | (95,482) | 0 | 0 | 0 | 0.0% |
| Homelessness & Rough Sleeping | 2g | 22,923 | (239,882) | (9,077) | (32,000) | 0 | (32,000) | -139.6% |
| Housing Options | 2h | 411,804 | 112,757 | 374,804 | (37,000) | 69,000 | 32,000 | 7.8% |
| Cllr James Buczkowski | | | | | | | | |
| Financial Services | 3a | 843,489 | 140,216 | 843,489 | 0 | 0 | 0 | 0.0% |
| Revenues & Benefits | 3b | 849,153 | 940,651 | 811,003 | (38,150) | 0 | (38,150) | -4.5% |
| Cllr Jane Lock | | | | | | | | |
| Human Resources | 4a | 582,915 | 155,020 | 561,415 | (21,500) | 0 | (21,500) | -3.7% |
| Customer Services | 4b | 680,491 | 166,701 | 680,491 | 0 | 0 | 0 | 0.0% |
| Communications | 4c | 109,152 | 23,689 | 109,152 | 0 | 0 | 0 | 0.0% |
| Legal & Democratic Services | 4d | 1,327,690 | 376,276 | 1,346,690 | 19,000 | 0 | 19,000 | 1.4% |
| Cllr Josh Wright | | | | | | | | |
| Car Parks | 5a | (545,510) | (44,316) | (535,510) | 10,000 | 0 | 10,000 | 1.8% |
| Street Scene | 5b | 1,237,767 | 295,974 | 1,251,807 | 14,040 | (15,340) | (1,300) | -0.1% |
| Waste Services | 5c | 2,225,484 | 786,230 | 2,418,484 | 193,000 | 0 | 193,000 | 8.7% |
| Fleet Management | 5d | 54,112 | 15,313 | 54,112 | 0 | 0 | 0 | 0.0% |
| Cllr Steve Keable | | | | | | | | |
| Economic Development | 6a | 973,502 | 252,740 | 1,374,860 | 401,358 | (390,857) | 10,501 | 1.1% |
| Planning | 6b | 1,023,604 | 249,004 | 1,205,798 | 182,194 | (38,294) | 143,900 | 14.1% |
| Cllr David Wulff | | | | | | | | |
| Recreation & Sport | 7a | 1,401,716 | 712,072 | 1,123,716 | (278,000) | 0 | (278,000) | -19.8% |
| IT Services & Digital Transformation | 7b | 1,378,629 | 485,239 | 1,370,629 | (8,000) | 0 | (8,000) | -0.6% |
| Pannier Market | 7c | 79,261 | 28,963 | 79,261 | 0 | 0 | 0 | 0.0% |
| Community Grants | 7d | 138,500 | 78,000 | 138,500 | 0 | 0 | 0 | 0.0% |
| Licensing | 7e | 24,378 | (14,674) | 24,378 | 0 | 0 | 0 | 0.0% |
| Public Health | 7f | 709,739 | 169,366 | 601,459 | (108,280) | 58,280 | (50,000) | -7.0% |
| Cllr Natasha Bradshaw | | | | | | | | |
| Climate change | 8a | 118,733 | 14,228 | 118,733 | 0 | 0 | 0 | 0.0% |
| All General Fund Services | | 16,845,365 | 8,075,724 | 17,361,025 | 515,660 | (346,209) | 169,451 | 1.0% |
| Net recharge to HRA | | (1,883,810) | 0 | (1,883,810) | 0 | 0 | 0 | 0.0% |
| Statutory Adjustments (Capital charges) | | 703,264 | 0 | 703,264 | 0 | 0 | 0 | 0.0% |
| Net Cost of Services | | 15,664,819 | 8,075,724 | 16,180,479 | 515,660 | (346,209) | 169,451 | 1.1% |
| Net Interest Payable / (Receiveable) | | (851,487) | (33,900) | (945,486) | (94,000) | 0 | (94,000) | -11.0% |
| Transfers from General Reserves | | (625,000) | 0 | 0 | 625,000 | 0 | 625,000 | 100.0% |
| Transfers into / (from) Earmarked Reserves | | (1,725,097) | (1,623,810) | (1,917,192) | (192,095) | 0 | (192,095) | -11.1% |
| Total Budgeted Expenditure | | 12,463,235 | 6,418,015 | 13,317,802 | 854,566 | (346,209) | 508,356 | 4.1% |
| FUNDED BY: | | | | | | | | |
| Business Rates | | | | | | | | |
| Retained Business Rates | | (1,403,600) | 1,140,631 | (1,369,851) | 33,749 | 0 | 33,749 | 2.4% |
| S31 Grant associated with Reliefs | | (2,915,360) | (728,811) | (2,930,921) | (15,561) | 0 | (15,561) | -0.5% |
| Business Rates (Surplus)/Deficit | | 143,085 | 0 | 141,772 | (1,313) | 154,114 | 152,801 | 106.8% |
| Business Rates Benefit from Devon Pool | | 0 | 0 | (150,000) | (150,000) | 0 | (150,000) | 0.0% |
| Council Tax | | | | | | | | |
| Council Tax | | (6,724,350) | (6,724,354) | (6,724,350) | 0 | 0 | 0 | 0.0% |
| Council Tax (Surplus)/Deficit (2022-23) | | (24,680) | (48,807) | (24,680) | 0 | 0 | 0 | 0.0% |
| Un-Ringfenced Grants | | | | | | | | |
| New Homes Bonus Grant | | (394,666) | (79,971) | (319,882) | 74,784 | 0 | 74,784 | 18.9% |
| Rural Services Delivery Grant | | (489,742) | (273,680) | (547,359) | (57,617) | 0 | (57,617) | -11.8% |
| 2023/24 Services Grant | | (85,970) | (22,376) | (89,506) | (3,536) | 0 | (3,536) | -4.1% |
| Revenue Support Grant | | (98,468) | (26,586) | (98,468) | 0 | 0 | 0 | 0.0% |
| Funding Guarantee Grant | | (469,484) | (273,680) | (485,358) | (15,874) | 0 | (15,874) | -3.4% |
| Total Budgeted Funding | | (12,463,235) | (7,122,076) | (12,598,603) | (135,368) | 154,114 | 18,746 | 0.2% |
| Forecast in year (Surplus) / Deficit | | 0 | (704,061) | 719,199 | 719,198 | (192,095) | 527,102 | |
| General Fund Reserve 31/03/23 | | | | | | | (2,024,580) | |
| Forecast General Fund Balance 31/03/2024 | | | | | | | (1,497,478) | |

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GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD FROM 01 APRIL TO 30 JUNE 2023

| Note | Description of Major Movements or those above £20k | 2023/24 Full year variance (net of transfer to EMR) £ | PDG |
|-----------|--|--|-------------|
| 1a | Corporate Management | | |
| | Vacant Director Post and other salary variances | (85,000) | Cabinet |
| | Vacancy target - salary savings included within specific service lines | 300,000 | Cabinet |
| | | 215,000 | |
| 2b | Parks & Open Spaces | | |
| | Tree works maintenance overspend across the District, funded by EMR release | 10,000 | Environment |
| | Play Area maintenance overspend, funded by EMR release | 10,000 | Environment |
| | | 20,000 | |
| 2d | Property Services | | |
| | CCTV overspend on corporate buildings camera updates | 10,000 | Environment |
| | Asset Management valuations overspend due to rateable valuations appeals & identification of in-fill sites | 35,000 | Environment |
| | Roof repairs to Old Rd depot, funded from EMR | 8,998 | Environment |
| | Salary underspend due to vacant posts with Property Services (CMT lead & Facilities Supervisor) | (70,000) | Environment |
| | | (16,002) | |
| 2g | Homelessness & Rough Sleeping | | |
| | Homes for Ukraine income to help with Temp B&B accommodation increased budget | (32,000) | Homes |
| | | (32,000) | |
| 2h | Housing Options | | |
| | Homes for Ukraine income to off-set budgeted staffing costs | (37,000) | Homes |
| | | (37,000) | |
| 3b | Revenues & Benefits | | |
| | Unbudgeted grant receipts and contributions from DWP | (38,150) | Cabinet |
| | | (38,150) | |
| 4a | Human Resources | | |
| | Salary saving due to vacancy and opting out of pension scheme | (21,500) | Cabinet |
| | | (21,500) | |
| 4d | Legal & Democratic Services | | |
| | Legal Services - Salary underspend due to 2 vacancies, offset by agency costs | (14,000) | Cabinet |
| | Legal Services - Additional income on fees and charges | (10,000) | Cabinet |
| | Legal Services - slight overspend on supplies and services | 3,000 | Cabinet |
| | Elections - Overspend on District Election | 40,000 | Cabinet |
| | | 19,000 | |
| 5a | Car Parks | | |
| | Pay & Display income down against budget in Q1 due to new tariff charges implementation delay | 20,000 | Economy |
| | Additional income received from Off-street fines | (10,000) | Economy |
| | | 10,000 | |
| 5b | Street Scene | | |
| | Purchase of small plant equipment (EMR funded) | 26,800 | Environment |
| | Salary costs related to pay award | 17,200 | Environment |
| | Income from the sale of old small plant equipment (contribution to EMR) | (20,960) | Environment |
| | Fuel savings due to price per litre reducing | (13,500) | Environment |
| | Purchase of MaxWind street sweeper - EMR funded | 9,500 | Environment |
| | Agency cost to cover vacancies | 24,000 | Environment |
| | Salary saving due to vacancies | (29,000) | Environment |
| | | 14,040 | |
| 5c | Waste Services | | |
| | Driver pay - market supplements to recruit and retain drivers | 45,000 | Environment |
| | Estimated pay award pressure | 64,500 | Environment |
| | Vacancy savings due to difficulty recruiting and retaining staff | (76,500) | Environment |
| | Additional agency to cover vacancies and sickness | 192,800 | Environment |
| | Additional hire vans to deliver bins and recycling boxes | 10,000 | Environment |
| | Increased costs for recycling baler wire | 30,000 | Environment |
| | Fuel savings due to price per litre reducing | (41,300) | Environment |
| | Reduced recycling income due to price per tonne dropping despite tonnages increasing | 68,500 | Environment |
| | Increased garden waste income due to price increase and slight increase in permits | (90,000) | Environment |
| | Reduced sales of garden waste sacks | 5,000 | Environment |
| | Increased income from bulky waste collections due to price increase | (15,000) | Environment |
| | Trade waste income increase | (60,000) | Environment |
| | Waste disposal charges increased by £20 per tonne and increased tonnage | 60,000 | Environment |
| | | 193,000 | |

GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD FROM 01 APRIL TO 30 JUNE 2023

| Note | Description of Major Movements or those above £20k | 2023/24 Full year variance (net of transfer to EMR) £ | PDG |
|-----------|---|--|-----------|
| 6a | Economic Development | | |
| | J28 Feasibility spend, funded by EMR release | 194,000 | Economy |
| | Growth & Economic Recovery savings from staff vacancies | (49,500) | Economy |
| | Growth & Economic Recovery projects funded by EMR release | 10,603 | Economy |
| | Crediton Masterplan spend, funded by EMR release | 50,054 | Economy |
| | Shared Prosperity match spend, funded by EMR release | 85,923 | Economy |
| | Shared Prosperity delayed Yr 1 spend, funded by EMR release | 50,278 | Economy |
| | Shared Prosperity Yr 2 spend, funded by DHLUC grant | 182,772 | Economy |
| | Shared Prosperity Yr 2 DHLUC grant | (182,772) | Economy |
| | Cullompton HAZ Project difference in forecast costs to forecast funding available | 60,000 | Economy |
| | | 401,358 | |
| 6b | Planning | | |
| | Building Control savings from staff vacancies | (34,000) | Cabinet |
| | Building Control underachievement of income | 49,000 | Cabinet |
| | Development Control savings from staff vacancies | (108,000) | Community |
| | Development Control agency spend (partially offset by £10,400 EMR release) | 23,800 | Community |
| | Development Control underachievement of income | 223,500 | Community |
| | S106 - net Public Open Space receipts and expenditure | 113,894 | Community |
| | Local Plan reprofiled spend, based on new timetable and when technical evidence is needed (funds will be put back into EMR for spend in future years) | (86,000) | Cabinet |
| | | 182,194 | |
| 7a | Recreation & Sport | | |
| | Fitness income above budget mainly due to change in VAT treatment | (225,000) | Community |
| | Wetside income above budget due to overperformance of the swimming lesson programme and change in VAT treatment | (53,000) | Community |
| | | (278,000) | |
| 7b | IT Services & Digital Transformation | | |
| | Salary underspend due to vacant posts not being filled | (78,000) | Cabinet |
| | Consultancy to support projects due to vacant posts | 54,000 | Cabinet |
| | Additional BT termination costs | 16,000 | Cabinet |
| | | (8,000) | |
| 7f | Public Health | | |
| | Homes for Ukraine income to off-set budgeted staffing costs | (113,280) | Community |
| | Public Health agency overspend will be off-set by salary savings that are funded from COMF | 55,000 | Community |
| | Public Health salary savings due to vacant posts | (50,000) | Community |
| | | (108,280) | |
| | FORECAST (SURPLUS)/DEFICIT AS AT 31/03/2024 | 515,660 | |

Note the sum of the explanations above do not equal the full variance - they are only those key variances or above £20k

| | |
|-------------|----------------|
| Cabinet | 95,350 |
| Community | (133,086) |
| Homes | (69,000) |
| Environment | 211,038 |
| Economy | 411,358 |
| | 515,660 |

GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD FROM 01 APRIL TO 30 JUNE 2023

| Fees and Charges | 2023/24 Annual Budget £ | 2023/24 P3 Profiled Budget £ | 2023/24 P3 Actual £ | 2023/24 P3 Variance £ | 2023/24 Full Year Forecast Variation £ | % |
|------------------------------|--|---|--|--|---|-------------|
| Building Control Fees | (266,328) | (66,582) | (49,516) | 17,066 | 48,800 | -18% |
| Planning Fees | (896,000) | (224,000) | (188,119) | 35,881 | 223,500 | -25% |
| Land Search Fees | (120,000) | (30,000) | (27,024) | 2,976 | 0 | 0% |
| Car Parking Fees - See Below | (966,870) | (204,256) | (184,144) | 20,112 | 20,000 | -2% |
| Leisure Fees & Charges | (2,931,266) | (629,505) | (516,723) | 112,782 | (278,000) | 9% |
| Trade Waste Income | (894,660) | (493,852) | (526,722) | (32,870) | (60,000) | 7% |
| Garden Waste | (630,000) | (148,140) | (193,619) | (45,479) | (85,000) | 13% |
| Licensing | (165,875) | (32,880) | (30,339) | 2,541 | 0 | 0% |
| Market Income | (98,180) | (24,403) | (23,380) | 1,023 | 0 | 0% |
| | (6,969,179) | (1,853,618) | (1,739,587) | 114,031 | (130,700) | 1.9% |

| Car Parking Fees | 2023/24 Annual Budget £ | 2023/24 P3 Profiled Budget £ | 2023/24 P3 Actual £ | 2023/24 P3 Variance £ | Spaces | 2023/24 Budgeted Income pa per space £ |
|---|--|---|--|--|-----------------|---|
| Beck Square, Tiverton | (65,070) | (16,268) | (17,228) | (961) | 40 | (1,627) |
| William Street, Tiverton | (34,510) | (8,973) | (7,722) | 1,250 | 45 | (767) |
| Westex South, Tiverton | (61,960) | (16,110) | (13,783) | 2,326 | 51 | (1,215) |
| Wellbrook Street, Tiverton | (22,660) | (5,665) | (3,233) | 2,432 | 27 | (839) |
| Market Street, Crediton | (38,410) | (9,987) | (9,561) | 426 | 39 | (985) |
| High Street, Crediton | (116,410) | (27,938) | (19,694) | 8,245 | 190 | (613) |
| Station Road, Cullompton | (71,050) | (17,052) | (11,940) | 5,112 | 112 | (634) |
| Multistorey, Tiverton | (179,590) | (37,714) | (34,498) | 3,216 | 631 | (285) |
| Market Car Park, Tiverton | (187,330) | (44,959) | (45,473) | (514) | 122 | (1,535) |
| Phoenix House, Tiverton | (5,700) | (1,197) | (1,183) | 14 | 15 | (380) |
| P&D Shorts & Overs | 0 | 0 | 6 | 6 | - | 0 |
| Total Pay and Display | (782,690) | (185,862) | (164,309) | 21,553 | 1,272 | (8,880) |
| Day Permits | (50,590) | (6,997) | (6,997) | 0 | | |
| Allocated Space Permits | (90,670) | (3,135) | (3,135) | 0 | | |
| Overnight Permits | (1,470) | (252) | (58) | 194 | | |
| Day & Night Permits | (33,820) | (1,903) | (4,003) | (2,101) | | |
| Other Income | (7,630) | (6,108) | (5,642) | 466 | | |
| Total Permits | (184,180) | (18,394) | (19,835) | (1,441) | | |
| Total Car Parking | (966,870) | (204,256) | (184,144) | 20,112 | | |
| Standard Charge Notices (Off Street) | (50,000) | (12,000) | (16,715) | (4,715) | (10,000) | 20% |

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GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD FROM 01 APRIL TO 30 JUNE 2023

| | 2023/24 | 2023/24 | 2023/24 | 2023/24 | 2023/24 | |
|--------------------------------------|--------------------|---------------------------------|------------------------|--------------------------|-------------------------------------|--------------|
| Employee Costs | Annual Budget £ | P1 - P3 Profiled Budget £ | P1 - P3 Actual £ | P1 - P3 Variance £ | Full Year Forecast Variance £ | % |
| General Fund | | | | | | |
| Corporate Management | 898,284 | 224,571 | 148,787 | (75,784) | 215,000 | 23.9% |
| Performance & Improvement | 95,190 | 23,798 | 22,526 | (1,272) | 0 | 0.0% |
| Bereavement Services | 29,230 | 7,308 | 5,949 | (1,359) | 0 | 0.0% |
| Parks & Open Spaces | 15,880 | 3,970 | 3,521 | (449) | 0 | 0.0% |
| Commercial Estate | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Property Services | 715,080 | 178,770 | 148,192 | (30,578) | (70,000) | -9.8% |
| Community Alarms | 32,445 | 8,111 | 7,672 | (439) | 0 | 0.0% |
| Homelessness & Rough Sleeping | 114,890 | 28,723 | 27,446 | (1,277) | 0 | 0.0% |
| Housing Options | 387,790 | 96,948 | 85,751 | (11,197) | 0 | 0.0% |
| Financial Services | 621,560 | 155,390 | 147,745 | (7,645) | 0 | 0.0% |
| Revenues & Benefits | 956,200 | 239,050 | 223,960 | (15,090) | (5,000) | -0.5% |
| Human Resources | 473,250 | 118,313 | 106,421 | (11,892) | (21,500) | -4.5% |
| Customer Services | 646,360 | 161,590 | 148,195 | (13,395) | 0 | 0.0% |
| Communications | 96,520 | 24,130 | 22,866 | (1,264) | 0 | 0.0% |
| Legal & Democratic Services | 688,610 | 172,153 | 132,245 | (39,908) | (35,000) | -5.1% |
| Car Parks | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Street Scene | 1,017,120 | 254,280 | 214,822 | (39,458) | (11,800) | -1.2% |
| Waste Services | 2,952,170 | 738,043 | 644,957 | (93,086) | 33,000 | 1.1% |
| Fleet Management | 48,360 | 12,090 | 11,737 | (353) | 0 | 0.0% |
| Economic Development | 434,230 | 108,558 | 83,677 | (24,881) | (81,000) | -18.7% |
| Planning | 1,785,845 | 446,461 | 358,606 | (87,855) | (168,500) | -9.4% |
| Recreation & Sport | 2,453,225 | 613,306 | 601,041 | (12,265) | 0 | 0.0% |
| IT Services & Digital Transformation | 767,860 | 191,965 | 170,401 | (21,564) | (78,000) | -10.2% |
| Pannier Market | 95,850 | 23,963 | 22,324 | (1,639) | 0 | 0.0% |
| Community Grants | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Licensing | 160,610 | 40,153 | 18,063 | (22,090) | 0 | 0.0% |
| Public Health | 648,090 | 162,023 | 145,548 | (16,475) | (50,000) | -7.7% |
| Climate change | 56,890 | 14,223 | 13,463 | (760) | 0 | 0.0% |
| Total General Fund | 16,191,539 | 4,047,890 | 3,515,917 | (531,973) | (272,800) | -3.3% |
| Housing Revenue Account | | | | | | |
| BHO09 Repairs & Maintenance | 1,999,700 | 499,925 | 432,892 | (67,033) | (63,000) | -3.2% |
| BHO10 Supervision & Management | 2,338,830 | 584,708 | 483,429 | (101,279) | (188,000) | -8.0% |
| BHO11 Special Services | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Total Housing Revenue Account | 4,338,530 | 1,084,633 | 916,321 | (168,312) | (251,000) | -5.8% |
| Total Employee Costs | 20,530,069 | 5,132,523 | 4,432,239 | (700,284) | (523,800) | -2.6% |

-882750

| | 2023/24 | 2023/24 | 2023/24 | 2023/24 | 2023/24 | |
|--------------------------------------|--------------------|---------------------------------|------------------------|--------------------------|-------------------------------------|---------------|
| Agency Staff (within Employee costs) | Annual Budget £ | P1 - P3 Profiled Budget £ | P1 - P3 Actual £ | P1 - P3 Variance £ | Full Year Forecast Variance £ | % |
| General Fund | | | | | | |
| Corporate Management | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Performance & Improvement | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Bereavement Services | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Parks & Open Spaces | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Commercial Estate | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Property Services | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Community Alarms | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Homelessness & Rough Sleeping | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Housing Options | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Financial Services | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Revenues & Benefits | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Human Resources | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Customer Services | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Communications | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Legal & Democratic Services | 0 | 0 | 11,236 | 11,236 | 20,000 | 0.0% |
| Car Parks | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Street Scene | 40,660 | 10,165 | 14,854 | 4,689 | 24,000 | 59.0% |
| Waste Services | 89,000 | 22,250 | 114,438 | 92,188 | 192,800 | 216.6% |
| Fleet Management | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Economic Development | 0 | 0 | 0 | 0 | 20,000 | 0.0% |
| Planning | 0 | 0 | 31,348 | 31,348 | 36,000 | 0.0% |
| Recreation & Sport | 0 | 0 | 0 | 0 | 0 | 0.0% |
| IT Services & Digital Transformation | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Pannier Market | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Community Grants | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Licensing | 0 | 0 | 11,439 | 11,439 | 0 | 0.0% |
| Public Health | 0 | 0 | 13,163 | 13,163 | 55,000 | 0.0% |
| Climate change | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Total General Fund | 129,660 | 32,415 | 196,478 | 164,063 | 347,800 | 126.5% |
| Housing Revenue Account | | | | | | |
| BHO09 Repairs & Maintenance | 0 | 0 | 0 | 0 | 0 | 0.0% |
| BHO10 Supervision & Management | 0 | 0 | 0 | 0 | 0 | 0.0% |
| BHO11 Special Services | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Total Housing Revenue Account | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Total Agency Costs | 129,660 | 32,415 | 196,478 | 164,063 | 347,800 | 268.2% |

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**HOUSING REVENUE ACCOUNT FINANCIAL MONITORING INFORMATION FOR THE PERIOD FROM
01 APRIL TO 30 JUNE 2023**

| Appendix F Note | Housing Revenue Account (HRA) | 2023/24 Annual Budget £ | 2023/24 Full Year Forecast Variance £ | % |
|--------------------|---|-------------------------------|--|------------|
| | Income | | | |
| A | SHO01 Dwelling Rents Income | (13,556,440) | (40,000) | 0% |
| B | SHO04 Non Dwelling Rents Income | (487,570) | (15,000) | 3% |
| D | SHO07 Leaseholders' Service Charges | (29,000) | 0 | 0% |
| E | SHO08 Contributions Towards Expenditure | (190,500) | (26,000) | 14% |
| G | SHO10 H.R.A. Investment Income | (400,000) | (94,000) | 24% |
| H | SHO11 Miscellaneous Income | (6,000) | 0 | 0% |
| | Services | | | |
| I | SHO13A Repairs & Maintenance | 4,190,330 | 168,000 | 4% |
| J | SHO17A Housing & Tenancy Services | 2,089,960 | (128,000) | -6% |
| | Accounting entries 'below the line' | | | |
| L | SHO29 Bad Debt Provision Movement | 300,000 | 0 | 0% |
| M | SHO30 Share Of Corporate And Democratic | 161,170 | 0 | 0% |
| N | SHO32 H.R.A. Interest Payable | 1,232,280 | (211,000) | -17% |
| O | SHO34 H.R.A. Transfers between earmarked reserves | 1,447,630 | 0 | 0% |
| Q | SHO37 Capital Receipts Reserve Adjustment | (20,800) | 0 | 0% |
| R | SHO38 Major Repairs Allowance | 2,535,000 | 0 | 0% |
| S | SHO45 Renewable Energy Transactions | (160,000) | 0 | 0% |
| | | (2,893,940) | (346,000) | (0) |

| Note | Description of Major Movements | 2023/24 Full Year Forecast Variance £ |
|------|--|--|
| A | Dwelling Rent Income: Based on quarter 1 there is forecast to be a slight surplus 0.3% or £40,000. This is due to Right To Buy Sales being lower than projected and Void levels being marginally lower than budgeted. | (40,000) |
| B | Garage and Garage Ground Rents: Based on projections there could be a £15k surplus at year end. This is due to a greater number of units being made available for rent. | (15,000) |
| E | Contributions towards Expenditure: this is ancillary works conducted by Building Services. On the basis of current demand the service estimate a surplus of circa £26k. | (26,000) |
| G | Investment Income: As per the forecast surplus reported on the General Fund. | (94,000) |
| I | Repairs and Maintenance: The last financial year proved a struggle for the service to fill vacancies, this has continued to 2023. The estimated underspend for Building Services, due to vacancies, is £116k. External Contractors as a consequence is forecast to overspend by £200k (this includes Voids, Adaptations and Responsive Maintenance). Similarly the service are expecting cost pressures for materials of circa £50k. Estimated overspend on Planned Maintenance of £29k for the year. Various other minor overspends £5k. | 168,000 |
| J | Housing & Tenancy: Vacant posts and delays in filling roles has generated a forecast underspend of £135k. This is reduced by a £7k overspend on a number of small overheads. | (128,000) |
| N | Interest Payable: This is likely to be below budget due to slippage on the 2023/24 Capital Programme. (more details can be found on the capital appendices). | (211,000) |
| | FORECAST (SURPLUS)/DEFICIT AS AT 31/03/2024 | (394,000) |

Note that some of the budgets will not be utilised until year-end therefore will not be able to provide any commentary at this point

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| Cost Centre | Project Title | Prior Year Project Costs £000's | Approved Capital Programme £000's | Total Slippage £000's | Adjustment to Approved Capital programme £000's | Total Budgeted Capital Programme £000's | Total Deliverable Programme £000's | Actual Expenditure £000's | Committed Spend £000's | Forecast for remainder of yr £000's | Total Actual, Committed & Forecast Expenditure£Exp £000's | Variance (Underspend) To Deliverable Programme £000's | Variance (Overspend) To Deliverable Programme £000's | Slippage against Deliverable programme £000's | Budget no longer required £000's | Notes | |
|-------------|--|---------------------------------|-----------------------------------|-----------------------|---|---|------------------------------------|---------------------------|------------------------|-------------------------------------|---|---|--|---|----------------------------------|---|------------|
| CA645 | EVLC - Fitness Studio renewal of equipment | 143,817 | - | 9,000 | - | 9,000 | 9,000 | 297 | 13,581 | - | 13,878 | - | 4,878 | - | - | Additional costs offset by forecast underspends on CA657, CA658 & CA659 | |
| CA650 | EVLC - ASHP - Salix Round 3 Funding | 516,853 | - | 12,000 | - | 12,000 | 12,000 | 175,578 | 27,989 | 159,589 | 12,000 | - | 0 | - | - | Project due to complete in Q2 | |
| CA651 | EVLC - GSHP - Salix Round 3 Funding | 1,078,216 | - | 12,000 | - | 12,000 | 12,000 | 113,450 | - | 101,450 | 12,000 | - | - | - | - | Project due to complete in Q2 | |
| CA653 | EVLC - Solar - Salix Round 3 Funding | 240,311 | - | 60,000 | - | 60,000 | 60,000 | 157,207 | 277,951 | 60,744 | 60,000 | - | 0 | - | - | Project due to complete in Q3 | |
| CA658 | Spin bikes | - | 32,000 | - | - | 32,000 | 32,000 | 20,550 | - | 20,550 | 20,550 | - | 11,450 | - | - | Underspend helps offset additional costs on CA645 & CA656 | |
| CA661 | Leisure - Improved Disabled Toilet facilities | - | 51,000 | - | - | 51,000 | 51,000 | - | - | 51,000 | 51,000 | - | - | - | - | Funding obtained, design being developed | |
| CA642 | Reception infrastructure | - | 40,000 | 120,000 | - | 160,000 | 160,000 | - | - | 160,000 | 160,000 | - | - | - | - | This project is linked with CA655 - the majority of this spend is anticipated in Q4 | |
| CA652 | LMLC - ASHP - Salix Round 3 Funding | 863,002 | - | 42,000 | - | 42,000 | 42,000 | 22,462 | - | 34,113 | 56,575 | - | 14,575 | - | - | Project due to complete in Q3 | |
| CA654 | LMLC - Solar - Salix Round 3 Funding | 78,065 | - | 11,000 | - | 11,000 | 11,000 | 4,095 | 8,541 | 6,554 | 11,000 | - | - | - | - | Project due to complete in Q2 | |
| CA656 | Fitness Studio renewal of equipment | - | 125,000 | - | - | 125,000 | 125,000 | - | 135,644 | 16,356 | 152,000 | - | 27,000 | - | - | Additional costs offset by forecast underspends on CA657, CA658 & CA659 | |
| CA657 | Spin bikes including environment improvements | - | 32,000 | - | - | 32,000 | 32,000 | - | 20,550 | - | 20,550 | - | 11,450 | - | - | Underspend helps offset additional costs on CA645 & CA656 | |
| CA662 | Leisure - Improved Disabled Toilet facilities | - | 46,000 | - | - | 46,000 | 46,000 | - | - | 46,000 | 46,000 | - | - | - | - | Funding obtained, design being developed | |
| CA646 | CVSC - Remodelling of Ground Floor | - | - | 204,000 | - | 204,000 | 30,000 | - | - | 30,000 | 30,000 | - | - | - | - | Initial feasibility works are anticipated to start in Q4 | |
| CA649 | CVSC - Sports Hall Ceiling asset review | - | - | 260,000 | - | 260,000 | 30,000 | - | - | 30,000 | 30,000 | - | - | - | - | Feasibility works to be undertaken during Q4 2023/24 | |
| CA659 | Spin Bikes | - | 40,000 | - | - | 40,000 | 40,000 | - | 20,550 | - | 20,550 | - | 19,450 | - | - | Underspend helps offset additional costs on CA645 & CA656 | |
| CA663 | Leisure - Improved Disabled Toilet facilities | - | 56,000 | - | - | 56,000 | 56,000 | - | - | 56,000 | 56,000 | - | - | - | - | Funding obtained, design being developed | |
| CA655 | All leisure sites replacement management/site access system (Hardware Element) | - | 200,000 | - | - | 200,000 | 200,000 | - | - | 200,000 | 200,000 | - | - | - | - | This project is linked with CA642 - the majority of this spend is anticipated in Q4 | |
| CA660 | CVSC -Phase 3B Salix funding energy saving | - | 396,000 | - | - | 396,000 | 396,000 | - | - | - | - | - | - | - | 396,000 | Bid unsuccessful | |
| CA582 | Hydromills Electricity generation Project - Tiverton Weir | - | - | 1,220,000 | - | 1,220,000 | 20,000 | - | - | 20,000 | 20,000 | - | - | - | - | Feasibility works to be undertaken on alternative sustainable options | |
| CA487 | Elarimis - Security Swipe - (linked to security project) | - | 30,000 | 50,000 | - | 80,000 | 80,000 | - | - | 80,000 | 80,000 | - | - | - | - | It is forecast that this project will be completed during Q2 | |
| CA907 | Building Mgmt System for Heating Control | - | 103,000 | - | - | 103,000 | 103,000 | - | - | 103,000 | 103,000 | - | - | - | - | It is forecast that this project will be completed during Q4 | |
| CA832 | Land acquisition for operational needs | - | - | 1,000,000 | - | 1,000,000 | 1,000,000 | - | - | - | - | - | - | - | 1,000,000 | Continuation of the search for a suitable site. | |
| CA835 | Depot Design & Build - Waste & Recycling | - | - | 250,000 | - | 250,000 | - | - | - | - | - | - | - | - | - | This project would commence following a land acquisition & not expected to be undertaken until at least 24/25 | |
| CA584 | Market Walk Unit 17 - remodelling options | - | - | 510,000 | - | 510,000 | 80,000 | - | - | 80,000 | 80,000 | - | - | - | - | Options currently being assessed | |
| CA574 | 36 & 38 Fore Street including Flat above structure & cosmetic works | 13,530 | - | 197,000 | - | 197,000 | 197,000 | - | - | 197,000 | 197,000 | - | - | - | - | Options currently being assessed | |
| CA490 | West Exe South - Remodelling - additional parking spaces | - | - | 90,000 | - | 90,000 | 90,000 | - | - | 90,000 | 90,000 | - | - | - | - | Project due to complete in Q4 | |
| CA472 | Open Space Infrastructure (incl Play Areas) | - | - | 35,000 | - | 35,000 | 35,000 | - | - | 35,000 | 35,000 | - | - | - | - | Project due to complete in Q4 | |
| CA491 | Fire Dampeners - Corporate sites | - | - | 80,000 | - | 80,000 | 80,000 | - | - | 80,000 | 80,000 | - | - | - | - | It is forecast that this project will be completed during Q4 | |
| CA473 | Land drainage flood defence schemes - St Marys Hemyock | - | - | 50,000 | - | 50,000 | - | - | - | - | - | - | - | - | - | The Environment Agency are the lead organisation on this project. Not expected until at least 24/25 | |
| CA420 | Land drainage flood defence schemes - Ashleigh Park Bampton | - | - | 87,000 | - | 87,000 | 87,000 | - | - | 87,000 | 87,000 | - | - | - | - | Project due to complete in Q4 | |
| CA491 | Cemetery Lodge - Structural solution for damp | - | - | 62,000 | - | 62,000 | - | - | - | - | - | - | - | - | - | This project is not expected to be undertaken until 24/25 | |
| CA719 | CA719 Cullampton Town Centre Relief Road (HIF) | 1,569,466 | 18,030,000 | 11,650,000 | - | 29,680,000 | 13,139,000 | - | 1,000 | - | 1,000 | - | - | 13,138,000 | - | Project on Hold. This project is subject to securing additional funding - LUF3 Bid | |
| CA587 | Shared Prosperity Fund | - | - | - | 143,267 | 143,267 | 143,267 | 57,179 | 22,000 | 64,088 | 143,267 | - | - | - | - | Capital grant funding forecast to be spend in 23/24 | |
| CA588 | Rural England Prosperity Fund | - | - | - | 204,168 | 204,168 | 204,168 | - | 50,000 | 154,168 | 204,168 | - | - | - | - | Capital grant funding forecast to be spend in 23/24 | |
| CA462 | 3 Rivers Scheme - Riverside Development (rear of Town Hall) | 10,727,871 | - | - | 1,911,130 | 1,911,130 | 1,911,130 | 252,131 | - | 1,658,999 | 1,911,130 | - | 0 | - | - | Forecast Project completion Q2 23/24 | |
| CA486 | 3 Rivers Scheme - Knowle lane, Cullampton | 3,087,755 | - | 7,819,000 | - | 7,819,000 | 7,819,000 | 7,954 | - | 715 | 8,669 | - | 0 | - | - | No further spend assumed on this project | |
| CA494 | 3 Rivers Scheme - Park Road Tiverton | 85,085 | - | 2,055,000 | - | 2,055,000 | 2,055,000 | - | - | - | - | - | - | - | - | No further spend assumed on this project | |
| CA493 | 3 Rivers Scheme - Bampton | 2,895,372 | - | 1,240,000 | 576,630 | 1,816,630 | 1,816,630 | 348,697 | - | 1,467,933 | 1,816,630 | - | 0 | - | - | Forecast Project completion Q3 23/24 | |
| CA906 | 3 Rivers Schemes - Funding envelope | - | 12,196,000 | - | - | 12,196,000 | 12,196,000 | - | - | - | - | - | - | - | 12,196,000 | No further spend assumed on this project | |
| CG201 | DFG and other private sector grants | - | 525,000 | - | - | 525,000 | 525,000 | 45,024 | - | 479,976 | 525,000 | - | - | - | - | Project delivery assumed on budget at this point in the year but will be monitored carefully | |
| CA303 | HMO Scheme 1 | 326,653 | - | 26,000 | - | 26,000 | 26,000 | - | - | 10,000 | 10,000 | - | 16,000 | - | - | Waiting for Listed Building consent | |
| CA304 | HMO Scheme 2 | 299,836 | - | 36,000 | - | 36,000 | 36,000 | - | - | 43,000 | 43,000 | - | 7,000 | - | - | Additional cost to be funded from Homelessness EMR & Delegated decision 27/07/23 | |
| CA305 | HFU Scheme 1 | - | - | - | 202,000 | 202,000 | 202,000 | 190,727 | - | 11,273 | 202,000 | - | - | - | - | Per Cabinet Report 07/03/23 | |
| CA306 | HFU Scheme 2 | - | - | - | 169,000 | 169,000 | 169,000 | 164,977 | - | 4,023 | 169,000 | - | - | - | - | Per Cabinet Report 07/03/23 | |
| CA463 | Secure WiFi Replacement | - | - | 60,000 | - | 60,000 | 60,000 | - | - | 60,000 | 60,000 | - | - | - | - | It is anticipated this project will be completed during Q4 | |
| CA901 | Server hardware/software Citrix Replacement | - | 50,000 | - | - | 50,000 | 50,000 | - | - | 50,000 | 50,000 | - | - | - | - | It is anticipated this project will be completed during Q4 | |
| CA902 | VM/Storage Area Network | - | 120,000 | - | - | 120,000 | 120,000 | - | - | 120,000 | 120,000 | - | - | - | - | It is anticipated this project will be completed during Q4 | |
| CA903 | UPS Replacements | - | 20,000 | - | - | 20,000 | 20,000 | - | - | 20,000 | 20,000 | - | - | - | - | It is anticipated this project will be completed during Q4 | |
| CA904 | Laptop/Desktop Refresh | - | 150,000 | - | - | 150,000 | 150,000 | 44,056 | - | 105,944 | 150,000 | - | - | - | - | It is anticipated this project will be completed during Q4 | |
| CA905 | Audio/Video replacement for Phoenix House | - | 120,000 | - | - | 120,000 | 120,000 | - | - | 120,000 | 120,000 | - | - | - | - | It is anticipated this project will be completed during Q4 | |
| CA425 | Server farm expansion/upgrades | 6,545 | - | 67,000 | - | 67,000 | 67,000 | - | - | 67,000 | 67,000 | - | - | - | - | It is anticipated this project will be completed during Q4 | |
| CA499 | Network Switch/Firewall Refresh (all sites except PHouse) | - | - | 50,000 | - | 50,000 | 50,000 | - | - | 50,000 | 50,000 | - | - | - | - | It is anticipated this project will be completed during Q4 | |
| OA800 | Leasing - Vehicles - Environmental Enforcement | - | - | - | 78,000 | 78,000 | 78,000 | 78,063 | - | - | 78,063 | - | 63 | - | - | Projected GF Vehicle Leasing added to Capital Programme | |
| OA800 | Leasing - Vehicles - Grounds Maintenance | - | - | - | 109,000 | 109,000 | 109,000 | 75,627 | - | 33,148 | 108,775 | - | 225 | - | - | Projected GF Vehicle Leasing added to Capital Programme | |
| OA800 | Leasing - Vehicles - Caretaking Services | - | - | - | 53,000 | 53,000 | 53,000 | - | - | 53,177 | 53,177 | - | - | 177 | - | Projected GF Vehicle Leasing added to Capital Programme | |
| OA800 | Leasing - Vehicles - Property Services | - | - | - | 81,000 | 81,000 | 81,000 | - | - | 80,689 | 80,689 | - | 311 | - | - | Projected GF Vehicle Leasing added to Capital Programme | |
| OA800 | Leasing - Vehicles - Collection of Council Tax | - | - | - | 26,000 | 26,000 | 26,000 | - | - | 26,021 | 26,021 | - | 21 | - | - | Projected GF Vehicle Leasing added to Capital Programme | |
| | | 21,932,377 | 32,362,000 | 27,364,000 | 3,553,195 | 63,279,195 | 44,342,195 | 1,063,763 | 598,357 | 6,079,572 | 7,741,692 | - | 58,887 | 53,714 | - | 14,138,000 | 22,457,331 |

| Cost Centre | Project Title | Prior Year Project Costs £000's | Approved Capital Programme £000's | Total Slippage £000's | Adjustment to Approved Capital programme £000's | Total Budgeted Capital Programme £000's | Total Deliverable Programme £000's | Actual Expenditure £000's | Committed Spend £000's | Forecast for remainder of yr £000's | Total Actual, Committed & Forecast ExpenditureExp £000's | Variance (Underspend) To Deliverable Programme £000's | Variance (Overspend) To Deliverable Programme £000's | Slippage against Deliverable programme £000's | Budget no longer required £000's | Notes |
|---|--|---------------------------------------|--|--------------------------|---|--|---|---------------------------------|------------------------------|---|--|---|--|---|--|--|
| CA100 | Decent Homes | - | 2,435,000 | 54,000 | - | 2,489,000 | 2,489,000 | 602,233 | 1,340,052 | 546,715 | 2,489,000 | - | 0 | - | - | Project delivery assumed on budget at this point in the year but will be monitored carefully |
| CA111 | Renewables | - | 250,000 | - | - | 250,000 | 250,000 | 96,387 | 41,650 | 111,963 | 250,000 | - | - | - | - | Project delivery assumed on budget at this point in the year but will be monitored carefully |
| CG200 | Adaptations | - | 305,000 | - | - | 305,000 | 305,000 | 81,152 | - | 223,848 | 305,000 | - | - | - | - | Project delivery assumed on budget at this point in the year but will be monitored carefully |
| CA161 | Project 4 | - | 189,000 | 21,000 | - | 210,000 | 210,000 | - | - | 20,000 | 20,000 | - | - | - | 190,000 | - |
| CA158 | Project 1 | - | 10,000 | - | - | 45,000 | 45,000 | 2,000 | 4,885 | 15,115 | 22,000 | - | - | - | 23,000 | - |
| CA160 | Project 3 | - | 1,387,000 | 113,000 | - | 1,500,000 | 1,500,000 | - | - | 24,000 | 24,000 | - | - | - | 1,476,000 | - |
| CA174 | Project 29 | - | 950,000 | 150,000 | - | 1,100,000 | 110,000 | 62,100 | - | 10,000 | 72,100 | - | - | - | 37,900 | - |
| Project due for completion in Q3 23/24 - Total Approved budget £1m to deliver 6 x Net Zero homes. Additional costs associated with Planning Permission including mature planting, additional parking & contract inflation. However £576k of funding obtained for project (£120k BRLF Fund & 40% from 1:4:1 Receipts) - HRA. Net cost of project is estimated to be circa £436k under budget. | | | | | | | | | | | | | | | | |
| CA155 | Modular Housing - St Andrews, Cullompton | 920,316 | - | 80,000 | - | 80,000 | 80,000 | 128,009 | - | 92,000 | 220,009 | - | 140,009 | - | - | - |
| CA181 | Project 41 | 110,544 | 220,000 | - | - | 220,000 | 220,000 | 2,655 | 1,711 | 215,634 | 220,000 | - | 0 | - | - | - |
| CA182 | Project 28 | - | 140,000 | - | - | 140,000 | 140,000 | - | - | 29,000 | 29,000 | - | - | - | 111,000 | - |
| CA183 | Project 51 | - | 1,100,000 | - | - | 1,100,000 | 110,000 | - | - | - | - | - | - | - | - | - |
| CA184 | Project 52 | - | 400,000 | - | - | 400,000 | 40,000 | - | - | 40,000 | 40,000 | - | - | - | - | - |
| CA185 | Project 53 | - | 220,000 | - | - | 220,000 | 22,000 | - | - | 16,000 | 16,000 | - | - | - | 6,000 | - |
| CA186 | Project 5 | - | 230,000 | - | - | 230,000 | 23,000 | - | - | 10,000 | 10,000 | - | - | - | 13,000 | - |
| CA171 | Project 15 | 187,527 | 220,000 | - | - | 220,000 | 22,000 | - | - | 10,000 | 10,000 | - | - | - | 12,000 | - |
| CA166 | Project 18 | 52,742 | 4,210,000 | 502,000 | - | 4,712,000 | 4,712,000 | 1,563 | 1,187 | 97,250 | 100,000 | - | 0 | - | 4,612,000 | - |
| CA170 | Project 10 | 88,781 | 200,000 | 847,000 | - | 1,047,000 | 1,047,000 | - | - | 47,000 | 47,000 | - | - | - | 1,000,000 | - |
| CA164 | Project 14 | 49,428 | 1,505,000 | 106,000 | - | 1,611,000 | 1,611,000 | - | - | 51,000 | 51,000 | - | - | - | 1,560,000 | - |
| CA169 | Project 9 | 82,526 | 200,000 | 751,000 | - | 951,000 | 951,000 | - | - | 150,000 | 150,000 | - | - | - | 801,000 | - |
| CA163 | Project 11 | 79,326 | 1,105,000 | 112,000 | - | 1,217,000 | 1,217,000 | - | - | 67,000 | 67,000 | - | - | - | 1,150,000 | - |
| | | | 400,000 | 1,421,000 | - | 1,821,000 | 1,821,000 | - | - | 21,000 | 21,000 | - | - | - | 1,800,000 | - |
| Forecast project completion Q4 24/25. Note originally this project was planned to be delivered in 25/26 but has been brought forward for delivery in 24/25 | | | | | | | | | | | | | | | | |
| CA162 | Project 8 | - | 2,240,000 | 360,000 | - | 2,600,000 | 60,000 | 370,500 | - | - | 370,500 | - | 310,500 | - | - | - |
| Project due for completion Q4 23/24 - Total approved budget £1.5m to deliver 8 x Net Zero homes. Additional costs associated with Planning Permission - including additional EV charging points & communal glazing & contract inflation. However £852k of funding obtained for project (£160k BRLF T2 Fund & £692k contribution agreed from Homes England of which 75% due on Project commencement (£519k) & the remainder (£173k) will be applied in 23/24 on project completion) – Net cost of project is estimated to be circa £249k under budget. | | | | | | | | | | | | | | | | |
| CA154 | Modular Housing - Shapland Place, Tiverton | 854,534 | - | 645,000 | - | 645,000 | 645,000 | - | - | 1,248,000 | 1,248,000 | - | 603,000 | - | - | - |
| CA187 | Project 25 | - | 2,600,000 | - | - | 2,600,000 | 260,000 | 160,000 | - | 40,000 | 200,000 | - | - | - | 60,000 | - |
| CA188 | Project 37 | - | 1,800,000 | - | - | 1,800,000 | 180,000 | 270,000 | - | - | 270,000 | - | 90,000 | - | - | - |
| CA189 | Project 33 | - | 1,300,000 | - | - | 1,300,000 | 130,000 | 161,500 | - | - | 161,500 | - | 31,500 | - | - | - |
| CA190 | Project 36 | - | 1,700,000 | - | - | 1,700,000 | 170,000 | - | - | 25,000 | 25,000 | - | - | - | 145,000 | - |
| CA191 | Project 20 | - | 24,940,000 | - | - | 24,940,000 | 700,000 | 362,800 | - | 60,000 | 422,800 | - | - | - | 277,200 | - |
| CA152 | Post Hill, Tiverton | 2,204,353 | 15,757,000 | 4,297,000 | - | 20,054,000 | 2,393,000 | 737,285 | 17,662 | 3,112,623 | 2,393,000 | - | 0 | - | - | - |
| Old Road Depot remodelling options - forecast expenditure to maintain operations | | | | | | | | | | | | | | | | |
| CA177 | Queensway (Beech Road) Tiverton (3 units) | 330,179 | - | 236,000 | - | 236,000 | 236,000 | 119,218 | 85,414 | 31,369 | 236,000 | - | - | - | - | - |
| CA126 | Sewerage Treatment Works - Washfield | - | - | 25,000 | - | 25,000 | 25,000 | - | - | 25,000 | 25,000 | - | - | - | - | - |
| OA800 | Leasing - Vehicles - HRA | - | - | - | 180,000 | 180,000 | 180,000 | - | - | 179,793 | 179,793 | - | 207 | - | - | - |
| Projected HRA Vehicle Leasing added to Capital Programme | | | | | | | | | | | | | | | | |
| | | 4,960,256 | 66,013,000 | 9,805,000 | 180,000 | 75,998,000 | 21,954,000 | 1,682,831 | 1,492,561 | 6,569,310 | 9,744,702 | - | 207 | 1,175,010 | - | 13,273,100 |
| | | 26,892,633 | 98,375,000 | 37,169,000 | 3,733,195 | 139,277,195 | 66,296,195 | 2,746,595 | 2,090,918 | 12,648,882 | 17,486,394 | - | 59,094 | 1,228,724 | - | 27,411,100 |

| Capital Funding Summary | | Approved Capital Programme £000's | Total Slippage £000's | Adjustment to Approved Capital programme £000's | Total Budgeted Capital Programme £000's | Total Deliverable Programme £000's | Total Actual, Committed & Forecast Expenditure Exp £000's |
|-------------------------------|--|--------------------------------------|--------------------------|--|--|---------------------------------------|---|
| Funding Type | Funding Description | | | | | | |
| General Fund | | | | | | | |
| Revenue | RCCO - From Revenue EMR's - Other | - | 129,000 | - | 129,000 | 129,000 | 120,000 |
| Revenue | RCCO - From Revenue EMR's - Leisure | - | 137,000 | - | 137,000 | 137,000 | 151,575 |
| Revenue | RCCO - From Revenue EMR's - Econ Development | - | 80,000 | - | 80,000 | 20,000 | 20,000 |
| Revenue | RCCO - From Revenue EMR's - ICT | 435,000 | 110,000 | - | 545,000 | 545,000 | 545,000 |
| Revenue | RCCO - From Revenue EMR's - Capital | 30,000 | 90,000 | - | 120,000 | 72,000 | 72,000 |
| Revenue | RCCO - From Revenue EMR's - Waste Infrastructure EMR | - | 250,000 | - | 250,000 | - | - |
| Revenue | New Homes Bonus | - | 1,122,000 | - | 1,122,000 | 467,000 | 471,878 |
| Capital Grants | Capital Grants Unapplied - DCC | - | 20,000 | - | 20,000 | 20,000 | 20,000 |
| Capital Grants | Govt Grant (DCLG passported from DCC) | 525,000 | - | - | 525,000 | 525,000 | 525,000 |
| Capital Grants | DCC Funding - HIF Project | 1,347,000 | 153,000 | - | 1,500,000 | 153,000 | - |
| Capital Grants | Salix Round 3b Funding | 265,000 | - | - | 265,000 | 265,000 | - |
| Capital Grants | HIF Funding | 5,144,000 | 1,746,000 | - | 6,890,000 | 3,235,000 | 1,000 |
| Capital Grants | Govt Grants - Levelling - up Funding | 11,539,000 | 6,436,000 | - | 17,975,000 | 6,436,000 | - |
| Capital Grants | Salix Funding or Equivalent - to be identified | - | - | - | - | - | - |
| Capital Grants | DLUHC - Changing Places Fund bid | 153,000 | - | - | 153,000 | 153,000 | 153,000 |
| Capital Receipts | Usable Capital Receipts | 229,000 | 184,000 | - | 413,000 | 400,000 | 384,650 |
| Borrowing | Borrowing 3 Yrs | 12,221,000 | 11,114,000 | 2,487,760 | 25,822,760 | 25,822,760 | 3,761,429 |
| Borrowing | Borrowing 5 Yrs | 103,000 | - | - | 103,000 | 103,000 | 103,000 |
| Borrowing | Borrowing 10 Yrs | 371,000 | 3,315,000 | - | 3,686,000 | 3,686,000 | 240,000 |
| Borrowing | Borrowing 25 Yrs | - | 1,478,000 | - | 1,478,000 | 108,000 | 108,000 |
| Borrowing | Borrowing 50 Yrs | - | 1,000,000 | - | 1,000,000 | 1,000,000 | - |
| Capital Grants | LAHF (Homeless Properties) | - | - | 188,400 | 188,400 | 188,400 | 188,400 |
| Capital Grants | Homes for Ukraine | - | - | 182,600 | 182,600 | 182,600 | 182,600 |
| Borrowing | GF - Lease Finance | - | - | 347,000 | 347,000 | 347,000 | 346,725 |
| Capital Grants | SPF Funding (DLUHC) | - | - | 143,267 | 143,267 | 143,267 | 143,267 |
| Capital Grants | REPF Funding (DLUHC) | - | - | 204,168 | 204,168 | 204,168 | 204,168 |
| General Fund Subtotals | | 32,362,000 | 27,364,000 | 3,553,195 | 63,279,195 | 44,342,195 | 7,741,692 |
| Area | Sub Area | Approved Capital Programme £000's | Total Slippage £000's | Adjustment to Approved Capital programme £000's | Total Budgeted Capital Programme £000's | Total Deliverable Programme £000's | Total Actual, Committed & Forecast Expenditure Exp £000's |
| HRA | | | | | | | |
| Revenue | S106 (Revenue) Contributions | 1,000,000 | - | - | 1,000,000 | 200,000 | 110,660 |
| Revenue | MRA Reserve | 2,435,000 | 54,000 | - | 2,489,000 | 2,489,000 | 2,489,000 |
| Revenue | RCCO - From HRA Revenue EMR's - Other | - | 25,000 | - | 25,000 | 25,000 | 25,000 |
| Revenue | RCCO - From HRA Revenue EMR's - Renewable Energy | 250,000 | - | - | 250,000 | 250,000 | 250,000 |
| Revenue | RCCO - From HRA Revenue EMR's - Afford Rents Surplus | 225,000 | 117,000 | - | 342,000 | 342,000 | 248,000 |
| Revenue | RCCO - From HRA Revenue EMR's - HMF | - | 310,000 | - | 310,000 | 310,000 | 966,605 |
| Capital Grants | Capital Grants Unapplied - S106 Afford Housing | - | - | - | - | - | - |
| Capital Grants | Government Grants - Homes England Funding | 22,720,000 | 2,244,000 | - | 24,964,000 | 4,404,000 | 173,000 |
| Capital Receipts | Usable Capital Receipts | 1,004,000 | 234,000 | - | 1,238,000 | 741,000 | 739,000 |
| Capital Receipts | UCR 1:4:1 Replacement Homes | 1,619,000 | 254,000 | - | 1,873,000 | 704,000 | 367,644 |
| Capital Grants | One Public Estate Funding | 3,285,000 | - | - | 3,285,000 | 240,000 | 143,000 |
| Borrowing | Borrowing 25 Yrs | - | 50,000 | - | 50,000 | 50,000 | 50,000 |
| Borrowing | Borrowing 50 Yrs | 33,475,000 | 6,517,000 | - | 39,992,000 | 12,019,000 | 4,003,000 |
| Borrowing | HRA - Lease Finance | - | - | 180,000 | 180,000 | 180,000 | 179,793 |
| HRA Subtotals | | 66,013,000 | 9,805,000 | 180,000 | 75,998,000 | 21,954,000 | 9,744,702 |
| Grand Totals | | 98,375,000 | 37,169,000 | 3,733,195 | 139,277,195 | 66,296,195 | 17,486,394 |

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 21 June 2023 at 6.00 pm

**Present
Councillors**

A Glover (Chairman), M Fletcher, L Knight, S Robinson, L Taylor,
N Woollatt, Mrs F J Colthorpe and B Holdman

**Apologies
Councillors**

D Wulff and S J Penny

**Present
Officers**

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

1 **ELECTION OF CHAIRMAN (00:03:50)**

The Chairman of the Council invited nominations for the election of a Chairman for the municipal year 2023/24.

Cllr M Fletcher **MOVED**, seconded by Cllr B Holdman that Cllr A Glover be elected Chairman of the Committee for the municipal year 2023/24.

It was therefore **RESOLVED** that Cllr A Glover be elected Chairman of the Committee for the municipal year 2023/24.

2 **ELECTION OF VICE-CHAIRMAN (00:06:07)**

Cllr L Taylor **MOVED**, seconded by Cllr M Fletcher that Cllr S Robinson be elected Vice Chairman of the Committee for the municipal year 2023/24.

It was therefore **RESOLVED** that Cllr S Robinson be elected Vice Chairman of the Committee for the municipal year 2023/24

3 **START TIME OF MEETINGS (00:07:43)**

The Committee **AGREED** to continue to meet at 6.00pm for the remainder of the 2023/24 municipal year.

4 **APOLOGIES AND SUBSTITUTE MEMBERS (00:08:00)**

Apologies were received from:

- Cllr D Wulff who was substituted by Cllr B Holdman
- Cllr S Penny who was substituted by Cllr Mrs F J Colthorpe

Cllr S Keable attended the meeting online.

5 **PUBLIC QUESTION TIME (00:08:30)**

None received.

6 **MINUTES (00:08:41)**

That the minutes of the previous meeting be **NOTED**, with the amendment that Cllr Mrs F J Colthorpe's apologies be added to the minutes.

7 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:09:42)**

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

8 **CHAIRMAN'S ANNOUNCEMENTS (00:10:00)**

The Chairman had no announcements to make.

9 **AMENDMENTS TO THE CONSTITUTION FOLLOWING MOTIONS APPROVED BY COUNCIL (00:10:07)**

Cllr N Woollatt **MOVED**, seconded by Cllr Mrs F J Colthorpe that this item be deferred to the next meeting.

Upon a vote it was declared to have been **CARRIED**.

10 **TASK AND FINISH GROUP (COUNCIL PROCEDURE RULES REVIEW) (00:14:43)**

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:

- Rule 12.1 was raised and it was asked whether there was any reason why it had been suggested to be removed. The District Solicitor & Monitoring Officer explained that unfortunately the previous District Solicitor & Monitoring Officer had not left notes relating to this and confirmed that there was not an issue for it to be kept in the Constitution.

To which the Committee **AGREED** that rule 12.1 remain in the constitution.

- It was raised that point 4 within Appendix A on the topic of Motion 577 had merit and that this should be discussed further by the Standards Committee.
- The Chief Executive advised that issues could arise if an answer was given at a meeting but an answer in writing was still desired, particularly as 'substantively' could be subjective.

To which the Committee **AGREED** that Motion 577 be brought to the next meeting of the Standards Committee for discussion.

- Substitute Councillors for committees was raised, in particular whether a substitute should be from the same political group and if the need for a trained substitute outweighed the need for a substitute to be from the same political group. Planning and other Committees in particular were discussed as these required training to be a Committee Member.

- The legal position on substitutes covering for differing political groups was sought, to which the District Solicitor & Monitoring Officer agreed to investigate this further.

To which the Committee **AGREED** that the following recommendation be deferred to the next meeting of the Standards Committee to be discussed further on how it would be managed:

“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.”

- Concern was raised over the restriction of public questions as well as public engagement. It had been common practice to provide written answers to public questions.
- Questions sent in advance of a meeting should be answered at the meeting. However, questions not submitted in advance and could not be answered during the meeting should expect a written response.
- Questions not related to an agenda but related to the Council's functions that would be submitted in advance could be considered.
- The Chief Executive clarified that answers should be given by Councillors and not the officers. With questions submitted in advance of the meeting officers would do what they can to provide answers at the meeting.
- It was raised that questions asked at Planning Committee meetings differed and that there was a need for officers to answer questions from a technical perspective.
- It was also raised whether public questions and answers should be minuted verbatim. The District Solicitor & Monitoring Officer advised that minutes should not be verbatim, this included questions from members of the public. It was noted that this would make minutes very long. It was also raised that comments/questions asked by Councillors were not recorded verbatim and that as long as the question was included this was sufficient for the minutes.
- That it was important for the meaning of the public questions asked was captured within the minutes of a meeting.
- 8.5 of the written amendment was raised, it was understood that high volumes of public questions was challenging but that there needed to be more than a link to a recording. In addition, Councillors’ speeches were not recorded as verbatim within the minutes and recordings were available to listen to full statements. There needed to be a balance between capturing the meaning and being condensed.
- The Chief Executive advised that the current written amendment found within 8.5 would require minutes to have a transcript of public questions which would exceed the rights of elected Councillors within this Council as Councillors’

speeches and statement were not recorded as transcripts. It would also lead to an administrative burden.

To which the Committee **AGREED** that the written amendment of 8.5 be changed to:

“The minutes shall contain a condensed written record of questions and statements made by the public which accurately conveys the context.”

In addition, the Committee **AGREED** that the word ‘substantively’ be removed from 8.4.2 of the written amendment.

- When a group of residents wish to speak at a meeting was raised and whether there should be a spokesperson for a group who wished to ask questions at a meeting. The Chief Executive explained that officers would naturally work with the public to make public engagement as efficient as possible and advised that this was perhaps not necessary.

To which the Committee **AGREED** that ‘Where there is an interest group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group.’ be removed from the amendment (8.1 A, fourth bullet point).

- The Chief Executive gave advice in relation to the first bullet point of rule 8 within the written amendment. It was suggested that the words ‘from a member or an officer.’ were not needed.

To which the Committee **AGREED** that ‘and a response is required from a member or officer’ be removed from rule 8.1 A, first bullet point.

- On the subject of the Chairman answering public questions it was asked if any Member could answer a public question. The Chief Executive explained that previously the chairman had directed questions to other Members.
- Whether it was appropriate the relevant Councillor could answer and that the importance of questions being directed through the Chairman of a meeting was important.
- The topic of inappropriate questions was raised, to which the Chief Executive advised that the Chairman of a meeting should be able to identify questions that did not align with the constitution’s requirements and was a rare occasion for the Monitoring Officer to intervene and should be apparent to all when an inappropriate questions were asked.
- That residents could ask specific Councillors questions outside of Committee meetings and that Questions put to Committees were addressing the Council. Concern was raised over individual Councillors answering a question on behalf of the 41 other Councillors and that answers should be from the Council, not individual Councillors.

- There was a need to avoid multiple Councillors answering public questions and that the Chairman should have discretion as to who would provide an answer.
- 8.1 B of the amendment was raised and whether this would mean that the public could ask questions at each agenda item and join the debate of each agenda item. It was clarified that a neighbouring District Council conducted their meetings this way and that it was felt this was a more user friendly, engaging and relevant approach, which brought the questions and relevant items together. It was also mentioned that questions may not be asked if the presentation of the report answered a resident's question.
- There was concern that rule 8.1 B would cause disruption and negatively impact the flow of meetings. It was raised that Councillors were there to represent their constituents at meetings and Mid Devon as a whole.
- It was also raised that the Chairman's discretion to invite individuals to speak was already in place. Question time at the beginning of the meeting allowed residents to leave in good time and not have to wait for the relevant item during the meeting.
- Whether public question time could be at the end of the meeting as a compromise, however it was highlighted that items would have already been discussed/ agreed upon and that this would not be fair on residents. The Chief Executive advised that it would be beneficial to a Committee to hear questions asked by residents at the beginning of the meeting.

To which the Committee **AGREED** that 8.1 B of the amendment be removed and also that public question time be allocated a maximum time of 30 minutes (8.1 A, third bullet point).

- Concern was raised over Councillors leaving the room during the debate of an item and to then vote on that item.

To which the Committee **AGREED** to add, "and the whole debate" to the end of proposed procedure rule 15.1.

- Rule 11.1.2 was raised, with disagreement that that if a motion was rejected there should be a summary, it was felt the motion in its entirety should remain within the book of motions, with no changes be made to 11.1.2.
- That the Book of Motions needed to be more accessible.

To which the Committee **AGREED** that no changes be made to rule 11.1.2

- It was raised that there was a typo under 11.1.3 a, as it mentioned 11.5. The District Solicitor & Monitoring Officer said that this would be looked into.
- The amendment of rule 10.2 was raised that the amendment removed the need for a subject to be first discussed at a meeting of Cabinet or a sub-committee. It was noted that this was not something the Council had

previously done and that Councillors should be able to ask questions relevant to Council's functions.

- Whether 2 days notice was reasonable, the difference between written questions and questions to Cabinet was also discussed. The Chief Executive advised that 2 days' notice for written questions from Councillors was acceptable.

To which the Committee **AGREED** to the written amendments of rule 10.2.

- The written amendment which related to the reading out of committee minutes at Full Council was discussed. It was felt that it was still important to present the minutes of the Council's Committees to Council but that it was not necessary to read out each minute number.
- Councillors would still have an opportunity to ask questions as the minutes/reports would still be presented.

To which the Committee **AGREED** that the written amendment of H be replace with the original recommendation form the Task and Finish Group.

RESOLVED to **RECOMMEND** To Council 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.
 - vi. That section 106 of the Local Government Finance Act 1992 be added to the constitution under section 15.7, voting.
 - vii. That "and the whole debate" be added to the end of the sentence of 15.1 (Majority) to read:

“Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question is put and the whole debate.”

- viii. That no changes be made to council procedure rule 11.1.2 (record of motions).

C) The Council Procedure Rules regarding Member Questions be amended as set out below:

Rule 10.2 if amendment approved will now read:

10.2 Questions on notice at full Council

A Member of the Council may, ask the Chairman of the Council, the Leader, a Cabinet Member or the Chairman of any Committee any question which:

- a. concerns the Council’s powers / duties or which otherwise affects the District;
- b. the Member has provided written notice of the question to the Chief Executive no later than noon, two clear days preceding the Council meeting;
- c. the question is not (in the opinion of the Chairman taking account of the advice on the matter from the Chief Executive, Monitoring Officer or Member Services Manager) one which:
 - i. is scurrilous, improper, capricious, irrelevant or otherwise objectionable
 - ii. is substantially the same as a question which has been put at a meeting of the Council (or other meeting to which these rules apply) in the past six months;
 - iii. requires the disclosure of confidential or exempt information unless the question is raised in closed session;
 - iv. contains expressions of opinion; or
 - v. relates to questions of fact.
- d) questions on notice and written responses will be circulated to Members in advance and hard copies provided at the meeting.
- e) a Member asking a question under Rule 10.2 may ask one supplementary question without notice of the Member to whom the questions was asked. The supplemental question must arise directly out of the original question or reply.

- D) The Council Procedure Rules regarding Public Questions be amended as set out below:

Rule 8 if amendment approved will now read:

8. Questions and Statements by the Public

8.1 Residents, electors or business rate payers of the District may make a statement or shall be entitled to ask questions at a meeting which:

- a) concerns the Council's powers / duties or which otherwise affects the District;
 - Where a question does not relate to an agenda item, the question must be submitted to the Member Services Manager two working days before the meeting to give time for a response to be prepared.
 - Where such advance notice is given, the questioner may ask a supplementary question at the meeting, if it is relevant to the original question.
 - Contributions from members of the public will be limited to 3 minutes, and 30 minutes (extendable at the Chairman's discretion) will be available at the beginning of meetings for such questions and statements.
- b) The Chair of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.
- c) NB Planning Committee has its own arrangements for public questions.

8.2 Attendance

Persons submitting questions must be present (remotely or in person) at the meeting unless the Chairman agrees to address the questions in the questioner's absence.

8.3 Order of Questions

Questions will be asked in the order they have been received.

8.4 Answers to questions

8.4.1 The Chairman or at meetings of the Council the appropriate Committee chairman, shall respond to all valid questions.

8.4.2 Replies to questions may be verbal, by reference to a published document or *where the question cannot be answered at the meeting, a written response shall be provided to the Member of the public within 10 working days by the Chairman (or such other person as he shall refer the matter to)*

8.4.3 Replies which are not provided at the meeting shall be reported to the next relevant meeting by publishing them alongside the draft minutes when available and by circulating them to all Members.

8.5 Recording of Questions and Statements by the Public

The minutes shall contain a condensed written record of questions and statements made by the public which accurately conveys the context.

- 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 practice at full Council for Chairs to have to read out minutes of each committee (including PDGs and Cabinet) be stopped.

It was also **RESOLVED** that the following recommendation be deferred to the next meeting of the Standards Committee:

"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."

It was also **RESOLVED** that Motion 577 be referred back to the next Standards Committee meeting.

(Proposed by Cllr L Taylor, seconded by Cllr N Woollatt)

Note: *report previously circulated and attached to the minutes

11 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (03:01:46)

It was **AGREED** that the following items be added to the agenda for the next meeting of the Committee:

- Annual Report of the Monitoring Officer
- Recommendation G of the Task & Finish Group (Council Procedure Rules)
- Update on the Book of Motions

12 COMPLAINTS (03:02:56)

The Committee **NOTED** a verbal update from the District Solicitor & Monitoring Officer which provided an update on complaints received since the 8 February 2023, the following was highlighted:

- One council complaint which had been closed
- Six district council complaints which had been closed.
- Three current potential which require further information.

(The meeting ended at 9.05 pm)

CHAIRMAN

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**Mid Devon District Council
STANDARDS TASK & FINISH GROUP
(Council Procedure Rules Review)**

Findings and Recommendations Report

Executive Summary

1. The Task & Finish Group recommends to the Standards Committee (for recommendation onto full Council) that the following amendments be made to the Constitution:
 - (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.
 - (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.
2. The Task & Finish Group recommends to the Standards Committee (for its resolution) that Motion 577 not be supported.

Report Detail

1. Introduction

- 1.1 The Task and Finish Group ("**T&FG**") was set up by its parent Standards Committee on 9 February 2022 to review the Council's Procedure Rules ("**CPRs**"). All group leaders¹ and a Standards Committee representative were appointed to the T&FG. The Group has been chaired by Cllr Eginton.

¹ Cllr Eginton (Conservative) April to May 2022 and Chair of T&FG; Cllr Deed (Independents Group); Cllr Evans (Conservative) Feb to April 2022; Cllr Clist, Deputy Leader (Lib Dems); Cllr Lloyd (Greens); Cllr Warren (Non Aligned Group)

- 1.2 The CPRs are set out in the Constitution Part 4, Section 1². Although the CPRs were the focus, the Panel noted that there are various other procedure rules covering different meetings and processes for the Council's member decision making and also that some matters raised for consideration did not form part of the CPRs. Consequently it has commented on procedural matters beyond the CPRs where it considered appropriate to do so without detracting from its terms of reference³.
- 1.3 The group also sought the views of other Members. The Chair of the Planning participated in the discussion on proposed changes to the Planning Committee. His investigations into the manner in which other councils' planning committees operated was welcome. In undertaking its review the Group also sought clarification on Motion 577⁴ from the mover of the motion⁵. Following on from the T&FG's preliminary findings on 1 April 2021, the T&FG requested that each group leader⁶ consult their own groups, to seek their group's views of the T&FG's proposed recommendations and identify any other issues for consideration. No other issues or objections were identified beyond those included in Appendix A.
- 1.4 The T&FG has considered all representations made to it before reaching its final recommendations which are set out in this report. The recommendations are supported by the Members of the T&FG unanimously with the exception of Recommendation 2 (Motion 577) which the Non-Aligned Group Leader considered should be accepted.

2. Current Council Procedure Rules

- 2.1 The T&FG noted that the CPRs cover the procedures applicable to full Council meetings but also some elements of the other committees and Policy Development Groups. Where other rules apply (being ones specific to specified committees or PDGs) these are listed below for information.

| | |
|--------------|---|
| Full Council | All Council Procedure (Rules 1 to 27) |
| Cabinet | Council Procedure Rules 5-8, 11, 16.1 (other than 16.4 and 16.5) , 19, 20.1, 21 - 25 All Cabinet Procedure Rules (Rules 1 – 3) |
| Scrutiny | Council Procedure Rules 4 – 8, 11, 16.1 (other than 16.4 and 16.5), 19, 20.1, 21 - 25 Scrutiny Committee, Audit Committee, Standards Committee and Policy Development Group Procedure Rules (1 - 3, 5 – 7, 10 - 21, 23 – 26) |
| PDGs | Scrutiny Committee, Audit Committee, Standards Committee and Policy Development Group Procedure Rules (1 - 2, 4 - 6, 8, 10, 12, 14 - 15, 18, 22, 23) |
| Audit | Scrutiny Committee, Audit Committee, Standards Committee and Policy Development Group Procedure Rules (1 – 2, 5 – 6, 8, 10, 12, 14, 26) |
| Standards | Scrutiny Committee, Audit Committee, Standards Committee and Policy Development Group Procedure Rules (1 - 2, 5 - 6, 9 – 10) |
| Planning | Council Procedure Rules 5-8, 11, 16.1 (other than 16.4 and 16.5) , 19, 20.1, 21 – 25 |

² See [Constitution - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/constitution)

³ Agenda for Standards Committee on Wednesday, 9th February, 2022, 6.00 pm - MIDDEVON.GOV.UK

⁴ A Motion "to improve public accountability and to address the inequality of rights of Members of the Council, when compared to members of the public. This Council resolves that: When an enquiry is made by a Member at any formal meeting (verbally, or in writing) and a substantive answer is not given at that meeting, a written response shall be sent to the enquiring member within 10 days. Wherever possible, any written questions submitted in the absence of the Member shall be submitted in advance of the meeting, but a failure to do so will not invalidate that enquiry. A copy of the question(s) and answer(s) will be circulated to members of the committee (or Full Council) and will also be attached to the minutes".

⁵ See Appendix A

⁶ This includes the Deputy Group Leader for the Liberal Democrats.

- 2.2 The T&FG recognised that as a whole the CPRs were not always easy to follow and that in itself had created some confusion in the rules as was apparent in the Scrutiny Committee in February 2022. The rules have developed overtime and in response to for example ad hoc amendments having been made overtime whether by individual motions or organisational or legislative changes which did not take account of other rules, some inconsistencies and gaps have crept into the CPRs. Consequently, on considering all the rules, the T&FG concluded the rules should be redrafted in their entirety as set out in Appendix B. With the exceptions set out below, the amendments do not materially change the existing rules. It is considered that the redraft serves to make the rules easier to follow by for example use of sub-headings, more consistency in wording and grouping of issues.
- 2.3 As indicated above, the T&FG also considered in detailed parts of the rules which have raised particular concerns in recent times. Amendments to these rules were highlighted to the political groups. Should any of these recommendations of the T&FG not be resolved, the Monitoring Officer will make appropriate amendments to Appendix B.
- 2.4 For completeness, the T&FG is aware that the Council's current Procedures Rules do not allow amendments to be made without such having been moved and stood adjourned (without discussion) to the next ordinary meeting of the Council⁷. This rule seeks to avoid ad hoc amendments being made 'on the hoof' to the CPRs. However, in instances where the changes have been fully considered in advance (as in the current case), this rule simply delays the Council's decision making. To avoid this unnecessary delay, it is therefore recommended that the relevant CPR be suspended for the meeting of full Council. As this technical requirement is an example of where the rules serve no useful purpose, the redraft of the CPRs in Appendix B accommodates an amendment to the relevant rule to ensure that future proposed CPR amendments which have been the subject of detailed consideration by the Standards Committee (as the committee responsible for overseeing the Constitution) there is requirement for the moved amendment to stand adjourned⁸.

Recommendation 1(a): The Council Procedure Rule 25.2 be suspended to allow the following amendments to be made to the Constitution at its next meeting.

Recommendation 1(b): the Council Procedure Rules be re-drafted as outlined in Appendix B.

3. Members' Questions

- 3.1 The T&FG reflected on the current rules in response to some, albeit limited, concerns about Members' ability to raise questions in Cabinet and / or that the public had more rights than Members to ask questions of a committee or the Cabinet. It also considered the specific representations by the mover of

⁷ Existing CPR 25.2

⁸ See Appendix B at Rule 20.2

Motion 577 which Council had referred to the Standards Committee for consideration.⁹

- 3.2 The group appreciated from the detailed advice sent to all Members¹⁰ in February 2022 that all Members are entitled to speak at full Council; all Members may at full Council ask questions in line with the existing CPR 13; and that councillors who were not members of a particular body did not have any general rights to speak (or therefore ask questions) but could seek the Chair's agreement to do so. It was noted that in addition, Cabinet members could attend Scrutiny Committee meetings where their decisions were 'called in', for the purpose of explaining the decisions under review (but could be asked by the committee to leave¹¹); and when a PDG is considering policy development and review matters, again given their role, relevant Cabinet members were (and should be) allowed to speak¹².
- 3.3 It was also noted that the provisions regarding non-member requests of chairpersons to "speak" proceed on the basis that the questioner is present at the meeting. It was recognised that the public had a right to ask questions only if they were present (remotely or in person) at meetings. Similar to Members' position, in their absence, the public could ask the Chair to read out their question, but the Chair was not required to do so.
- 3.4 The group appreciated that as Members are appointed by their groups to committees (or in the case of ungrouped members direct), as a result of a resolution of full Council, it followed that they only had rights to speak (and vote) if they were appointed to that particular body. If that were not the case, potentially all Members would be able to participate in all committees, potentially creating full Council style participation but for the absence of a right to vote.
- 3.5 After considering the various views on the matter, the T&FG concluded that the existing provisions were largely appropriate. The T&FG were satisfied that non-members' involvement in meetings should remain a matter for Chair's discretion. In response to concerns in the Motion about Member Questions not always being answered in public at meetings, the group considered that it would be helpful to extend the advance notice requirement by one working day – this is currently included in the relevant redrafted rule.

Recommendation 2: Motion 577 regarding Member Questions not be accepted.

Recommendation 1(c): Council Procedure Rules regarding Public Questions be amended as set out in Appendix B Rule 10.

4. Public Questions

- 4.1 The T&FG considered that the right of the public to ask questions (as was the case at full Council) should not be extended to all meetings as proposed. This view was formed because (with the exception of Planning

⁹ See Appendix A Document 1

¹⁰ Letter from MO to all Members dated 11 Feb 2022

¹¹ Existing Committee Procedure Rule 19(h)

¹² Existing Committee Procedure Rule 18(a)

Committee) the excluded committees were limited to those performing a quasi-judicial function (i.e. licensing and standards subcommittee hearings).

- 4.2 The group noted from research undertaken by the Planning Chair and experience across the country, that it was not common place to have public questions at Planning Committee. Instead, as was most often the case for planning committees, interested parties had a specific right to speak. It was noted that the additional 'public question time' right potentially prejudiced planning applicants and prolonged meetings. The rights were only available to residents or businesses based in the district, thereby not open to applicants who were looking to develop in the district for the first time. Further the rights were mainly used by objectors to make lengthy representations where questions were simply added at the end of speeches, thereby prolonging meetings; with 'questioners' using the opportunity to cover points that should have (or had already) been made by them in the course of the statutory consultation period. In support of retaining public questions for Planning Committee, the group noted that on occasion new points were raised by members of the public, but the main advantage of retaining public questions was that the committee was seen to listen to the public and take account of their views on policy and material planning considerations before planning applications were determined.
- 4.3 More generally, it was also recognised that it was often impossible for the Chair (to whom questions were in fact directed and should respond) and difficult for officers (who often answered for the Chair) to answer public questions in committee if advance notice had not been given of the questions.
- 4.4 After considerable debate (and a change from its preliminary view) the group considers that the Council should retain public questions at Planning Committee, with some changes to help address the understandable concerns and improve the use of public questions in the decision making process as well as to effectively engage the public in council work. The proposed redraft of the rule (see Appendix B Rule 8) seeks to improve the general understanding of the rules in the interests of transparency and openness. Further, to help ensure questions can more likely be satisfactorily answered in public at meetings, it recommends that the informal requirement for advance notice of questions from the public be formalised. In response to concerns about how questions have been used in Planning Committee, although it first concluded that there should be a limit to the number of words to 100, to avoid questions becoming lost in a lengthy submission as is currently prevalent in Planning Committee particularly by objectors to planning applications, on reflection it didn't consider such would assist.

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|--|
| <p>Recommendation 1(d): Council Procedure Rule regarding Public Questions be amended as set out in Appendix B Rule 8.</p> |
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5. Members' Business

- 5.1 Some concerns had been expressed about the use of Members' Business (a standard item on full Council agendas) to make comments which were for example, misleading at others' expense nor matters over which the Council had powers, knowing that there was no right to discuss or respond to the points made at the meeting. It was also noted that overtime such a standard agenda item at full council meetings had become less common place amongst councils.
- 5.2 In terms of considering why the item should remain, the group recognised that the item provided an opportunity for Members to raise good news and points of general public interest; and further that the provisos (e.g. time limits, number of questions, exclusion of matters already covered at the same meeting) were there to ensure that this standard agenda item was manageable.
- 5.3 The group concluded that with some informal guidance for Members from the Monitoring Officer and 'firm and fair' chairmanship, concerns raised about the potential misuse of Members' Business would be sufficient but the matter would be kept under review.
- 5.4 In considering what to include in that guidance the following points are considered relevant, particularly given that there is no right to respond at the time to comments even ones which may inadvertently or otherwise amount to a breach of the Code of Conduct (e.g. by bringing the office or Council into disrepute).
- (a) The ambit of Members' Business is set out in the Council's Procedure Rules.
 - (b) Members may together use the time permitted, to each make (only) one statement or raise one question, lasting no more than two minutes each.
 - (c) Members' Business can only be included on the full Council agenda for up to 15 minutes in total and so no-one group of Members should seek to monopolise that time – the Chair may for example use his discretion to select which Members may speak in that time or stop Members who misuse the agenda item.
 - (d) Each statement / question may only concern a matter over which the Council has powers or duties or which affects the District; and has not been otherwise before the Council for consideration at the same meeting.
 - (e) The topics which may be covered in the relevant statement or question is wide. However the key thing to note is that the matter concerns council business not personal or political group business.
 - (f) The use of Members' Business must be compatible with other parts of the Constitution in particular the high standards of conduct expected of elected members. Members must not for example bring the Council into disrepute or be disrespectful to others.
 - (g) Whilst ensuring that the item doesn't turn into a debate in itself, the Chair may exercise his discretion to rule that inappropriate

comments be withdrawn by the relevant member, an apology given to the Council, or for a short point of correction or clarification to be made in response.

Recommendation 1(e): Members' Business should remain on full Council agendas but Members be asked to take account of the guidance on its use in paragraph 4.4.

6. Planning Committee Procedures

- 6.1 The following procedural matters specific to the Planning Committee whilst outside of the CPRs were identified for consideration during the T&FG's meetings:
- (a) Value of public questions with separate public rights to speak in committee given quasi-judicial role of Planning Committee;
 - (b) Value of implication reports;
 - (c) Potential conflict between ward member vs committee planning interests;
 - (d) Concerns about length of meetings and how meetings might be more concise without adversely affecting quality of decision making.
- 6.2 Item (a) was raised due to concerns about the procedures applicable to planning committee meetings. As noted in Section 4 above, the appropriateness of retaining Public Questions (given the specific public speaking rights at committee) were considered in detail.
- 6.3 Turning to item (b) the group had experience of the use of Implications Report in Planning Committee, which sought to provide a cooling off period for the committee to reflect on the grounds for determining an application contrary to policy and officer recommendation before a decision was confirmed. It did not form part of the CPRs but was a well-established process at the Council. It was reported that in practice particularly in the last 12 months or so, the reports had only delayed decision making and the committee had not changed its view, it being considered as a result by the senior planning officers and committee that there was no value in continuing with the practice. The members of the group noted with appropriate advice that it was reasonable to expect the costs implications to be advised upon and considered reasons to be identified by the advising officers and the committee at the meeting when applications are debated. Furthermore the group noted that in the event that it emerged subsequently that there is no reasonable prospect of the appeal being successfully defended, a further timely committee report may still be requested by the committee to help minimise the costs' risks.
- 6.4 Regarding (c) it was highlighted that members of the Planning Committee were undertaking a quasi-judicial role, rather than a ward representation role. There would often be conflicts between those roles (e.g. where planning policy supported a development but local residents who the member was duty bound to represent, objected). This had been evident on

several occasions at the Council. In response to such, it was noted that some authorities discouraged or prevented such Members from voting in planning committees. Such Members instead spoke as ward members, having a specific time allocated to them to do so before the committee debated the application and did not participate as a committee member. Concern had also been raised that ward members who were not members of the committee were prejudiced by not being a member of the committee, as they had less rights (to speak) on an application than committee members, therefore prejudicing their residents in comparison to those residents whose member was on the committee.

- 6.5 Although the T&FG recognised the clear case for changing the rules, it considered that Members fully appreciated the potential for conflict and the requirement in the Code not to use their position to improperly advantage or disadvantage another. Consequently, it was considered that such was sufficient to ensure that all members of the committee upheld their overriding responsibility to promote district planning interests above their local ward interests when sitting on the Planning Committee. In conclusion the group did not consider any change was needed.
- 6.6 The group touched upon a variety of other changes that might help cut down on the length of meetings where such did not prejudice the quality of the debate in Planning Committee. These included use of 'call in powers' of Members and the number of deferrals arising from the view that substantive information was not provided in sufficient time for Members to consider such or new information was needed to address concerns raised in committee. These matters were ones which concerned the operation of planning process and have not as such been considered by the T&FG. Whilst noting some issues with the current delegation to the Development Management Manager and Director of Place, it considers that Members would welcome a briefing by the Development Management Manager / Head of Place on the use of ward member call in of applications to committee.

Recommendation 1(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.

7. Miscellaneous Amendments to the CPRs

- 7.1 In considering the rules on Committee Substitutes, the group recognised that it was not always possible for members of small groups to identify a replacement where training was a requirement particularly in planning, but also other quasi-judicial committees. Consequently, the group proposes that in such instances substitutes may come from other political groups.
- 7.2 It was noted that the historic practice to present Committee and Cabinet minutes to full Council was not a specific requirement for full Council agendas. The group considered that agendas should still include all the minutes. This will ensure that questions may continue to be raised of the Chairs by Members without notice.

Recommendation 1(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.¹³

Recommendation 1(h): The practice of full Council for Chairs to have to read out minutes of each committee (including PDGs and Cabinet) be stopped.

10 June 2022

District Solicitor and Monitoring Officer
on behalf of the Task & Finish Group

¹³ See Appendix B Rule 3.1(b)

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Document 1

From: Cllr Ashley Wilce <awilce@middevon.gov.uk>

Sent: 21 March 2022 09:29

To: Karen Trickey <ktrickey@middevon.gov.uk>

Subject: Re: Questions re your Motion 577 to be returned by 27 March

Good Morning Ms Trickey

Please see insertions

Regards,

Cllr Ashley Wilce

TOTALLY Independent Member for Cullompton North

From: Karen Trickey

Sent: 13 March 2022 08:48

To: Cllr Ashley Wilce

Subject: Questions re your Motion 577 to be returned by 27 March

Dear Cllr Wilce

I refer to your motion *“to improve public accountability and to address the inequality of rights of Members of the Council, when compared to members of the public”* for which you requested that the Council resolve:

1. *When an enquiry is made by a Member at any formal meeting (verbally, or in writing) and a substantive answer is not given at that meeting, a written response shall be sent to the enquiring member within 10 days.*
2. *Wherever possible, any written questions submitted in the absence of the Member shall be submitted in advance of the meeting, but a failure to do so will not invalidate that enquiry.*
3. *A copy of the question(s) and answer(s) will be circulated to members of the committee (or Full Council) and will also attached to the minutes.”*

The Task & Finish Group (Council Procedure Rules) has considered your motion regarding changes to Member Questions within the context of the relevant Council Procedure Rule which of course only applies to full Council. The only point covered in your motion which has yet to be accommodated in some form within that context is the attachment of the question and answer to the minutes of full Council. The group has asked that I contact you to request that you clarify what you intended in your motion, it being recognised of course that your motion goes further than member questions at full Council given the references to *“any formal meeting”* and also *“members of the committee (or Full Council)”*.

I have set out some specific questions which might help you to explain what you intended and which will in any event assist the group’s final consideration of your motion particularly

APPENDIX A – CONSULTEE RESPONSES TO REVIEW

within the context of Cabinet, PDG and committee meeting rules. Please would you let me have your response (whether to the specific queries below or otherwise) asap but no later than 27th March, so that I can consider them and relay them to the group at its next meeting on 1st April.

Questions: Regarding the application of your motion to “*any formal meeting*” it is understood that you are referring to public Cabinet, PDGs and committee meetings (for which unlike full Council meetings, there aren’t specific rights for any / all members to ask questions). With that in mind:

- i. *Were you primarily seeking to ensure that answers to any member questions (not substantively answered at the meeting) are attached to the minutes within 10 days (or even 10 working days)?*

Yes

- ii. *Referring to the second numbered point above in your motion, it is understood you were only referring to a question from a member who is not at the meeting. You refer understandably to (i) the question being in writing and (ii) that written question being submitted in advance of the meeting. However, you pre-fix it with only “*whenever possible*”. Could you explain the situations you had / have in mind where any written questions submitted by an absent member would not be submitted in advance to the Chair? If you meant something else, please explain.*

I did not want the fact that there was no 'notice' (or short notice) of the written question, to prevent that question being put, provided that it related to an Agenda item. See Q below.

- iii. *Did you intend that the member question and answer (when a substantive answer is not given at the meeting), would be attached to the minutes in all cases i.e. when a verbal question (regardless of its content) which is not on notice is raised in the meeting, rather than for example simply for written questions on notice?*

Yes, i.e. any question asked publicly, will be answered publicly, however it was put.

- iv. *Would the following wording which could be added to the existing rules which apply to Cabinet, PDGs and committee cover what you intended (noting that the group has already considered full Council rules): “when a question on an agenda matter is raised by a Member at a public meeting which cannot be substantively answered at the meeting, a written response shall be provided to the Member (and copied to all members of that committee / PDG or the Cabinet) within 10 working days by the Chairman (or such other person as he shall refer the matter) and attached to the minutes of the meeting” ?*

No - a response is not necessarily a substantive answer - a dodge that has been frequently used in the past.

If not, is there any other variation to your motion wording which you consider taking account of the points of clarification above, would better cover what you intended?

The constitution is unclear - do members have an absolute right to submit written questions in advance, or are there restrictions; if so, what are the restrictions, please?

Document 2

From: Cllr Graeme Barnell <gbarnell@middevon.gov.uk>

Sent: 11 March 2022 17:15...

Subject: Proposed rules of procedure

.... As part of the deliberations of the short life on committee procedures I'm concerned we have rules to ensure:-

1. All members have the right to speak and ask questions at all MDDC meetings at which they have right to attend including Cabinet and all policy and advisory committees.
2. Members of the public have the right to ask questions at all MDDC meetings at which they have right to attend.
3. Answers to members questions at all Committees are published either with the minutes of subsequently on the MDDC website.
4. Access of all members to place an item on the agenda of Scrutiny Committee is not diminished.
5. Rules are established that allow all members to request agenda items on any meeting to which they are entitled to attend. Ditto members of the public.

Document 3

| Current rule | Proposal | Reason(s) |
|--|---|--|
| <p>Planning Committee: Requirement for planning committee to consider an Implications Report (if it proposes to refuse an application contrary to policy and officer recommendation) before decision confirmed.</p> | <p>To remove the requirement</p> <p><i>Agreed</i></p> | <ol style="list-style-type: none"> 1. Such reports only serve to delay the determination of the matter as in practice the committee never / very rarely changes its decision when considering the Implications Report; 2. With appropriate advice, it is reasonable to expect the costs implications to be advised upon and considered reasons to be identified at the meeting when the application is debated; or otherwise the application's determination should be deferred by the committee for further consideration and information. <i>[May need to defer to have sound wording for 'reasons for refusal.']</i> 3. In the event that it emerges subsequently that there is no reasonable prospect of the appeal being successfully defended, a further committee report may still be considered when needed e.g. as happened recently. <i>[But done correctly and more openly and transparently.]</i> |
| <p>All committees (with some exceptions e.g. licensing, standards hearings): Right of public to ask questions on agenda items.</p> | <p>Retain as is, subject to:</p> <p>(i) redraft for public's clarity / ease of understanding and</p> <p>(ii) to formally confirm need for notice</p> <p><i>See notes from NAG in red italics.</i></p> | <p>The T&FG considered that the right should not be extended to all meetings as proposed, given that the only excluded committees were limited and appropriately so (e.g. licensing and standards subcommittee hearings etc.). Particular consideration was given to removing the right from Planning Committee particularly as:</p> <ol style="list-style-type: none"> 1. the questions are used to make representations, which have / or could have been made in the course of the public consultation; <i>The public consultation responses could have been made many months before and this could be the opportunity for members of public to update their views.</i> 2. it often difficult to answer or understand public questions when no notice has been provided of them in advance; |

APPENDIX A – CONSULTEE RESPONSES TO REVIEW

| | | |
|--------------------------------|---|---|
| | | <p>3. the questions (which often took the form of long statements of personal opinion) unduly prolonged the meetings, without significant benefit to the committee’s consideration, complaints having been made by members about the lengthy of some meetings; <i>This is not what has prolonged the meetings as there is a 30 minute time frame for public questions. What has prolonged meetings are too many applications or complicated applications on one agenda. NAG members have put forward the view that ‘Public Questions’ should be renamed ‘Questions and Statements by the public.’ There could still be the 3 minute limit per speaker and the 30 minutes overall. The East Devon DC Constitution Para 8 is suggested as a particular preferable substitute.</i></p> <p>4. on occasion some questions were clearly inappropriate, including defamatory or offensive comments and in the absence of notice, it was difficult for the chair to stop the questioner early enough; <i>This is considered an acceptable risk in the interests of public involvement. It does not happen that often.</i></p> <p>5. the use of public questions at planning committee was not common place for LPAs dealing with development control applications. <i>MDDC should retain Public Questions/Statements.</i></p> <p>However, it was recognised that the planning committee was the most well attended public meeting and the public valued that right which at times provided the committee with additional information pertinent to its consideration of the application. In order to address the legitimate concerns it is proposed to require advance written notice of the question (in line with informal requests for such since Covid restrictions and to limit each question to 100 words per question.ⁱ <i>The majority of NAG members do not agree with a requirement to submit questions in advance on agenda items although it could be ‘advice’ and encouraged. The 3 minute rule is considered sufficient restriction and there is no support for the 100 word limit.</i></p> |
| Council Procedure Rule summary | [T&FG proposed change of CPRs as at 1 April 2020] | Response from Non-Aligned Group as at 18 April (in italics) |

APPENDIX A – CONSULTEE RESPONSES TO REVIEW

| | | |
|---|--|---|
| Full Council: Right of members to speak and ask questions at meetings they attend | Retain as it is subject amends for clarity / ease of understanding <i>See notes under relevant section below.</i> | The T&FG concluded with some redrafting and additions for clarity/ ease of understanding of the current right at full council, the rule should be retained ⁱⁱ ; and in the case of all other meetings, non-members' involvement in meetings should remain a matter for chair's discretion subject to ward members being able to speak in person at planning committee. <i>Agreed in principal by most but some do feel that any Member should be allowed to speak if they wish to contribute at most meetings [Planning excluded except for Ward Members.]</i> |
|---|--|---|

ⁱ Public Questions

- 0.1 **Questions from the Public:** Residents, electors or business rate payers of the District shall be entitled to ask questions at a meeting provided that:
- (a) the question(s) are relevant to an item on the Agenda for that meeting;
 - (b) all the questions from one ~~body~~ *person* do not exceed three minutes when read out, ~~nor 100 words for each question;~~ *[No support for the word number restriction.]*
 - (c) at least *two clear days'* *[Is this meant to be two clear **working** days? Practicalities – two clear days for Environment PDG on a Tuesday means questions would be sent on a Saturday etc. etc.!!!]* written notice has been given to the Member Services Manager (via email) of the question(s) to be asked; and
 - (d) the questions have not been rejected in accordance with Rule 0.5.
- 0.2 **Time for Public Questions:** Any public questions shall be dealt with at the beginning of the Agenda and limited to 30 minutes provided that the Chairman may extend the time, or proceed to the next agenda item within such shorter period if there are no questions or all permitted questions are answered.
- 0.3 **Attendance:** Persons submitting questions must be present (remotely or in person) at the meeting unless the Chairman agrees to address the question in the questioner's absence.
- 0.4 **Order of Questions:** Questions will be asked in the order they have been received.
- 0.5 **Scope:** The Chairman may, *following advice from either the Chief Executive, Monitoring Officer or Member Services Manager,* *[Why the advice from Officers?]* reject a question giving reasons to the questioner for its rejection if it:
- (a) Is not about a matter for which the Council has a responsibility or which affects the District;
 - (b) Is in his/her opinion scurrilous, improper, capricious, irrelevant or otherwise objectionable (e.g. spurious, vexatious);

- (c) Is substantially the same as a question which has been put at a meeting to which these rules apply in the past six months;
- (d) Requires the disclosure of confidential or exempt information.

0.6 Supplementary question: At the discretion of the Chairman questioners may ask one supplementary question.

0.7 Answers to questions

- (a) The Chairman of the meeting (or at meetings of the Council the appropriate committee chairman), shall respond to all valid questions.
- (b) Replies to questions may be verbal, in writing or by reference to a published document.
- (c) Replies which are not provided at the meeting shall be reported to the next relevant meeting and published alongside the draft minutes when available and circulated to all Members.

ii Members' Questions

0.1 Questions without notice: At a meeting of the Council, other than the Annual Meeting, a Member of the Council may ask the Leader, a Cabinet Member or the Chairman of a committee any question without notice upon an item of the report of the Cabinet or a committee when that item is being received or under consideration by the Council. *Agreed.*

0.2 Questions on notice: A Member may ask the Chairman of the Council, the Leader, a Cabinet Member or the Chairman of any committee any question which:

- (a) concerns the Council's powers / duties or which otherwise affects the District;
- (b) *relates to matters on which the Council has or may determine a policy; This is felt to be too restrictive as there may be legitimate questions members wish to raise which might not be a matter of policy.*
- (c) the Member has provided written notice of the question to the Chief Executive no later than noon, *two clear days preceding* the meeting; *[Practically does this mean noon on the Sunday before a Full Council meeting on the Wednesday?]*
- (d) *the question has first been discussed at a meeting of the Cabinet or committee and the Member is not satisfied with the adequacy of the answer contained in the relevant Minutes; Considered to be too restrictive and could prevent legitimate questions and issues being raised. Most Councils give members the right to ask questions as at (a) above without any restriction that it has previously been discussed.*

and

- (e) the question is not (in the opinion of the Chairman of Council taking account of the advice on the matter from the Chief Executive, Monitoring Officer or Member Services Manager):
 - (i) scurrilous, improper, capricious, irrelevant or otherwise objectionable (e.g. spurious, vexatious);
 - (ii) substantially the same as a question which has been put at a meeting of the Council in the past six months;
 - (iii) one which requires the disclosure of confidential or exempt information and the question is not to be raised in closed session;
 - (iv) one which contains expressions of opinion; *[Are members not entitled to express an opinion as the reason for the question?]* or
 - (v) one which relates to questions of fact.

0.3 Questions relating to urgent business: A Member of the Council may, with the advance permission of the Chairman, put to him, the Leader, a Cabinet Member or the Chairman of any committee any urgent question on notice under paragraph 0.2 without complying with sub paragraph 0.2(c) above, provided that:

- (a) the Chairman in his absolute discretion is satisfied that the matter raised in the question is of such urgency that compliance with sub paragraph 0.2(c) is precluded nor should its consideration be delayed until the next meeting of the Cabinet or appropriate committee; and

-
- (b) a copy of the question has been delivered to the Chief Executive no later than 9am the day before the Council meeting.
- 0.4 Order of Questions on notice**
- (a) Questions under Rules 0.2 and 0.3 shall be taken at the appropriate point in the relevant committee report or in the absence of such, at the Members' Questions agenda item.
- (b) Questions and written answers shall be printed in order of receipt and circulated amongst the Members at the commencement of the Council meeting. *[How or when do the public become aware that their representative has raised such a question?]*
- (c) No discussion shall be allowed upon questions or answers save as is permitted under Rules 0.5 - 0.8 below.
- 0.5 Form of Response**
- (a) The Chief Executive shall arrange for copies of on notice questions and answers to be sent to Members not present at the Meeting of the Council.
- (b) An answer may take the form of:
- a direct oral answer at the meeting;
 - where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - where the reply cannot conveniently be given orally, a written answer circulated within 10 working days to the questioner. *[Where do other members or the public see the answers please?]*
- 0.6 Supplementary question:** One relevant supplementary question to an answer to a question on notice shall be allowed to the original questioner but may be disallowed or not answered if the Chairman of the Council considers it in breach of paragraph 0.2(e). *[Should we include that the Chairman should give reasons?]*
- 0.7 Length of Speeches:** A Member asking a question under Rules 0.1 - 0.3 and a Member answering such a question may speak for no longer than three minutes unless the Chairman consents to a longer period.
- 0.8 Time Allowed for Questions**
- (a) The time allowed for consideration of all questions at full Council under Members' Questions agenda item which are submitted under this **Rule 0** *[Do we have a typo?]* shall not, without the consent of the Council exceed 30 minutes.
- (b) At the conclusion of the answer to the question under consideration at the expiry of 30 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Chairman shall continue with the meeting unless the Council resolves otherwise at the meeting.
- (c) Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council with written answers to be forwarded to all Members *[What about the public? Will the questions and answers be published alongside the minutes?]*

Council Procedure Rules

Introduction:

There are currently 20 procedure rules. They apply to all meetings of full Council (i.e. when all Members of the Council attend as voting members). Subject to the exceptions set out below in Rule 1 or where the rules provides or the context otherwise makes clear, they also apply to Cabinet and **Committees** (which latter term for the purposes of these rules, includes their sub-committees and Policy Development Groups).

1. Exceptions of Rules to Committees Meetings
2. Full Council
3. Substitute Members
4. Time Place and Notice of Meetings
5. Chairman of the Meeting
6. Quorum
7. Members' Business at full Council
8. Questions by the Public
9. Petitions from the Public
10. Questions from Members at full Council
11. Motions
12. Rules of Debate
13. State of District Debate
14. Previous Decisions and Motions
15. Voting
16. Minutes
17. Exclusion of the Public
18. Members' Conduct
19. Disturbance by the Public
20. Suspension and Amendment of Council Procedure Rules

1. Exceptions of Rules to Committee Meetings

| Committee | Rules which don't apply |
|---|---|
| Audit | Members' Business (Rule 7) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12) |
| Cabinet | No appointment of Substitutes (Rule 3) Members' Business (Rule 7) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12) |
| Electoral Review | Members' Business (Rule 7) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12) |
| Policy Development Groups (PDGs) | Members' Business (Rule 7) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12) |
| Licensing | No appointment of Substitutes for sub-committees (Rule 3) Members' Business (Rule 7) Public Questions for sub-committees (Rule 8) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12) |
| Planning | Members' Business (Rule 7) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12) |
| Regulatory | No appointment of Substitutes for sub-committees (Rule 3) Members' Business (Rule 7) Public Questions for sub-committees (Rule 8) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12) |
| Scrutiny | Members' Business (Rule 7) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12) |
| Standards | No appointment of Substitutes for sub-committees (Rule 3) Members' Business (Rule 7) Public Questions for sub-committees (Rule 8) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12) |

2. **Full Council**

2.1 **Annual Meeting**

2.1.1 Timing and business: In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement (four days after the election) of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

2.1.2 Business: The annual meeting will:

- (a) elect a person to preside if the outgoing Chairman of Council or Vice Chairman of the Council is not present;
- (b) elect the Chairman of the Council (subject to the statutory provisions in that behalf, a Councillor who is the present Chairman of the Council and has completed two consecutive years in such office shall not be eligible for re-election as Chairman of the Council for the ensuing year);
- (c) elect the Vice Chairman of the Council;
- (d) approve the minutes of the last meeting of the Council;
- (e) receive any announcements from the Chairman and/or the Chief Executive;
- (f) elect the Leader (following the ordinary election of councillors);
- (g) elect the Scrutiny Committee Chairman;
- (h) approve a programme of ordinary meetings of the Council for the year; and
- (i) consider any *other* business set out in the notice convening the meeting.

2.1.3 Appointment of Committees: At the Annual Meeting, the Council meeting will:

- (a) decide which Committees to establish for the municipal year;
- (b) decide the size and terms of reference for those Committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) receive nominations of (any) ungrouped councillors to serve on each Committee and vote on each appointment
- (e) make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet (in respect of Executive functions);

2.2 **Ordinary Meetings**

2.2.1 Business: The order of business at ordinary meetings will be as follows:

- (a) elect a person to preside if the Chairman and Vice Chairman are not present;
- (b) approve the minutes of the last meeting (whether the annual meeting or otherwise);
- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the Chairman;
- (e) receive Public Questions (as set out in Rule 8);

- (f) receive a report from the Leader and receive questions and answers on the report;
 - (g) deal with any business remaining from the last Council meeting;
 - (h) receive petitions from members of the public;
 - (i) debate single issues;
 - (j) consider Motions;
 - (k) consider recommendations from the Cabinet;
 - (l) consider any recommendations submitted by the Council's Committees;
 - (m) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
 - (n) receive Members' Business (as set out in Rule 7);
 - (o) consider any urgent items of business brought forward at the discretion of the Chairman and the reason for urgency must be announced at the meeting and recorded in the minutes;
- and
- (p) consider any other business specified in the summons to the meeting.

2.2.2 Variation of Order of Business: Business falling under items 2.2.1 shall not be displaced, but subject thereto the order of business may be varied:

- (a) by the Chairman at his/her discretion; or
- (b) by a resolution passed on a Motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

2.3 Extraordinary Meetings

2.3.1 Those listed below may request the Proper Officer to call Council meetings in addition to Ordinary Meetings:

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer; or
- (d) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

2.3.2 The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from Cabinet or Committees etc. except that the Chairman may at his absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

3. Substitute Members

3.1 Appointment

Where a member is appointed to a Committee or any committee / sub-committee of another council on which the District Council is represented, the member may appoint a substitute member to attend the meeting subject to the following qualification requirements:

- (a) In the case of the Audit, Licensing, Planning, Regulatory and Standards committees, all substitute members must have received training on the relevant committee's area of work.
- (b) Where the Member appointing a substitute is a Member of a Political Group the substitute Member shall only be from the membership of that same group unless there are no such trained members in that group.

3.2 Extent of the Substitution

- 3.2.1 Any such substitution shall have effect for the entirety of the meeting in respect of which the Notice has been given.
- 3.2.2 No more than two Members of the same Political Group shall be substituted at any meeting and no Member shall be substituted at more than two consecutive meetings of the same Committee.
- 3.2.3 Substitute Members may only attend meetings in that capacity where:
 - (a) the ordinary Member will be absent for the whole of the meeting;
 - (b) the ordinary Member has notified the Member Services Manager by email of the intended substitution at least one hour before the start of the relevant meeting; and
 - (c) in the case of area committees the substitution does not alter the balance on that committee between Members from the area and Members from the rest of the District.

4. Time, Place and Notice of Meetings

- 4.1 The time and place of meetings will be determined by the Chief Executive and notified in the summons.
- 4.2 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules.
- 4.3 At least five clear working days before a meeting, the Chief Executive approved will send a summons approved by him/her to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

5. Chairman of the Meeting

- 5.1 The person presiding at the meeting may exercise any power or duty of the Chairman.
- 5.2 The Chairman of the Council, by virtue of office, is not eligible to hold office as a Chairman of any other committee during his/her term.
- 5.3 The ruling of the Chairman as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting.

- 5.4** When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

6. Quorum

- 6.1** The quorum of a full Council meeting will be one quarter of the whole number of Members (rounded up) present at the meeting where physical presence is required (or in attendance including remotely where such physical presence is not required).
- 6.2** The quorum for a meeting of the Cabinet and any Committees will be one half of the number of members appointed to that body (rounded up) subject to a minimum of three in each case.
- 6.3** During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present the meeting will adjourn and remaining business will be considered at a time and date fixed by the Chairman or failing such, at the next ordinary meeting.

7. Members' Business

- 7.1** At each ordinary meeting of the full Council, a period not exceeding 15 minutes shall be allowed during which any Member may make a statement or give preliminary verbal notice of a question provided that:
- (a) such statement or question must be relevant to some matter in relation to which the Council has powers or duties, or which affects the District and has not been otherwise before the Council for consideration at the same meeting;
 - (b) no Member may make more than one statement or give notice of more than one question;
 - (c) no Member shall speak pursuant to this Procedure Rule for longer than two minutes;
 - (c) the statement or notice of question shall not be the subject of discussion or reply at that meeting;
 - (d) after the expiry of the said period of 15 minutes the Council shall proceed to the next business; and
 - (e) such statement or question is not (in the opinion of the Chairman) scurrilous, improper, capricious, irrelevant or otherwise objectionable.

8. Questions from the Public

- 8.1** Residents, electors or business rate payers of the District shall be entitled to ask questions at a meeting provided that:
- (a) the question(s) are relevant to an item on the Agenda for that meeting;
 - (b) all the questions from one body shall not exceed three minutes when read out;
 - (c) written notice has been given to the Member Services Manager by noon plus one clear working day before the meeting (via email or otherwise as he / she agrees) of the question(s) to be asked; and
 - (d) the questions have not been rejected in accordance with Rule 8.5.

8.2 Time for Public Questions

Any public question shall be dealt with at the beginning of the Agenda and limited to 30 minutes provided that the Chairman may extend the time, or proceed to the next agenda time within the shortened period if there are no questions or all permitted questions are answered.

8.3 Attendance

Persons submitting questions must be present (remotely or in person) at the meeting unless the Chairman agrees to address the questions in the questioner's absence.

8.4 Order of Questions

Questions will be asked in the order they have been received.

8.5 Scope

The Chairman may, following advice from either the Chief Executive, Monitoring Officer or Member Services Manager, reject a question giving reasons for that rejection, if it:

- (a) Is not about a matter for which the Council has a responsibility or which affects the District;
- (b) Is in his/her opinion scurrilous, improper, capricious, irrelevant or otherwise objectionable;
- (c) Is substantially the same as a question which has been put at a meeting to which these rules apply in the past six months; or
- (d) Requires the disclosure of confidential or exempt information.

8.6 Supplementary question

At the discretion of the Chairman questioners may ask one supplementary question.

8.7 Answers to questions

8.7.1 The Chairman or at meetings of the Council the appropriate Committee chairman, shall respond to all valid questions.

8.7.2 Replies to questions may be verbal in writing or by reference to a published document.

8.7.3 Replies which are not provided at the meeting shall be reported to the next relevant meeting by publishing them alongside the draft minutes when available and by circulating them to all Members.

9. Petitions from the Public to full Council

9.1 Notice of Petition

- 9.1.1 If a citizen wishes to present a petition to a Council meeting, notice must be given at least 10 working days before the meeting.
- 9.1.2 Petitions to be debated at the Council Meeting will have been selected according to the Petitions Scheme (which is attached as Appendix D to the Constitution).

9.2 Presentation of Petitions

- 9.2.1 The petition organiser will be allowed 5 minutes to present the petition at the meeting.
- 9.2.2 Only one person may speak to present a petition.
- 9.2.3 The Council will debate a single petition for a maximum of 15 minutes (if the petition has 1500 signatures or more).
- 9.2.4 The Council's response to the petition may include one or more of the following:
 - (a) taking the action requested in the petition;
 - (b) not taking the action requested in the petition;
 - (c) considering the petition at a council meeting;
 - (d) holding an inquiry into the matter;
 - (e) undertaking research into the matter;
 - (f) holding a public meeting;
 - (g) holding a consultation;
 - (h) holding a meeting with the petitioners;
 - (i) calling a referendum;
 - (j) referring the petition for consideration by other committees such as the Scrutiny Committee;
 - (k) where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision;
 - (l) the petition organiser will receive a written acknowledgement of receipt of their petition, details as to when and where their petition will be considered and a letter giving the outcome which will also be published on the Council website.

9.3 Scope of Petitions

- 9.3.1 The Member Services Manager may reject a petition if it:
 - (a) does not qualify under the scheme;
 - (b) does not follow the Council's guidelines for submitting a petition;
 - (b) it is vexatious, abusive or otherwise inappropriate;
 - (c) it is a petition qualifying under another enactment;
 - (d) it relates to a planning, licensing or other regulatory decision;

- (e) it relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

10. Questions from Members at full Council

10.1 Question without notice on reports of the Cabinet and Committees

At an Ordinary meeting of the full Council a Member of the Council may ask the Leader, Cabinet Members or the Chairman of a Committee any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.

10.2 Questions on notice at full Council

A Member of the Council may, ask the Chairman of the Council, the Leader, a Cabinet Member or the Chairman of any Committee any question which:

- (a) concerns the Council's powers / duties or which otherwise affects the District;
- (b) relates to matters on which the Council has or may determine a policy;
- (c) the Member has provided written notice of the question to the Chief Executive no later than noon, two clear days preceding the Council meeting;
- (d) the question has first been discussed at a meeting of the Cabinet or Committee and the Member is not satisfied with the adequacy of the answer contained in the relevant Minutes;

and

- (e) the question is not (in the opinion of the Chairman taking account of the advice on the matter from the Chief Executive, Monitoring Officer or Member Services Manager) one which:
 - (i) is scurrilous, improper, capricious, irrelevant or otherwise objectionable
 - (ii) is substantially the same as a question which has been put at a meeting of the Council (or other meeting to which these rules apply) in the past six months;
 - (iii) requires the disclosure of confidential or exempt information unless the question is raised in closed session;
 - (iv) contains expressions of opinion; or
 - (v) relates to questions of fact.

10.3 Questions relating to urgent business

A Member of the Council may, with the advance permission of the Chairman, put to him, the Leader, a Cabinet Member or the Chairman of any Committee any question relating to urgent business of which notice has not been given in accordance with paragraph 10.2(c) above, provided that:

- (a) the Chairman in his absolute discretion is satisfied that the matter being raised is of such urgency that compliance with paragraph 10.2(c) is precluded nor should its consideration be delayed until the next meeting of the Cabinet or the Committee; and
- (b) a copy of any such question has been delivered to the Chief Executive no later than 9am the day before the Council meeting.

10.4 Order of Questions

- 10.4.1 Questions under 10.2 and 10.3 shall be taken at the appropriate point in the relevant Committee report or in the absence of such, at the Members' Questions agenda item.
- 10.4.2 Questions and written answers shall be printed in order of receipt and circulated amongst the Members at the commencement of the Council meeting.
- 10.4.3 No discussion shall be allowed upon questions or answers save as is permitted under Rules 10.5 to 10.8 below.

10.5 Form of Response

- 10.5.1 The Chief Executive shall arrange for copies of questions and answers to be sent to Members not present at the Meeting of the Council.
- 10.5.2 An answer may take the form of:
- (a) a direct oral answer at the meeting;
 - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (c) where the reply cannot conveniently be given orally, a written answer circulated within 10 working days to the questioner and all Members.

10.6 Supplementary question

One relevant supplementary question to an answer to a question on notice shall be allowed to the original questioner but may be disallowed or not answered if the Chairman of the Council considers it in breach of paragraph 10.2(e).

10.7 Length of Speeches

A Member asking a question under Rules 10.1 to 10.3 and a Member answering such a question may speak for no longer than three minutes unless the Chairman consents to a longer period.

10.8 Time Allowed for Questions

- 10.8.1 The time allowed for consideration of all questions at full Council which are submitted under Rule 10 shall not, without the consent of the Council, exceed 30 minutes.
- 10.8.2 At the conclusion of the answer to the question under consideration at the expiry of 30 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Chairman shall continue with the meeting unless the Council resolves otherwise at the meeting.

- 10.8.3 Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council with written answers to be forwarded to all Members.

11. **Motions**

11.1 **Motions on Notice**

- 11.1.1 **Notice:** Except for motions which can be moved without notice under Rule 11.7, written notice of every motion, must be delivered to the Chief Executive via Member Services at least eight clear working days before the Council meeting at which it is to be considered.
- 11.1.2 **Record of Motions:** Motions received will be entered in a record, in the order they are received, which is open to public inspection. Where a motion is rejected, the record need only comprise a summary giving reason(s) why it was rejected.
- 11.1.3 **Motion set out in Summons:** The Chief Executive shall set out in the Summons for every meeting of the Council all Motions of which notice has been duly given in the order in which they have been received, unless:
- (a) The motion is rejected in accordance with Rule 11.5; or
 - (b) The Member giving such a notice intimated in writing, when giving it, that he/she proposed to move it at some later meeting or has since withdrawn it in writing.
- 11.1.4 **Motion not moved:** Subject to 11.1.7 if a Motion set out in the Summons is not moved either by a Member who gave notice or by some other Member on his behalf it shall, unless postponed by resolution of the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 11.1.5 **Speaking on the Motion:** Those moving and seconding the Motion at the Council meeting shall be invited to speak on the Motion. In the event that the Motion stands referred to another body as provided for in 11.1.6 the mover (or in his absence, the seconder) of the Motion shall be invited to the relevant meeting to amplify the Motion, but without any right to vote except as a member of the Cabinet or relevant Committee.
- 11.1.6 **Reference to Committee:** If the subject matter of any Motion, of which notice has been duly given comes within the province of the Cabinet or a Committee, it shall, after being formally moved and seconded (with those moving and seconding the motion having been given the opportunity to speak on the Motion), either:
- (a) stand referred to the Cabinet or the most relevant Committee as the Chairman may determine for consideration and report; or
 - (b) on an alternative motion being put forward and accepted, be dealt within in accordance with that alternative motion.

11.1.7 Consideration by full Council: The Chairman of Council may if he considers it convenient and conducive to the despatch of business allow the Motion to be dealt with at the meeting, at which it is brought forward.

11.1.8 Scope of Motions on Notice: Motions must:

- (a) be about matters for which the Council has a responsibility or which affect the District; and
- (b) not, in the opinion of the Chief Executive be out of order, illegal, irregular or improper.

11.1.9 If a motion is not within scope, the Chief Executive shall as soon as is practicable, submit the notice of motion to the Chairman of the Council and the motion shall not be accepted nor placed on the agenda without the Chairman's sanction.

11.1.10 In the event of non-acceptance, the Chief Executive shall inform the member giving notice as soon as reasonably possible of the reason(s) for the rejection.

11.2 Motion on Notice to Remove the Leader

In order for such a motion to be carried it must have the support of the majority of those members voting and present in the room at the time the question was put.

11.3 Motions without Notice

11.3.1 The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to adopt a recommendation on some other course of action arising from a report to the meeting or as a result of a petition submitted to the meeting or recommendation arising from single issue debate
- (e) to refer something to an appropriate body or individual;
- (f) to appoint a committee or member arising from an item on the summons for the meeting;
- (g) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (h) to withdraw a motion which may be moved in accordance with this procedure rule;
- (i) to amend a motion which may be moved in accordance with this procedure rule, subject to the provisions of the Budget and Policy Framework Procedure Rules in relation to amendment of the Cabinet's proposals for the Council's Budget and Policy Framework;
- (j) to proceed to the next business (such Motion may only be moved by a Councillor who has not spoken in the debate)
- (k) that the question be now put (such Motion may only be moved by a Councillor who has not spoken in the debate)

- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- (p) not to hear further a Member named under Rule 18.2 or excluded from the meeting under Rule 18.3; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

12. Rules of Debate

12.1 No speeches may be made unless the appropriate Notice has been given and until the Motion is seconded; or the appropriate Notice has been given and is moved by the Chairman of the meeting.

12.2 When seconding a motion or amendment, a member may reserve their speech until later in the debate.

12.3 Content and length of speeches

12.3.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

12.3.2 No speech shall exceed:

- (a) Five minutes in the case of the mover of a Motion;
- (b) Three minutes in the case of the seconder;
- (c) Five minutes in the case of the Leader, the relevant Cabinet Member or the Chairman of a Committee dealing with the matters arising from committee reports except with the consent of the Chairman who shall have discretion to extend that time if it appears prudent in his judgement to do so;
- (d) Three minutes in all other cases except by consent of the Council; and
- (e) When the Council's annual budget is under discussion, the leader of each political group on the Council may speak for up to five minutes or such longer period as the Chairman shall allow.

12.4 When a Member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

12.5 Amendments to motions

- An amendment to a motion must be relevant to the motion and will either be:
- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (i) to leave out words;
 - (ii) to leave out words and insert or add others; or
 - (iii) to insert or add words
 - (iv) as long as the effect of (i) to (iii) is not to negate the motion.
 - (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of provided that the Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course of action would facilitate the proper conduct of the Council's business.
 - (c) If an amendment is not carried, other amendments to the original motion may be moved.
 - (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
 - (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

12.6 Alteration of motion

- 12.6.1 A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 12.6.2 A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 12.6.3 Only alterations which could be made as an amendment may be made.

12.7 Withdrawal of motion

- 12.7.1 A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder.
- 12.7.2 The meeting's consent will be signified without discussion.
- 12.7.3 No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

12.8 Right of reply

- 12.8.1 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

- 12.8.2 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- 12.8.3 The mover of the amendment has no right of reply to the debate on his/her amendment.

12.9 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (h) Not to hear further a Member named under Rule 18.2 or excluded from the meeting under Rule 18.3.

12.10 Closure motions

- 12.10.1 A Member may move, without comment, the following motions at the end of a speech of another Member:

- (a) to proceed to the next business;
- (b) that the question be now put;
- (c) to adjourn a debate; or
- (d) to adjourn a meeting.

- 12.10.2 If a motion to proceed to next business is seconded and the Chairman considers the item has been sufficiently discussed, he/she will give the mover of the original motion (if there is one) a right of reply and then put the procedural motion to the vote.

- 12.10.3 If a motion that the question be now put is seconded and the Chairman considers the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion (if there is one) a right of reply before putting his/her motion to the vote.

- 12.10.4 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman considers the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

12.11 Point of Order

A point of order is a request from a member to the Chairman to rule on an alleged irregularity in the procedure of the meeting. A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of procedure set out in these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

12.12 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

13 State of the District Debate

13.1 Calling of the debate

The Leader may call a state of the District debate annually on a date to be agreed with the Chairman.

13.2 Form of the debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the District debate.

13.3 Chairing of the debate

The debate will be chaired by the Chairman.

13.4 Results of the debate

13.4.1 The results of the debate will be:

- (a) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (b) considered by the Leader in proposing the Budget and Policy Framework to the Council for the coming year.

13.4.2 If the Leader fails to call a debate within nine months in any municipal year, it may be called by notice in writing to the Chief Executive signed by any 10 Members of the Council and that the debate shall be heard on the subject and form specified by those 10 Members.

14. Previous Decisions and Motions

14.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 10 Members.

14.2 Motion similar to one previously rejected

14.2.1 This Procedure Rule 14.2 shall not apply to Motions moved in pursuance of a recommendation of a Committee.

14.2.2 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least ten members.

14.2.3 Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

15. Voting

15.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question is put.

15.2 Chairman's casting vote

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

15.3 Method of Voting

Unless a recorded vote is demanded under Rule 15.4 the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

15.4 Recorded vote

If 10 Members present at the meeting demand it, the names for and against *the motion or amendment or abstaining from voting will be taken down in writing* and entered into the minutes.

15.5 Right to require individual vote to be recorded

Where any Member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

15.6 Voting on appointments

- 15.6.1 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken.
- 15.6.2 The process will continue until there is a majority of votes for one person.

15.7 Voting on the Budget and Council Tax

At a Budget meeting, the vote on any motion or amendment relating to the setting of the Budget (revenue and capital budget) and Council Tax or precept shall be by roll call and the names of Members who voted as for, against or in abstention to any such motion or amendment shall be recorded in the minutes of that meeting.

16. Minutes

16.1 Signing the minutes

- 16.1.1 The Chairman will sign the minutes of the proceedings at the next suitable meeting.
- 16.1.2 The Chairman will move that the minutes of the previous meeting be signed as a correct record.
- 16.1.3 The only part of the minutes that can be discussed is their accuracy.

16.2 No requirement to sign minutes of previous meeting at an Extra-ordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

16.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

17. Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 19 (Disturbance by Public) or otherwise permissible in law.

18. Members' Conduct

18.1 Speaking at meetings

- 18.1.1 When a Member speaks at full Council he/she must address the meeting through the Chairman.
- 18.1.2 If more than one Member signifies their intention to speak, the Chairman will ask one to speak.
- 18.1.3 Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

18.2 Member not to be heard further

- 18.2.1 If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member not be heard further.
- 18.2.2 If seconded, the motion will be voted on without discussion.

18.3 Member to leave the meeting

- 18.3.1 If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period.
- 18.3.2 If seconded, the motion will be voted on without discussion.

18.4 General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

19. Disturbance by the Public

19.1 Removal of member of the public

- 19.1.1 If a member of the public interrupts proceedings, the Chairman will warn the person concerned.
- 19.1.2 If they continue to interrupt, the Chairman will order their removal from the meeting room.

19.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

20. Suspension and Amendment of Council Procedure Rules

20.1 Suspension

All of these Council Rules of Procedure except Rules 5.3, 15.5, 16.3 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

20.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council unless the amendment is the subject of a report from the Standards Committee.

DRAFT ONLY

SECTION 1 - Council Procedure Rules

Introduction:

There are currently 20 procedure rules. They apply to all meetings of full Council (i.e. when all Members of the Council attend as voting members). Subject to the exceptions set out below in Rule 1 or where the rules provides or the context otherwise makes clear, they also apply to Cabinet **and Committees** (which latter term for the purposes of these rules, includes their sub-committees and Policy Development Groups).

1. Exceptions of Rules to Committees Meetings
2. Full Council
3. Substitute Members
4. Time Place and Notice of Meetings
5. Chairman of the Meeting
6. Quorum
7. Members' Business at full Council
8. Questions by the Public
9. Petitions from the Public
10. Questions from Members at full Council
11. Motions
12. Rules of Debate
13. State of District Debate
14. Previous Decisions and Motions
15. Voting
16. Minutes
17. Exclusion of the Public
18. Members' Conduct
19. Disturbance by the Public
20. Suspension and Amendment of Council Procedure Rules

41. Exceptions of Rules to Committee Meetings

| <u>Committee</u> | <u>Rules which don't apply</u> |
|--|--|
| <u>Audit</u> | <u>Members' Business (Rule 7)</u> <u>No motions other than those referred by full Council (Rule 11)</u> <u>No restriction on the number of times a member can speak during debate (Rule 12)</u> |
| <u>Cabinet</u> | <u>No appointment of Substitutes (Rule 3)</u> <u>Members' Business (Rule 7)</u> <u>No motions other than those referred by full Council (Rule 11)</u> <u>No restriction on the number of times a member can speak during debate (Rule 12)</u> |
| <u>Electoral Review</u> | <u>Members' Business (Rule 7)</u> <u>No motions other than those referred by full Council (Rule 11)</u> <u>No restriction on the number of times a member can speak during debate (Rule 12)</u> |
| <u>Policy Development Groups (PDG's)</u> | <u>Members' Business (Rule 7)</u> <u>No motions other than those referred by full Council (Rule 11)</u> <u>No restriction on the number of times a member can speak during debate (Rule 12)</u> |
| <u>Licensing</u> | <u>No appointment of Substitutes for sub-committees (Rule 3)</u> <u>Members' Business (Rule 7)</u> <u>Public Questions for sub-committees (Rule 8)</u> <u>No motions other than those referred by full Council (Rule 11)</u> <u>No restriction on the number of times a member can speak during debate (Rule 12)</u> |
| <u>Planning</u> | <u>Members' Business (Rule 7)</u> <u>No motions other than those referred by full Council (Rule 11)</u> <u>No restriction on the number of times a member can speak during debate (Rule 12)</u> |
| <u>Regulatory</u> | <u>No appointment of Substitutes for sub-committees (Rule 3)</u> <u>Members' Business (Rule 7)</u> <u>Public Questions for sub-committees (Rule 8)</u> <u>No motions other than those referred by full Council (Rule 11)</u> <u>No restriction on the number of times a member can speak during debate (Rule 12)</u> |

| | |
|------------------|--|
| <u>Scrutiny</u> | <u>Members' Business (Rule 7)</u> <u>No motions other than those referred by full Council (Rule 11)</u> <u>No restriction on the number of times a member can speak during debate (Rule 12)</u> |
| <u>Standards</u> | <u>No appointment of Substitutes for sub-committees (Rule 3)</u> <u>Members' Business (Rule 7)</u> <u>Public Questions for sub-committees (Rule 8)</u> <u>No motions other than those referred by full Council (Rule 11)</u> <u>No restriction on the number of times a member can speak during debate (Rule 12)</u> |

2. Annual Meeting of the Full Council

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2.1 Annual Meeting

2.1.1 Timing and business:

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In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement (four days after the election) of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

2.1.2 Business: The annual meeting will:

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- (a) elect a person to preside if the outgoing Chairman of Council or Vice Chairman of the Council is not present;
- (b) elect the Chairman of the Council (subject to the statutory provisions in that behalf, a Councillor who is the present Chairman of the Council and has completed two consecutive years in such office shall not be eligible for re-election as Chairman of the Council for the ensuing year);
- (c) elect the Vice Chairman of the Council;
- (d) approve the minutes of the last meeting of the Council;
- (e) receive any announcements from the Chairman and/or the Head of Paid Service Chief Executive;
- (f) elect the Leader (following the ordinary election of councillors);
- (g) elect the Scrutiny Committee Chairman;
- (h) ~~agree the scheme of delegations as set out in Part 3 of this Constitution~~
approve a programme of ordinary meetings of the Council for the year;
and
- (i) consider any other business set out in the notice convening the meeting.

1.22.1.3

~~of Councillors on Outside Bodies~~

Appointment of Committees; and Selection

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At the ~~a~~Annual ~~m~~Meeting, the Council meeting will:

- (a) decide which committees to establish for the municipal year;
- (b) decide the size and terms of reference for those ~~e~~Committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) receive nominations of (any) ungrouped Councillors to serve on each ~~e~~Committee and vote on each appointment
- (e) make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet (in respect of ~~e~~Executive functions);

2.2 Ordinary Meetings

2.2.1

Business: ~~Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting.~~ The order of business at ordinary meetings will be as follows:

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- (a) elect a person to preside if the Chairman and Vice Chairman are not present;
- (b) approve the minutes of the last meeting (whether the annual meeting or otherwise);
- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the Chairman;
- (e) receive ~~questions from, and provide answers to, the public in relation to matters which in the opinion of the Chairman are relevant to the Council's functions or business of the meeting~~Public Questions (as set out in Rule 8);
- (f) receive a report from the Leader and receive questions and answers on the report;
- (g) deal with any business remaining from the last Council meeting;
- (h) receive petitions from members of the public;
- (i) debate single issues;
- (j) consider Motions;
- (k) consider ~~reports-recommendations~~ from the Cabinet ;
- (l) consider any ~~reports-recommendations~~ submitted by the ~~Scrutiny Committee and the other~~ Council's ~~e~~Committees;
- (m) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (n) receive ~~statement made and notices of future questions given by Members'~~ Business (as set out in Rule 7);
- (o) consider any urgent items of business brought forward at the discretion of the Chairman ~~and . In respect of any such urgent items of business, the Chairman must be satisfied that the item of business is urgent~~

~~enough to justify its inclusion on the agenda.~~ The reason for urgency must be announced at the meeting and recorded in the minutes. ~~The discretion as to urgency is entirely with the Chairman;~~ and

- (p) consider any other business specified in the summons to the meeting ~~and reports of the Scrutiny Committee for debate;~~

2.2.2 Variation of Order of Business:

Business falling under items 2.2.1 ~~and 2.2~~ shall not be displaced, but subject thereto the ~~foregoing~~ order of business may be varied:

- (a) by the Chairman at his/her discretion; or
- (b) by a resolution passed on a Motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

2.3. Extraordinary Meetings

2.3.1 ~~Calling extraordinary meetings~~

Those listed below may request the ~~pP~~ Proper ~~eO~~ Officer to call Council meetings in addition to ~~eO~~ Ordinary ~~mM~~ Meetings:

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer; or
- (d) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

2.3.2 Business

The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from ~~Cabinet or eC~~ Committees etc. except that the Chairman may at his absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

34. ~~Appointment of s~~Substitute ~~mM~~Members

43.1 Appointment

Where a member is appointed to a Committee or any committee/sub-committee of another council on which the District Council is represented, the member may appoint a substitute member to attend the meeting subject to the following qualification requirements:

- a) In the case of the Audit, Licensing, Planning, Regulatory and Standards committees, all substitute members must have received training on the relevant committee's area of work.

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- b) Where the Member appointing a substitute is a Member of a Political Group the substitute Member shall only be from the membership of that same group unless there are no such trained members in that group.

Cabinet

~~This rule does not apply to the Cabinet as they are not able to use substitutes~~

4.2 ~~Scrutiny Committee and Policy Development Groups (PDGs)~~

~~Where a member is appointed to the Scrutiny Committee, Policy Development Groups or to serve on any committee or sub-committee of another council on which this council is represented, provided that council's constitution so permits, that member may appoint a substitute member to attend the meeting~~

4.3 ~~Planning, Licencing, Licensing Regulatory, Audit and Standards Committee~~

~~In respect of the Licensing, Licensing Regulatory, Audit and Standards Committees, each Committee will have a pool of five suitably trained members shall be established and substitutes may only be nominated from that pool. Planning Committee has a pool of 7).~~

4.4 ~~Licencing, Licensing Regulatory and standards sub-committees~~

~~Substitutes cannot be used in the case of a Licencing, Regulatory or Standards sub-committee.~~

4.5

~~Where the Member appointing a substitute is a Member of a Political Group the substitute Member shall be from the membership of that same Group.~~

3.2 Extent of the Substitution

3.2.1 Any such substitution shall have effect for the entirety of the meeting in respect of which the Notice has been given.

~~A substitute Member shall be entitled to vote and shall assume all the responsibilities and rights of a Member of the Scrutiny Committee, Audit Committee, Policy Development Group, Committee, Sub-Committee or other body.~~

~~Notice in writing of a substitute shall be given to the Chief Executive (and recorded by him in the order in which they are received) by the Member appointing the substitute before the commencement of the meeting. Notification by a Member purporting to be a substitute Member will not be accepted.~~

3.2.2. No more than two Members of the same Political Group shall be substituted at any meeting, and no Member shall be substituted at more than two consecutive meetings of the same ~~Scrutiny Committee, Audit Committee, Policy Development Group, Committee, Sub-Committee etc.~~

~~The Monitoring Officer may consider a request from a Member of a Council Body to appoint a substitute Member (for one meeting only), providing that substitute Member is from the same political group.~~

~~In order to be eligible to sit as substitutes on regulatory or quasi-judicial committees or panels or staff appointments or disciplinary bodies~~

~~established by the Council, Members must have received formal training in relevant procedures and the law~~

~~Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.~~

3.2.3 Substitute Members may only attend meetings in that capacity ~~only~~where:

~~(a) to take the place of the ordinary Member for whom they are designated substitute;~~

~~(b)(a)~~ where the ordinary Member will be absent for the whole of the meeting;

~~(c)(b)~~ where the ordinary Member has notified the Member Services ~~Officer~~Manager by email of the intended substitution at least one hour before the start of the relevant meeting; and

~~(d)(c)~~ provided, in the case of area committees, ~~that~~ the substitution does not alter the balance on that committee between Members from the area and Members from the rest of the District.

54. Time, Place and ~~Duration~~ Notice of Meetings

54.1 The time and place of meetings will be determined by the Chief Executive and notified in the summons.

6. Notice of and Summons to Meetings

6.14.2 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules.

4.3 At least five clear working days before a meeting, the Chief Executive approved will send a summons ~~signed~~approved by him/her to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

75. Chairman of the Meeting

75.1 The person presiding at the meeting may exercise any power or duty of the Chairman. ~~Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the Chairmen of committees and sub-committees.~~

75.2 The Chairman of the Council, by virtue of office, is not eligible to hold office as a Chairman of any other Committee during his/her term.

5.3 The ruling of the Chairman as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting.

5.4 When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

86. Quorum

86.1 The quorum of a Full Council meeting will be one quarter of the whole number of Members (~~11 members~~rounded up) present at the meeting where physical presence is required (or in attendance including remotely where

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~~such physical presence is not required). During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.~~

- ~~86.2 The quorum for a meeting of the Cabinet and any ~~Scrutiny Committees~~ will be one half of the number of members appointed to that body (rounded up) subject to a minimum of three in each case.~~ ~~Audit Committee, Standards Committee, Policy Development Groups, Planning Committee, Licensing Committee, Licensing Regulatory Committee, a Committee or a sub-committee of the Council will be one half of the number of members appointed (rounded up) to the Cabinet (four), Scrutiny Committee (six), Audit Committee (four), Standards Committee (five), Policy Development Groups (five), Planning Committee (six), Licensing Committee (six), Licensing Regulatory Committee (six), a Committee or a sub-committee. See the procedure Rules for information about quorum per committee~~

- ~~6.3 During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present the meeting will adjourn and remaining business will be considered at a time and date fixed by the Chairman or failing such, at the next ordinary meeting.~~

~~9. Single Issue Debate~~

- ~~9.1 Where any five members give notice in writing, delivered at least eight clear days before the next meeting of the Council at the office of the Chief Executive, of request for a single issue debate. Rule 16 (Rules of Debate) shall not apply to any debate under this Procedure Rule.~~
- ~~9.2 A period of not exceeding one hour shall be allowed during which debate may take place. Any recommendations arising from such debate shall be referred to the appropriate committee for consideration.~~

~~407. Members' Business~~

- ~~407.1 At each ordinary meeting of the full Council, a period not exceeding 15 minutes shall be allowed during which any Member may make a statement or give preliminary verbal notice of a question provided that:-~~
- ~~(a) such statement or question must be relevant to some matter in relation to which the Council has powers or duties, or which affects the District and has not been otherwise before the Council for consideration at the same meeting;~~
 - ~~(b) no Member may make more than one statement or give notice of more than one question;~~
 - ~~(c) and no Member shall speak pursuant to this Procedure Rule for longer than two minutes;~~
 - ~~(d) the statement or notice of question shall not be the subject of discussion or reply at that meeting;~~
 - ~~(e) and after the expiry of the said period of 15 minutes the Council shall proceed to the next business; and~~

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(f)– such statement or questions is not (in the opinion of the Chairman) scurrilous, improper, capricious, irrelevant or otherwise objectionable.

448. Questions by from the Public

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448.1 Residents, electors or business rate payers of the District shall be entitled to ask questions at a meeting provided that:

General

- (a) ~~(a)~~the question(s) are relevant to an item on the Agenda for that meeting; Public Question Time shall apply at all public meetings of the Council with the exception of the Licencing Sub Committee, Licensing Regulatory Sub-committee and Standards Sub Committee.
- (b) all the questions from one body shall not exceed three minutes when read out;
- (c) written notice has been given to the Member Services Manager by noon plus one clear working day before the meeting (via email or otherwise as he/she agrees) of the question(s) to be asked; and
- (d) the questions have not been rejected in accordance with Rule 8.5.

8.2 Time for Public Questions

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- ~~(b) Any Public Question Time shall normally be dealt with at the beginning of the Agenda (i.e. as part of the formal meeting) unless a Committee/Group shall determine otherwise; and~~
- ~~(c) The total time allocated for questions by the public is limited to 30 minutes provided that the Chairman may extend the time, or proceed to the next agenda time within the shortened period if there are no questions or all permitted questions are answered. In the event that there are no questions, or no further questions, the Chairman shall have the discretion to proceed with the Agenda prior to the expiry of that period. The Chairman also has discretion to extend the time for public questions if he/she deems it to be appropriate~~
- ~~(d) Residents, electors or business rate payers of the District shall be entitled to ask questions~~

11.28.3 Asking a question at the meeting Attendance

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Ideally pPersons submitting questions should must be present (remotely or in person) at the meeting unless the Chairman agrees to address the questions in the questioner's absence. It is preferable that notice is given of the question to be asked at the meeting

However, if a questioner who has submitted a question is unable to be present, they may ask the Chairman to put the question on their behalf.

8.4 Order of Questions

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- (a) Questions will be asked in the order they have been received

8.5 Scope

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- ~~(b) Written questions will be dealt with first~~
- ~~(c) Questions may be verbal or, preferably written~~
- ~~(d) A question shall not exceed 3 minutes~~
- ~~(e) Questions must be relevant to an item on the Agenda for that meeting~~
- ~~(f) The Chairman may, following advice from either the Chief Executive, Monitoring Officer or Member Services Manager, shall have the discretion to reject a question, giving reasons for that rejection, if it:~~

~~(a)~~ Is not about a matter for which the Council has a responsibility or which affects the District;

~~(b)~~ Is in his/her opinion scurrilous, improper, capricious, irrelevant or otherwise objectionable;

~~(c)~~ Is substantially the same as a question which has been put at a meeting to which these rules apply of the Council in the past six months; or

~~(d)~~ Requires the disclosure of confidential or exempt information.

41.38.6 Supplementary question

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At the discretion of the Chairman ~~of that meeting~~, questioners may ask one supplementary question.

41.48.7 Answers to questions

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8.7.1 The ~~e~~Chairman ~~of the meeting~~, or at meetings of the Council the appropriate ~~e~~Committee chairman, shall respond to all valid questions.

8.7.2 Replies to questions may be verbal, ~~or at the discretion of the Chairman~~, in writing, or by reference to a published document.

8.7.3 ~~Written~~ Replies which are not provided at the meeting shall be reported to the next relevant meeting ~~of the Committee and by publishing them alongside the draft minutes when available and by circulating them - Responses will also be sent to all Councillors~~Members.

429. Petitions from the Public to Full Council

429.1 Notice of Petition

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9.1.1 If a citizen wishes to present a petition to a Council meeting, notice must be given at least 10 working days before the meeting.

9.1.2 Petitions to be debated at the Council Meeting will have been selected according to the Petitions Scheme (which is attached as Appendix D to the Constitution).

429.2 Presentation of Petitions

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9.2.1 The petition organiser will be allowed 5 minutes to present the petition at the meeting.

9.2.2 Only one person may speak to present a petition.

9.2.3 The Council will ~~then~~ debate a single the petition for a maximum of 15 minutes (if the petition has 1500 signatures or more).

9.2.4 The Council's response to the petition ~~will depend on what the petition asks for and how many people have signed it, but it~~ may include one or more of the following:

- (a) taking the action requested in the petition;
- (b) not taking the action requested in the petition;
- (c) considering the petition at a council meeting;
- (d) holding an inquiry into the matter;
- (e) undertaking research into the matter;
- (f) holding a public meeting;
- (g) holding a consultation;
- (h) holding a meeting with the petitioners;
- (i) calling a referendum;
- (j) referring the petition for consideration by other committees such as the Scrutiny Committee;
- (k) where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision;
- (l) the petition organiser will receive a written acknowledgement of receipt of their petition, details as to when and where their petition will be considered and a letter giving the outcome which will also be published on the Council website.

12.59.3 **Scope of Petitions**

9.3.1 The Member Services Manager may reject a petition if it:

- (a) does not qualify under the scheme;
- ~~(b)~~ (b) ~~does not i.e. it does not~~ follow the Council's guidelines for submitting a petition;
- ~~(c)~~ it is vexatious, abusive or otherwise inappropriate;
- ~~(d)~~ it is a petition qualifying under another enactment;
- ~~(e)~~ it relates to a planning, licensing or other regulatory decision;
- ~~(e)~~ ~~it relates to a licensing decision;~~
- (f) it relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

1310. **Questions ~~by from~~ Members at full Council**

1310.1 **Questions without notice ~~On~~ reports of the Cabinet ~~or and~~ Committees**

At an Ordinary meeting of the full Council, ~~other than the Annual meeting,~~ a Member of the Council may ask the Leader, Cabinet Members or the Chairman of a eCommittee any question without notice upon an item of the report of the Cabinet or a eCommittee when that item is being received or under consideration by the Council.

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103.2 Questions on notice at full Council.

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A Member of the Council may, ~~if by not later than noon, one clear working day preceding any ordinary meeting of the Council, notice in writing has been given to the Chief Executive,~~ ask the Chairman of the Council, ~~or the~~ Leader, ~~the a~~ Cabinet Member or the Chairman of any Committee any question ~~on any matter in relation to which:~~

- (a) ~~concerns~~ the Council's ~~have~~ powers ~~or/~~ duties or which ~~otherwise~~ affects the District;
- (b) ~~relates to matters on which the Council has or may determine a policy;~~
- (c) ~~the Member has provided written notice of the question to the Chief Executive no later than noon, two clear days preceding the Council meeting;~~
- (d) ~~that the subject matter of the particular question shall have~~ has first been the subject of discussion ~~at a meeting of the Cabinet or appropriate Committee or Sub-Committee and that, in the particular case the Member who seeks to ask the question is not satisfied with the adequacy of the answer contained in the relevant Minutes; and of the Cabinet or that Committee or Sub-Committee.~~
- (e) ~~If any doubt arises as to whether the particular subject matter has been the subject of discussion at a meeting of the appropriate Committee or Sub-Committee this shall be determined by the Chairman of the Council whose decision in such regard shall not be open to challenge the question is not (in the opinion of the Chairman taking account of the advice on the matter from the Chief Executive, Monitoring Officer or Member Services Manager) one which:~~
 - i) ~~is~~ is scurrilous, improper, capricious, irrelevant or otherwise objectionable
 - ii) ~~is~~ is substantially the same as a question which has been put at a meeting of the Council (or other meeting to which these rules apply) in the past six months;
 - iii) ~~requires the disclosure of confidential or exempt information unless the question is raised in closed session;~~
 - iv) ~~contains expressions of opinion; or~~
 - v) ~~relates to questions of fact.~~

103.3 Questions relating to urgent business

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A Member of the Council may, with the ~~advance~~ permission of the Chairman, put to him, ~~or the~~ Leader, ~~a~~ Cabinet Member or ~~the~~ Chairman of any ~~C~~committee any question relating to urgent business of which notice has not been given in accordance with paragraph 10.2(ca) above, provided that:

- (a) ~~the Chairman in his absolute discretion is satisfied that the matter being raised in such a question is of such urgency as to preclude the procedure in that compliance with paragraph 10.2(ca) is precluded nor should its above being pursued and that he is also satisfied that it is not appropriate for the matter to await consideration be delayed until the next meeting of the Cabinet or the Committee; and~~

~~at the next meeting of the Cabinet or the appropriate Committee or Sub-Committee and~~

~~(b) provided also that~~ a copy of any such question has been delivered to the Chief Executive no later than ~~nine o'clock~~9am on the morning of the day before the Council Meeting.

10.4 Order of Questions

10.4.1 Questions under ~~paragraph 10.2 and 10.3 above~~ shall be taken at the appropriate point in the relevant Committee report or in the absence of such, at the Members' Questions agenda item.

10.4.2 Questions and written answers shall be printed in order of receipt and circulated amongst the Members at the commencement of the Council Meeting. ~~and~~

10.4.3 ~~No~~ discussion shall be allowed upon questions or answers save as is permitted under Rules 10.5 to 10.8 below.

13.5 Content of Questions

~~Questions under Rule 13.3 or 13.4 must, in the opinion of the Chairman:~~

- ~~(a) contain no expressions of opinion;~~
- ~~(b) relate to matters on which the Council has or may determine a policy;~~
- ~~(c) not relate to questions of fact.~~

~~If questions or supplementary questions are unsuitable in form, frivolous or derogatory to the dignity of the Council, the Chairman of the Council shall have the right to rule the matter void.~~

10.5 Form of Response

10.5.1 The Chief Executive shall arrange for copies of questions and answers to be sent to Members not present at the Meeting of the Council.

10.5.2 An answer may take the form of:

- (a) a direct oral answer at the meeting;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated within 10 working days to the questioner and all Members.

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13.10.6.7 Supplementary question

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One relevant supplementary question to an answer to a question on notice shall be allowed to the original questioner but may be disallowed or not answered if unless such supplementary question is disallowed by the Chairman of the Council considers it in breach of under paragraph 13.5 10.2(e) of this Rule.

103.78 Length of Speeches

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A Member asking a question under Rules 13.310.1 or to 13.4 10.3 and a Member answering such a question may speak for no longer than 3-three minutes unless the Chairman consents to a longer period.

103.89 Time Allowed for Questions at Council Meetings

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10.8.1 The time allowed for consideration of all questions at full council which are submitted under Rule 13-10 shall not, without the consent of the Council, exceed 30 minutes.

10.8.2 At the conclusion of the answer to the question under consideration at the expiry of 30 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Chairman shall continue with the meeting unless the Council resolves otherwise at the meeting.

10.8.3 Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council with the-written answers to be forwarded to all CouncillorsMembers.

114. Motions**11.1 Motions on Notice****114.1.1 Notice:**

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Except for motions which can be moved without notice under Rule 4511.7, written notice of every motion, must be delivered to the Chief Executive via Member Services at least 8-eight clear working days before the Council meeting at which it is to be considered.

11.1.2 Record of Motions: Motions received will be entered in a record, in the order they are received, which is open to public inspection. and w/h here a motion is rejected, the record need only comprise a summary they are rejected giving reason(s) why it was rejected.

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44.211.1.3 Motion set out in summons:

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The Chief Executive shall set out in the Summons for every meeting of the Council all Motions of which notice has been duly given in the order in which they have been received, unless:

(a) The motion is rejected in accordance with Rule 11.5; or

(b) The Member giving such a notice intimated in writing, when giving it, that he/she proposed to move it at some later meeting, or has since withdrawn it in writing.

44.311.1.4 Motion not moved:

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Subject to 11.1.7 if a Motion thus set out in the Summons be-is not moved either by a Member who gave notice thereof or by some other Member on his

behalf it shall, unless postponed by ~~consent-resolution~~ of the Council, be treated as withdrawn and shall not be moved without fresh notice.

11.1.5 Speaking on the Motion: Those moving and seconding the Motion at the Council meeting shall be invited to speak on the Motion. In the event that the Motion stands referred to another body as provided for in 11.1.6 the mover (or in his absence, the seconder) of the Motion shall be invited to the relevant meeting to amplify the Motion, but without any right to vote except as a member of the Cabinet or relevant Committee.

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14.411.1.6 Automatic Reference to Committee:

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If the subject matter of any Motion, of which notice has been duly given comes within the province of the Cabinet; ~~or a Committee or Policy Development Group~~, it shall, ~~upon after~~ being formally moved and seconded (with those moving and seconding the motion ~~having been given the opportunity being invited to speak at this point on the Motion~~), either:

(a) stand referred to the Cabinet ~~or the most relevant~~; Committee ~~or Policy Development Group~~ as the Chairman may determine for consideration and report; ~~or~~

(a)(b) ~~unless on~~ an alternative ~~proposition motion is being~~ put forward and is accepted, ~~be dealt within in accordance with that alternative motion; and that the mover (or in his absence, the seconder) of the Motion should be invited to the meeting of the Cabinet, Committee or Policy Development Group to amplify the Motion, but without any right to vote except as a member of such Committee. Provided that the Chairman may if he considers it convenient and conducive to the despatch of business allow the Motion to be dealt with at the meeting, at which it is brought forward.~~

11.1.7 Consideration by full Council: The Chairman of Council may if he considers it convenient and conducive to the despatch of business allow the Motion to be dealt with at the meeting, at which it is brought forward.

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14.511.1.8 Scope of Motions on Notice:

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Motions must:

(a) be about matters for which the Council has a responsibility or which affect the District; ~~and~~

(b) not, in the opinion of the Chief Executive be out of order, illegal, irregular or improper.

11.1.9 If notice is given of any original motion that, in the opinion of the proper officer is out of order, illegal, irregular or improper a motion is not within scope, the Chief Executive shall as soon as is practicable, then the proper officer shall immediately submit ~~such the~~ notice ~~of motion~~ to the Chairman of the Council and ~~it the motion~~

shall not be accepted ~~and nor~~ placed on the agenda without ~~his~~ the Chairman's sanction.

11.1.10 In the event of non-acceptance, the ~~proper officer~~ Chief Executive shall inform the member giving notice as soon as reasonably possible ~~and stating of~~ the reason (s) for the rejection.

11.1.2 **Motion on Notice to Remove the Leader**

In order for such a motion to be carried it must have the support of the majority of those members voting and present in the room at the time the question was put.

11.3 **Motions without Notice**

11.3.1 The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to adopt a recommendation on some other course of action arising from a report to the meeting or as a result of a petition submitted to the meeting or recommendation arising from single issue debate
- (e) to refer something to an appropriate body or individual;
- (f) to appoint a committee or member arising from an item on the summons for the meeting;
- (g) to receive reports or adoption of recommendations of ~~e~~ Committees or officers and any resolutions following from them;
- (h) to withdraw a motion which may be moved in accordance with this procedure rule;
- (i) to amend a motion which may be moved in accordance with this procedure rule, subject to the provisions of the Budget and Policy Framework Procedure Rules in relation to amendment of the Cabinet's proposals for the Council's Budget and Policy Framework;
- (j) to proceed to the next business (such Motion may only be moved by a Councillor who has not spoken in the debate)
- (k) that the question be now put (such Motion may only be moved by a Councillor who has not spoken in the debate)
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- (p) Not to hear further a Member named under Rule ~~23.3~~ 18.2 or excluded from the meeting under Rule ~~23.4~~ 18.3; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

16.2 **Rules of Debate**

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12.1 No speeches may be made unless the appropriate Notice has been given and until the Motion is seconded; or the appropriate Notice has been given and is moved by the Chairman of the meeting.

~~A Motion or Amendment shall not be discussed unless it has been proposed and seconded, and unless the appropriate Notice has been given:-~~

- ~~(a) in the case of a Motion, in accordance with Rule 14; or~~
- ~~(b) in the case of an Amendment (other than an Amendment moved in accordance with Rule 15), notice in writing of the Amendment shall have been delivered to the office of the Chief Executive of the District Council by no later than 9.30am on the day before the day of the meeting and a copy of it shall be circulated to each Member of the District Council by the Chief Executive at the commencement of the meeting at which it is to be discussed.~~

~~Except that where the Chairman is satisfied that, in the context of the debate which has taken place, a further Amendment becomes necessary, he may at his discretion allow such further Amendment to be moved at the meeting. Any such further Amendment shall be put in writing and handed to the Chairman before it is discussed or put to the meeting.~~

12.246.1 Secunder's speech

— When seconding a motion or amendment, a member may reserve their speech until later in the debate.

46.212.3 Content and length of speeches

12.3.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

12.3.2 No speech shall exceed:

- (a) Five minutes in the case of the mover of a Motion;
- (b) Three minutes in the case of the seunder;
- (c) Five minutes in the case of the Leader, the relevant Cabinet Member or the Chairman of a Committee dealing with the matters arising from committee reports except with the consent of the Chairman who shall have discretion to extend that time if it appears prudent in his judgement to do so;
- (d) Three minutes in all other cases except by consent of the Council; and;
- (e) When the Council's annual budget is under discussion, the leader of each political group on the Council may speak for up to five minutes or such longer period as the Chairman shall allow.

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16.312.4 When a Member may speak again

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A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

16.412.5 Amendments to motions

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An amendment to a motion must be relevant to the motion and will either be:

- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - i. to leave out words;
 - ii. to leave out words and insert or add others; or
 - iii. to insert or add words
 - iv. as long as the effect of ~~i)4~~ to ~~3iii)~~ is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of provided that the Chairman may permit two or more ~~A~~ amendments to be discussed (but not voted on) together if circumstances suggest that this course of action would facilitate the proper conduct of the Council's business.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

16.512.6 Alteration of motion

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12.6.1 A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

[12.6.2](#) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

[12.6.3](#) Only alterations which could be made as an amendment may be made.

12.7 **Withdrawal of motion**

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12.7.1 A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder.

12.7.2 The meeting's consent will be signified without discussion.

12.7.3 No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

12.8 **Right of reply**

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12.8.1 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

12.8.2 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

12.8.3 The mover of the amendment has no right of reply to the debate on his/her amendment.

12.9 **Motions which may be moved during debate**

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When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (h) Not to hear further a Member named under Rule **23.318.2** or excluded from the meeting under Rule **23.418.3**.

12.10 **Closure motions**

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12.10.1 A Member may move, without comment, the following motions at the end of a speech of another Member;

- (a) to proceed to the next business;
- (b) that the question be now put;
- (c) to adjourn a debate; or
- (d) to adjourn a meeting.

12.10.2 If a motion to proceed to next business is seconded and the Chairman ~~thinks~~ **considers** the item has been sufficiently discussed, he/she will give the mover of the original motion (if there is one) a right of reply and then put the procedural motion to the vote.

12.10.3 If a motion that the question be now put is seconded and the Chairman ~~thinks~~ **considers** the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the

mover of the original motion (if there is one) a right of reply before putting his/her motion to the vote.

12.10.4 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman ~~thinks~~considers the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

16.1012.11

Point of order

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A point of order is a request from a member to the Chairman to rule on an alleged irregularity in the procedure of the meeting. A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of procedure set out in these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

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Personal explanation

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A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

1713. **State of the District Debate**

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1713.1 **Calling of the debate**

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The Leader may call a state of the District debate annually on a date to be agreed with the Chairman.

1713.2 **Form of the debate**

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The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the District debate.

1713.3 **Chairing of the debate**

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The debate will be chaired by the Chairman.

1713.4 **Results of the debate**

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13.4.1 The results of the debate will be:

- (a) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (b) considered by the Leader in proposing the Budget and Policy Framework to the Council for the coming year.

13.4.2 If the Leader fails to call a debate within nine months in any municipal year, it may be called by notice in writing to the Chief Executive signed by any 10 Members of the Council and that the debate shall be heard on the subject and form specified by those 10 Members.

1814. **Previous Decisions and Motions**

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1814.1 **Motion to rescind a previous decision**

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A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 10 Members.

14.2 Motion similar to one previously rejected

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14.2.1 This Procedure Rule 14.2 shall not apply to Motions moved in pursuance of a recommendation of a Committee.

14.2.2 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least ten members.

14.2.3 Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

~~Provided that the Procedure Rule shall not apply to Motions moved in pursuance of a recommendation of a Committee.~~

15. Voting

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15.1 Majority

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Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question is put.

15.2 Chairman's casting vote

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If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

15.3 Method of Voting

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Unless a recorded vote is demanded under Rule 15.4 the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

15.4 Recorded vote

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If ~~ten~~ 10 members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

15.5 Right to require individual vote to be recorded

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Where any member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

15.6 Voting on appointments

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15.6.1 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken.

15.6.2 The process will continue until there is a majority of votes for one person.

1915.7 Voting on the Budget and Council Tax

At a Budget meeting, the vote on any motion or amendment relating to the setting of the Budget (revenue and capital budget) and Council Tax or precept shall be by roll call and the names of Members who voted as for, against or in abstention to any such motion or amendment shall be recorded in the minutes of that meeting.

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2016. Minutes

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2016.1 Signing the minutes

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16.1.1 The Chairman will sign the minutes of the proceedings at the next suitable meeting.

16.1.2 The Chairman will move that the minutes of the previous meeting be signed as a correct record.

16.1.3 The only part of the minutes that can be discussed is their accuracy.

16.2 No requirement to sign minutes of previous meeting at an Extraordinary meeting

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Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

20.216.3 Form of minutes

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Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

21. Record of Attendance

~~Every member of the Council attending a meeting of the Council, the Cabinet, Scrutiny Committee, Audit Committee, Policy Development Groups, Committees and Sub Committees of which he/she is a member, shall sign his/her name in the attendance book or sheet provided for that purpose.~~

~~All members present during the whole or part of a meeting must sign their names on the attendance book or sheets before the conclusion of every meeting to assist with the record of attendance.~~

2217. Exclusion of Public

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Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule **24-19** (Disturbance by Public) or otherwise permissible in law.

2318. Members' Conduct

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2318.1 Speaking at meetings

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18.1.1 When a Member speaks at full Council he/she must address the meeting through the Chairman.

18.1.2 If more than one member signifies their intention to speak, the Chairman will ask one to speak.

18.1.3 Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

23.2 ~~Chairman speaking~~

~~When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.~~

23.318.2 **Member not to be heard further**

18.2.1 If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member not be heard further.

18.2.2 If seconded, the motion will be voted on without discussion.

23.418.3 **Member to leave the meeting**

18.3.1 If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period.

18.3.2 If seconded, the motion will be voted on without discussion.

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23.518.4**General disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

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2419. **Disturbance by the Public**

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2419.1 **Removal of member of the public**

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19.1.1 If a member of the public interrupts proceedings, the Chairman will warn the person concerned.

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19.1.2. If they continue to interrupt, the Chairman will order their removal from the meeting room.

2419.2 **Clearance of part of meeting room**

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If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

2520. **Suspension and Amendment of Council Procedure Rules**

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2520.1 **Suspension**

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All of these Council Rules of Procedure except Rules 49-55.3, 20-215.5, and 27-16.3 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

2520.2 **Amendment**

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Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council unless the amendment is the subject of a report from the Standards Committee.

26. **Application to Committees and Sub-Committees**

~~All of the Council Rules of Procedure apply to meetings of full Council. The Rules which apply to meetings of the Cabinet (except Rule 4), Committees and Sub-Committees are as follows:~~

- ~~(a) Rule 4 — Appointment of substitute members~~
- ~~(b) Rule 5 — Time and Place of Meetings~~
- ~~(c) Rule 6 — Notice and Summons to Meeting~~
- ~~(d) Rule 7 — Chairing of the Meeting~~
- ~~(e) Rule 8 — Quorum~~
- ~~(f) Rule 11 — Public Question Time~~
- ~~(g) Rule 16 — Rules of Debate~~
- ~~(h) Rule 19 — Voting (with the exception of 19.4 and 19.6)~~
- ~~(i) Rule 20.1 — Signing the Minutes~~
- ~~(j) Rule 21 — Record of Attendance~~
- ~~(k) Rule 22 — Exclusion of Public~~
- ~~(l) Rule 23 — Members Conduct~~
- ~~(m) Rule 24 — Disturbance by Public~~

~~(n) Rule 25 Suspension of Procedure Rule~~

~~In applying Rule 16 to meetings of the Cabinet, Committees and Sub-Committees, Rules 16.4, (content and length of speeches) and 16.5 (when a member may speak again) shall not apply.~~

27. Interpretation of Procedure Rules

~~The ruling of the Chairman as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.~~