

MINUTES of a **MEETING** of the **CABINET** held on 6 February 2024 at 5.15 pm

Present

Councillors

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

**Councillor
online**

N Bradshaw, P Colthorpe, G Czapiewski, M Fletcher

**Also Present
Councillor(s)**

D Broom, E Buczkowski, G Duchesne, A Glover, C
Harrower, B Holdman, L Knight,

**Also Present
Officer(s):**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy
Chief Executive (S151), Maria De Leburne (Director of
Legal, HR & Governance (Monitoring Officer), Richard
Marsh (Director of Place & Economy), Paul Deal
(Corporate Manager for Finance, Property and Climate
Change), Simon Newcombe (Corporate Manager for Public
Health, Regulation and Housing), Dean Emery (Corporate
Manager for Revenues, Benefits and Recovery), Matthew
Page (Corporate Manager for People, Governance and
Waste), James Hamblin (Operations Manager – Human
Resources), Laura Woon (Democratic Services Manager)
and David Parker (Democratic Services & Policy Research
Officer)

102. APOLOGIES

There were no apologies for absence.

103. PUBLIC QUESTION TIME

The following questions were received from members of the public:

Graeme Barnell

Please can Cabinet provide information about the planned programme for Council House building that informs the calculations in the budget:-

Question 1:

What is the annualised forecast for Council House completions/acquisitions over the next four years?

Response from Cabinet Member for Housing and Property:

23/24 – 60 units

24/25 – 27/28 – 85 new units per annum. Some additional new units will also be provided within specific schemes as a replacement for existing, end of life properties.

Question 2:

How many of these homes will be new build, how many modular and how many via acquisition?

Response from Cabinet Member for Housing and Property:

This will vary year by year depending on specific schemes but on average from 24/25 onwards:

80% (circa 68 units) will be new-build modular

18% (circa 15 units) will be new-build traditional

2% (circa 2 units) will be acquisition via buy-back of former Mid Devon Housing properties

Question 3:

How many will be social rented homes and how many just affordable rented?

Response from Cabinet Member for Housing and Property:

This will vary year by year depending on specific schemes, access to grant funding and local housing need requirements. Nonetheless, on average from 24/25 onwards around 90% of homes will be for social rent, the remainder at affordable rent. Rental mix will be continually assessed as the programme moves forward.

Question 4:

What will be the different sizes of these properties in terms of bedroom numbers?

Response from Cabinet Member for Housing and Property:

The make up in terms of property sizes will be driven by the site-specific constraints and relevant housing need in the area of each development, but we will be delivering units of all sizes from 1-4 bed.

Question 5:

Where will these homes be located? If actual sites or locations have not been identified, then a general indication of probable location would be helpful.

Response from Cabinet Member for Housing and Property:

Homes will be located across the district to meet local housing need across the majority of town and parish wards. Currently over 50 potential sites within present

Housing Revenue Account (HRA) ownership have been identified. Additional sites not currently within HRA ownership may also be considered. Which sites ultimately come forward is subject to feasible studies, businesses cases/funding and planning permission.

Mr Nick Quinn

It is properly recorded in the minutes of the previous Cabinet meeting that, in response to my question at that meeting, the Cabinet Member for Communities and Leisure stated that the new 2024 Leisure prices “were published, and open to public scrutiny and comment, three months before their implementation”.

In a subsequent Press article, on the introduction of these new Leisure prices, a Council spokesperson is quoted as saying that this statement was incorrect.

Question 1:

Will the Cabinet Member for Communities and Leisure please tell me why, in his answer to my question, he gave me false information?

Response from Cabinet Member for Communities and Leisure:

I made a mistake in my reply, which conflated the elected member consultation with the leisure member’s notification. This was corrected via a statement to the press, and I am happy to provide the same correction today. For the benefit of the minutes I will read out the final paragraph of my statement now and highlight the correction:

All 42 elected members had visibility of the proposals and the opportunity to speak, comment and challenge at the PDG and previous cabinet meeting when discussed, and thorough scrutiny of the proposals was provided. Additional text: This took place over the three months before implementation.

Continuing: The charges were published and open to public scrutiny and comment before implementation (The words ‘3 months’ were deleted. Answer then continues as minutes).

For clarity, Mid Devon Leisure members with affected memberships were notified of the proposed changes on 6th December 2023.

Question 2:

Will the Cabinet Member for Communities and Leisure please ensure that his explanation, and correction, are recorded in the minutes of this meeting?

Response from Cabinet Member for Communities and Leisure:

Yes.

Question 3:

Has the purchase of St George’s Court by the District Council, referred to in paragraph 7.1.1, and been completed yet?

Response from Cabinet Member for Housing and Property Services:

No, the sale process is ongoing.

Question 4:

If so, on what date was this completed?

Response from Cabinet Member for Housing and Property Services:

Not applicable.

Question 5:

Has the purchase of the Knowle Lane land by the District Council, referred to in paragraph 7.1.3, and been completed yet?

Response from Cabinet Member for Housing and Property Services:

Yes.

Question 6:

If so, on what date was this completed?

Response from Cabinet Member for Housing and Property Services:

2 February 2024

Question 7:

Has the purchase of the Banksia Close property by the District Council, referred to in paragraph 7.1.4, been completed yet?

Response from Cabinet Member for Housing and Property Services:

No.

Question 8:

If so, on what date was this completed?

Response from Cabinet Member for Housing and Property Services:

Not applicable.

Question 9:

Has the sale of the land at Post Hill, by the District Council, been completed yet?

Response from Cabinet Member for Housing and Property Services:

No.

Question 10:

If so, on what date was this completed?

Response from Cabinet Member for Housing and Property Services:

Not applicable.

Mr Barry Warren

Paragraph 7.1.1. advises that the sale of St. George's Court should be completed by the end of January. One assumes that this is January 2024?

Question 1:

Has the sale been completed and if so what is the agreed purchase price please?

Response from Cabinet Member for Housing and Property Services:

No, the sale process is ongoing

Question 2:

Is the portfolio holder for Planning able to confirm that the site and buildings have been built completely in accordance with the approved planning permissions and that all conditions have been complied with?

Response from Cabinet Member for Planning and Economic Regeneration:

We are not aware of contraventions or discrepancies with the approved planning permission.

Question 3:

Is the portfolio holder for Housing satisfied that a complete independent structural survey has been carried out and report prepared, showing that the premises are suitable for the intended purpose, and this is contained within the relevant purchase papers?

Response from Cabinet Member for Housing and Property:

Yes

Question 4:

Has the portfolio holder for Housing had a complete survey report prepared, with costings, which details all the necessary alterations and adaptations required to make the properties suitable for the intended HRA use?

Response from Cabinet Member for Housing and Property:

The Operations Manager for Building Services has surveyed the property and provided a conservative estimate of costings to undertake the required adaptations. This is a routine area of work for Mid Devon Housing with a dedicated team and contractors in place to undertake such works.

Question 5:

Will any documents prepared in relation to questions 3 and 4 be made available to the public in the interests of openness, honesty and transparency?

Response from Cabinet Member for Housing and Property Services:

It's not our intention to make these documents publically available.

Question 6:

Is the portfolio holder for Finance satisfied that the agreed purchase price being paid by the council for St Georges Court is a price which reflects the current housing market and the fact that when marketed little or no interest was shown by others in purchasing the property?

Response from Cabinet Member for Finance:

Yes

May I refer members to the minutes of the Cabinet Meeting of the 17th October 2023, minute 53 where on pages 49/50 reference was made to the replacement of a Director and then a U Turn in advice reported to have been received by the Chief Executive from Local Government Association [LGA] and South West Councils [SWC].

The table on page 265 shows proposed increases for the Deputy Chief Executive of 20.7%, the Director of Place and Economy of 13.6% and a new Director of Legal, HR and Governance of 33.3% over the salary paid to the previous post of District Solicitor and Monitoring Officer.

Question 7:

What advice has been sought by the Chief Executive before putting forward such rises?

Response from the Leader of the Council:

When this administration took control of the council in May last year, it inherited the significant financial mess that had been left by previous administrations. As part of our commitment to financial responsibility, we asked the Chief Executive whether savings could be made in the senior management team since one Director was due to retire. Following external advice, this position was subsequently reported to Cabinet and a decision was made to remove one post and redistribute those responsibilities as appropriate. In response to a question about the level of financial savings, the Chief Executive responded that he couldn't be specific at that time as the new posts would need to be externally assessed when taking on these new responsibilities, but that these savings would be reported in public as part of the council's pay statement. As they are today. To answer the question on advice sought; the council's senior posts are assessed externally by SW Councils in order to ensure that they are independently benchmarked and are appropriate to the functions and responsibilities of the posts. This also forms part of the council's commitment to robust equality where remuneration for posts is assessed based on the requirements and responsibility of the posts, blind to any bias on age, gender or any other characteristic.

Question 8:

Bearing in mind cuts being made to some services and the various increases in fees and charges to the public, how does the Leader of the Council justify recommending such increases for senior officers?

Response from the Leader of the Council:

This change delivers savings to the public of around £40,000 with no redundancy costs incurred. That is additional money that can be used to fund frontline service provision, or be used to plug the significant deficit as left to us by the previous administration.

Mr Paul Elstone**Question 1:**

How much did this Council pay 3 Rivers to purchase Knowle Lane?

Question 2:

Page 103 Appendix 7 of the Report Pack details the S151 Officer role responsibilities. Responsibilities including but not limited to

“Ensuring that the capital strategy is prudent, sustainable affordable and prudent in the long term and provides value for money”. Also “Ensuring that due diligence has been carried out on all treasury and non-financial investments”.

Additionally, the Statutory Monitoring Officers position has related “Good Governance” role responsibilities.

There has been massive financial loss incurred by this Council equivalent to circa £100 for every man woman and child in Mid Devon. A figure likely to rise significantly. This given the 3 Rivers debacle, the Post Hill site investment failure and losses still likely to be realised from and I quote “the pig in the poke” site at Bampton

Therefore, what caused both of these officers to fail so very badly in delivering on their role responsibilities?

Question 3:

Given these serious roles and responsibilities failures.

How can the grossly excessive pay increases of circa £24,000 or 33 percent and by circa £18,000 or near 21 percent for these exact same officers be considered, and in any circumstances, a decision that would not stand up to any scrutiny in private business ?

Question 4 for the Leader of the Council:

Why did he knowingly allow one of these same Council Officers along with others to suppress evidence from being presented to the 3 Rivers Working Group including evidence from former Council Leaders. Evidence that would have called into full question these outrageous pay awards amongst many other things?

Question 5 for the Leader of the Council:

Why would the former Council Leaders evidence - and I quote “present an unbalanced view” of the 3 Rivers failings?

104. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

Cllr S Clist referred to item 18 Mid Devon District Council- Vinyl Flooring Renewal Contract 2024-2028 and confirmed that he had an registrable interest, during the time of the process of the tender and procurement he has not had any involvement.

105. MINUTES OF THE PREVIOUS MEETING ON 9 JANUARY 2024

The minutes of the previous meeting held on 9 January 2024 were approved as a correct record and SIGNED by the Leader.

106. BUSINESS RATES TAX BASE

Cabinet had before it a report * from the Deputy Chief Executive (S151) Officer on the Business Rates Tax Base.

The Cabinet Member for Finance outlined the contents of the report with particular reference to the following:

- The report provided an update of the income generation and financial implications of the number of Business Rate properties in Mid Devon and to approve the NNDR1 (estimated income to be generated in 2024/25 from business rates).

RESOLVED that:

- The calculation of the NNDR1 net yield of £18,304,353 from 3,557 Business Rated properties is noted and approved for 2024/25;
- The proportions distributed to the respective authorities and Central Government be allocated as per the statutory regulations; and
- Members note that Central Government will reimburse the Council through a Section 31 grant to compensate it for the reduction in collectable business rates as a result of introducing various reliefs.
- Members agree to Mid Devon rejoining the Devon Business Rates Pool for 2024/25.

(Proposed by Cllr J Buczkowski and seconded by Cllr S Clist)

Reason for Decision:

This is a statutory function and is a legal requirement. The Council must set its budget annually based on the Council Tax base and the projected NNDR1 values.

Note * Report previously circulated.

107. **2024/25 CAPITAL STRATEGY AND 2024/25 - 2028/29 CAPITAL PROGRAMME**

Cabinet had before it a report * from the Deputy Chief Executive (S151) Officer on the 2024/25 Capital Strategy and 2024/25-2028/29 Capital Programme.

The Cabinet Member for Finance outlined the contents of the report with particular reference to the following:

- The Capital Strategy, was a key document for the Council and formed part of the Council's integrated financial planning processes and included the setting of the capital and revenue budgets, business plan and council tax for the year ahead, consideration of the medium-term financial plans and production of a Treasury Management Strategy.
- To agree the proposed 2024/25 Capital Strategy and to seek the approval of the 2024/25 Capital Programme and note the indicative Capital Programmes for 2025/26 to 2028/29.

Discussion took place regarding:

- Further clarification on the internal borrowing as this been inherited from the previous years and what plans the Council had to move forward.

RESOLVED that:

Cabinet recommend to Full Council:

1. The proposed 2024/25 Capital Strategy is approved.
2. To approve in principal the current estimated amounts of slippage of £28,833k from the 2023/24 Deliverable Capital Programme and £44,947k of 2023/24 Capital Programme expenditure profiled over the life of the remaining Medium Term Financial Plan. This will be finalised and formal approval sought as part of 2023/24 Outturn report.
3. The overall Capital Programme for new projects commencing in 2024/25 of £18,967k be approved and the indicative Capital Programmes across the four remaining years of this Medium Term Financial Plan covering 2025/26 to 2028/29 be noted.
4. To approve the 2024/25 Deliverable Budget based on the forecast spend profile of £40,701k, this would include elements of amounts detailed in recommendations 2 and 3 above and would form the budget to monitor against as part of the Council's quarterly budget monitoring processes in 2024/25, subject to any changes referred to in recommendation 2 at Outturn.

(Proposed by Cllr J Buczkowski and seconded by Cllr S Keable)

Reason for Decision:

Authorities were required by regulation to prepare a Capital Strategy for each financial year that needs to be approved by Full Council prior to the start of the financial year. Authorities must also have regard to the Prudential Code when carrying out their duties under Part 1 of the Local Government Act 2003.

Note * Report previously circulated.

108. **TREASURY MANAGEMENT STRATEGY STATEMENT, MINIMUM REVENUE PROVISION POLICY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2024/25**

Cabinet had before it a report * from the Deputy Chief Executive (S151) Officer on the Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Strategy 2024/25.

The Cabinet Member for Finance outlined the contents of the report with particular reference to the following:

- To agree the proposed Treasury Management Strategy, Minimum Revenue Provision Policy and Annual Investment Strategy for 2024/25.
- The contribution that the treasury management function makes to the authority was critical, as the balance of debt and investment operations ensured liquidity or the ability to meet spend commitments as they fell due, either on day-to-day revenue or for larger capital projects.
- The treasury operations saw a balance of the interest costs of debt and the investment income arises from cash deposits which affected the available budget. Since cash balances generally resulted from reserves and balances, it was paramount to ensure adequate security of the sums invested, as a loss of principal would in effect result in a loss to the General Fund Balance.

RESOLVED that:

Cabinet recommend to Full Council:

- The proposed Treasury Management Strategy and Annual Investment Strategy for 2024/25, including the prudential indicators for the next 3 years and the Minimum Revenue Provision Statement (Appendix 1), be approved.

(Proposed by Cllr J Buczkowski and seconded by Cllr J Wright)

Reason for Decision:

Good financial management and administration underpins the entire strategy. The Council's Treasury Management Strategy should attempt to maximise investment return commensurate with minimum risk to the principal sums invested.

Note * Report previously circulated.

109. **2024/2025- BUDGET**

Cabinet had before it a report * from the Deputy Chief Executive (S151) Officer on the 2024/25 Budget.

The Cabinet Member for Finance outlined the contents of the report with particular reference to the following:

- The report provided the proposed balanced budgets for the General Fund, Housing Revenue Account and Capital Programme and recommended the Band D Council Tax charge for 2024/25.
- The Leadership Team, Corporate Managers and the Finance Team were involved in discussions to secure savings, without reducing service delivery as far as possible. However it was a more difficult challenge year-on-year and therefore, looking to the future, a new more strategic process was required to match service provision to available funding.
- The General Fund budget had been set against a backdrop of over a decade of cuts to Public Sector funding, a global pandemic, a once in a generation Cost of Living Crisis, and the closure of the Council's subsidiary housing company.
- This had been achieved through savings that minimised any impact on service delivery as far as possible. However, further ongoing budget saving options would need to be identified to mitigate the underlying budget shortfall across the remainder of this MTFP.
- The Cabinet Member for Finance thanked officers for the report and Members for the active engagement through the Policy Development Groups and Scrutiny Committee.
- The Council would prepare for the future in a timely manner and continue to discuss how it could provide a wide range of services in a much reduced funding envelope. The process would continue to involve all staff, Members and the Council's local residents/businesses.
- The balanced budget for the General Fund in appendix 1, the forecasted budget deficit last reported to Cabinet stood at £150k. The table in the report showed the recommended actions necessary to move towards a balanced position.

Discussion took place regarding:

- Devon County Council to support the recommendation 8 if approved.
- The continuing support and commitment for the paddling pool in the Crediton and Westexe area that creates pleasure and positivity within the community and supporting young people and families.
- The apprentice posts, ongoing support and the approach for the future.

RESOLVED that:

Cabinet recommend to Full Council:

- A Council Tax Requirement of £7,016,360 calculated using a Council Tax of £232.16 for a Band D property, an increase of £6.76 or 2.99% from 2023/24 and a Tax Base of 30,222.10, in accordance with the Local Authorities (Calculation of Tax Base) Regulation 1992, as amended, after the relevant

adjustments in respect of the Council tax support scheme approved by Cabinet on 14 November 2023;

- The overall budgeted Net Cost of Services within the General Fund of £15,814,834 for 2024/25 was approved as detailed within Appendix 1 (p2 – 38) and inclusive of the proposed balancing adjustments included within Table 1 in paragraph 3.1;
- All of the transfers to and from Earmarked Reserves as detailed in Appendix 1 (p39), including a transfer to Earmarked Reserves of £106,828 in order to begin to replenish the depleted reserves which had been used to meet the cost of closing 3 Rivers Developments Ltd;
- The HRA budget for 2024/25 as detailed within Appendix 1 (p40 – 49), with total income of £16,000,360, less direct costs of £12,956,880 with internal charges £1,957,080 and capital financing of £1,086,400 balancing the budget;
- The overall Capital Programme for new projects commencing in 2024/25 of £18,967k (exclusive of forecast slippage from the existing Capital Programme) be approved – Appendix 1 (p50 – 55).
- To approve the 2024/25 Deliverable Budget based on the forecast spend profile of £40,701k (inclusive of forecast slippage as at Quarter 3 from the existing Capital Programme), forming the budget to monitor against in 2024/25, subject to any changes to slippage at Outturn – Appendix 1 (p50 – 55).
- Noted the updated MTFP's for the General Fund, Housing Revenue Account and Capital Programme covering the years 2025/26 to 2028/29 and agreed that work on strategic planning for delivering a balanced budget for 2025/26 and beyond is commenced immediately;
- Agreed the ring-fencing of additional income generated from the increase in the Second Homes premium from April 2025 to be used to address housing-related challenges through the acquisition of additional properties to provide suitable accommodation, supporting people with complex needs to access housing, and the provision of specialist accommodation including supported facilities for care leavers and youth homelessness.

(Proposed by Cllr J Buczkowski and seconded by Cllr S Clist)

Reason for Decision:

In order to comply with the requirement to set a balanced budget, management must ensure that the proposed savings were robust and achievable and ensure that the assumptions the Council had used were realistic and prudent. Failure to set a robust deliverable budget would put the Council at risk of not being able to meet its commitments and casts doubt on its “going concern” and “Value for Money” status,

Note * Report previously circulated.

110. 2023/2024 QUARTER 3 MONITORING REPORT

Cabinet had before it a report * from the Deputy Chief Executive (S151) Officer on the 2024/25 Budget.

The Cabinet Member for Finance outlined the contents of the report with particular reference to the following:

- The report indicated a projected General Fund outturn variance of £119k over spend (£196k in Qtr 2) and a HRA outturn variance of £520k under spend (£485k in Qtr 2).
- It was highlighted to Cabinet the current financial status and the likely reserve balances at 31 March 2024.
- Any variance against the agreed budget would impact on the Council's reserves. This monitoring focused on significant budget variances (+/- £20k), including any remedial action where necessary leading to an estimated overall Outturn position.
- There were significant reductions in Planning and Building Control income due to the increasingly depressed housing market which had led to fewer planning applications and build sign offs.
- Agency spend to date continued to be high following on from 2022/23. This was particularly applicable to Waste which had high levels of sickness in the year so far and was required to maintain the service.
- A summary was provided on the attached appendices to the report on the financial position.

RESOLVED that:

- The financial monitoring information for the income and expenditure for the three months to 31 December 2023 and the projected outturn position be noted;
- The use of Waivers for the Procurement of goods and services as included in Section 9 be noted;
- The financial implication to the current year of closing 3Rivers is £2.8m in further impairments (write off), taking the total to c£8.1m (compared to a forecasted £8.9 in Qtr 2 at which point Cabinet noted a forecasted impairment of £3.7m for the current year) and asset purchases with a value of c£2.6m which would provide future economic benefit to the Council be noted.
- The £1,810,600 increase in the 2023/24 Capital Deliverable Budget reflecting the previous Cabinet decision (March 2023) to spend the Local Authority Housing Fund (LAHF1) including the associate match funding requirement be agreed.

(Proposed by Cllr J Buczkowski and seconded by Cllr J Wright)

Reason for Decision:

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

Note * Report previously circulated.

111. NON DOMESTIC MANDATORY & DISCRETIONARY RELIEF POLICY FOR 2024/25

Cabinet had before it a report * from the Corporate Manager for Revenues, Benefits, Corporate Recovery, Corporate Fraud, and Welfare & Leisure on Non Domestic Mandatory & Discretionary Relief Policy for 2024/25.

The Cabinet Member for Finance outlined the contents of the report with particular reference to the following:

- The report provided Members with an update of the policy changes with regard to Non Domestic Mandatory & Discretionary Relief Policy for 2024/25.

RESOLVED that:

- Members approved the Policy before them and noted the changes to the Discretionary Relief Policy in line with legislative changes as shown with the report. (2.0) (2.1) (2.2) (2.3) (2.4)
- Delegated authority to the Corporate Manager for Revenues, Benefits, Corporate Recovery, Corporate Fraud, and Welfare & Leisure in conjunction with the Cabinet Member for Finance, to make changes in accordance with law and local policy to keep the policy aligned with changes be approved.

(Proposed by Cllr J Buczkowski and seconded by Cllr S Clist)

Reason for Decision:

The policy complied with current regulation for the administration of Non Domestic Rates Discretionary Relief.

Note * Report previously circulated.

112. **PAY POLICY**

Cabinet had before it a report * from the Corporate Manager for People, Governance and Waste and Operations Manager of Human Resources on the Pay Policy.

The Leader of the Council outlined the contents of the report with particular reference to the following:

- To comply with the legislative requirements of the Localism Act 2011 relating to senior pay in particular the role of the Chief Executive, Directors and other senior officers. The Localism Act 2011 required an annual published Pay Policy which had been adopted by the Full Council.
- The purpose of a Pay Policy was so that the pay and related awards structure of the Council were transparent. The Pay Policy was detailed in Appendix 1.
- There had been a recent change and a reset of the structure of Leadership team, following the decision to delete one post from the team, which was reflected in the new data detailed in the Pay Policy. This had resulted in existing Directors taking on additional responsibilities and delivers savings in the cost of the Council's most senior officers.
- A reset of the Corporate Management team was currently underway at the time of publication of the report and affected staff have been consulted on proposed changes.

- The gender mean pay gap is 0.97% for the Council compared to 7.7% nationally. The Council therefore was in a considerably stronger position than many other organisations.
- All pay review of senior management go through South West Councils for assessment and validation of wage changes, recommendation and comparator data analysis take place and benchmarking for any pay changes.
- The cost saving for the Council would be significant with this structure and with the existing directors taking on additional responsibilities.

The Chief Executive highlighted the following:

- He noted the report could have provided more context on the points raised that evening.
- A decision was made in October 2023 to reduce the cost of senior management, the Chief Executive was tasked with realigning and redistributing various legal duties and responsibilities to ensure the organisation met its obligations.
- The revised roles were submitted to South West Councils as all senior management roles are assessed externally in order to allow benchmarking and foundations.
- The cost of the Leadership Team could have been £344,344,720 in 2023/2024, with the new structure this had been reduced to £299,000,00 with a saving of over £45,000 with a structure that has been verified from the Local Government Association and South West Councils.

Discussion took place regarding:

- The methodology that was used to benchmark the cost of the roles.
- South West Councils started the remuneration from scratch to decide where the remuneration would be suitable.
- Disappointment with the large scale of remuneration that the Directors would receive given the financial cost to the Council.
- The result in existing Directors taking on additional responsibilities and the impact of this on their workloads.

RESOLVED that:

- The Cabinet is asked to recommend to Council the Pay Policy 2023.

(Proposed by the Leader of the Council)

Reason for Decision:

In accordance with Article 14 of the Constitution. The Head of Paid Service (Chief Executive) was required to keep under review the number, grade and organisation of officers, as well as the manner in which the Council's functions were co-ordinated and discharged.

Note * Report previously circulated.

113. ESTABLISHMENT

Cabinet had before it a report * from the Corporate Manager for People, Governance and Waste and Operations Manager for Human Resources.

The Cabinet Member for Working Environment and Deputy Leader of the Council outlined the contents of the report with particular reference to the following:

- The report provided an overview of the Establishment of the Council and the performance.
- The key work force metrics could be found in the report.
- Outlining the indicators of sickness, agency expenditure and turnover.
- Data and analysis remained a key theme in monitoring the performance.

The Operations Manager highlighted the following:

- As outlined in the report, projections suggested that for the current financial year the highest levels of sickness absence per FTE of the 4 years were presented in Graph 1 of the report.
- In House training had been provided to managers on managing sickness absence, which had received positive feedback. However, sickness absence nationally continued to be a challenge and it was imperative to look at the Council's own reasons for absence and how best to address these.
- Positive development in agency spend and staff turnover. Both reduced with agency spend at the time of writing the report 37% down year on year.
- At time of writing the report was down 3.7% YOY with current projections at 16.5% for the full year.
- Initiatives and new ways of working continued; whether this be the roll out of Mental Health Champions across the Council, ongoing review of employee benefits that had been implemented, or supporting staff with access to seasonal vaccinations.

Discussion took place regarding:

- Clarification on the agency spend and confirming the data was correct as of the meeting.
- Graph 1 with the sickness absence days, could the data be narrowed down further to add service areas having the sickness absence.
- Service area breakdown on sickness, sickness days of FTE.
- The wellbeing of staff of Mid Devon District Council and the tracking of this and data on accidents of staff.

RESOLVED that:

The information in the report be NOTED.

Reason for Decision:

In accordance with Article 14 of the Constitution.

Note * Report previously circulated.

114. POLICY FRAMEWORK

Cabinet had before it a report * from the Chief Executive on the Policy Framework.

The Leader of the Council outlined the contents of the report with particular reference to the following:

- This annual report defined the Policy Framework in accordance with the Constitution for Mid Devon District Council.
- A list of Strategies and Policies covered by the Framework was published in Annexe 1.

Discussion took place regarding:

- Clarifications around the dates in the document.

RESOLVED that:

- Cabinet recommend to Council that the Policy Framework be adopted.

(Proposed by the Leader of the Council)

115. HOMES SAFETY POLICY

Cabinet had before it a report * from the Corporate Manager for Public Health, Regulation and Housing on the Homes Safety Policy.

The Cabinet Member for Housing and Property Services outlined the contents of the report with particular reference to the following:

- The Regulator of Social Housing was due to introduce a revised set of consumer standards as part of the new consumer regulatory framework by April 2024.
- The Safety and Quality Standard had replaced the Home Standard and required landlords to provide safe and good quality homes and landlord services to tenants.
- The draft consumer standards code of practice stated that registered providers must ensure they understand and comply with all applicable health and safety legal requirements, including secondary legislation (in relation to, for example, gas safety, fire safety, electrical safety, water safety, lift safety, asbestos safety, smoke alarms and carbon monoxide). In ensuring compliance, registered providers were expected to have regard to appropriate statutory guidance and to meet the legal requirements relating to the role of the health and safety lead.
- Mid Devon Housing (MDH) had drafted a new overarching Homes Safety Policy to reflect these new requirements in preparation for the new legal framework.

Discussion took place regarding:

- The current performance data graph in the report and the performance measures and the BS03 checks at 77.6%
- No targets for electrical checks.
- The asbestos safety checks.
- The legal requirements of the document. The damp and mould had a separate policy so it should not be part this policy.
- The requirement for air leakage testing.

RESOLVED that:

- That Cabinet recommends to Council that the MDH Homes Safety Policy and Equality Impact Assessment contained in Annexes A and B respectively be adopted.

(Proposed by the Cllr S Clist and seconded by Cllr D Wulff)

Reason for Decision:

This report on its own does not give rise to any direct financial implication but implementation of the activities set out in the policy and overall compliance with safety legislation must be budgeted for.

Note * Report previously circulated.

116. REVIEW OF THE MID DEVON DISTRICT HOUSING GARAGE, GGRP AND CAR PARKING SPACE POLICY

Cabinet had before it a report * from the Corporate Manager for Public Health, Regulation and Housing on the Review of the Mid Devon District Housing Garage, GGRP and Car Parking Space Policy.

The Cabinet Member for Housing and Property Services outlined the contents of the report with particular reference to the following:

- Mid Devon Housing (MDH) approach to renting out garages, garage ground rent plots (GGRP) and car parking spaces that it owned.
- The policy had been updated to formalise the Value Added Tax (VAT) requirements on the Council charges in line with HM Revenue and Customs (HMRC) rules under VAT Notice 742 – Land and Property.
- The updated policy set out to replace the existing Garage Management Policy. For clarity, the scope of the current and updated policies was set out in Section 2.1 of the report.
- As part of the review, the allocation of garages, GGRP or car parking spaces had been defined and greater priority was given to blue badge holders and to people who lived in the same or adjoining street as the asset.

Discussion took place regarding:

- MDH Dwelling-tenants did not have to pay Value Added Tax (VAT) on a garage, GGRP or parking space if the garage, GGRP or parking space is within a ½ mile radius of their home.

- The Annual projections for the HRA income and variations in the following; block garages, GGRP's and car parking spaces. What were the GGRP's?

RESOLVED that:

- That Cabinet adopt the updated Garage, GGRP and Car Parking Space Policy and Equality Impact Assessment contained in Annexes A and B respectively.

(Proposed by the Cllr S Clist and seconded by Cllr S Keable)

Reason for Decision:

MDH has to legally comply with the VAT, Government and Public Bodies VATGPB8350 legislation - Other local authority activities: housing and community projects: property improvement grants.

Note * Report previously circulated.

117. **REVIEW OF THE MID DEVON DISTRICT HOUSING PETS AND ANIMAL POLICY**

Cabinet had before it a report * from the Corporate Manager for Public Health, Regulation and Housing on the Review of the Mid Devon District Housing Pets and Animal Policy.

The Cabinet Member for Housing and Property Services outlined the contents of the report with particular reference to the following:

- The Mid Devon Housing (MDH) approach to the keeping of pets and animals by its tenants and their households.
- MDH understood the benefits that responsible pet ownership could bring and owning a pet or animal could be life enhancing and recognised that it could have a positive impact on physical health and mental well-being.
- Service animals were exempt from this policy (as they were not pets) with the exception of notifying Mid Devon Housing (MDH) with evidence of the need.
- It had been recognised that not all properties were suitable for pets and animals, which could also cause nuisance to others, tenants must be able to manage them. Consequently, the policy must achieve a fair, transparent and balanced approach and revisions had been made to ensure greater clarity around different circumstances of pets and animal ownership including tenant and landlord responsibilities.

Discussion took place regarding:

- The sensible approach to Mid Devon District Housing Pets and Animal Policy.
- Previous work with cat protection services and the need for cats to be neutered. Had Mid Devon District Council come across the need for this?
- The guidance from external bodies on this policy.

RESOLVED that:

- That Cabinet adopt the updated Pets and Animal Policy and Equality Impact Assessment contained in Annexes A and B respectively.

(Proposed by the Cllr S Clist and seconded by Cllr J Buczkowski)

Reason for Decision:

Failure to provide housing management staff, with the appropriate policies and resources for implementation, could result in a less consistent and effective service. Ultimately, this may result in non-compliance with the relevant social housing legislation as set out above and/or an increased incidence of upheld Housing Ombudsman complaints which would impact on MDH legally, financially and from a reputational perspective.

Note * Report previously circulated.

118. ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

The Leader indicated that discussion with regard to the following items, required the Cabinet to pass the following resolution to exclude the press and public having reflected on Article 12 12.02 (d) (a presumption in favour of openness) of the Constitution. This decision was required because consideration of this matter in public would disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Cabinet decided, in all circumstances of the case, the public interest in maintaining the exemption interest in disclosing the information, outweighed the public interest in disclosing the information.

RESOLVED: That, in accordance with Part I of Schedule 12A to the Local Government Act 1972, the press and public be excluded from the meeting for item's 12 and 13, for the reason set out below: Information under paragraph 3 (contains information relating to the financial or business affairs of any particular person including the authority holding that information).

(Proposed by the Leader).

119. MID DEVON DISTRICT COUNCIL- MINOR WORKS CONTRACT 2024-2028

Cabinet had before it a report * from the Corporate Manager for Public Health, Regulation and Housing on the Minor Works contract 2024-2028.

The Cabinet Member for Housing and Property Services outlined the contents of the report with particular reference to the following:

- The results for the tender of the Measured Term, Minor works contract 2024-2028 and confirm the award of the contract.

RESOLVED that:

- The new Measured Term, Minor Works Contract 2024- 2028, be awarded to Contractor 4.

- Delegated authority be granted to the S151 Officer (in consultation with the Cabinet Member for Housing and Property Services) to complete the associated Measured Term, Minor Works Contract 2024-2028

(Proposed by the Cllr S Clist and seconded by Cllr J Lock)

Reason for Decision:

The Council had a legal duty to meet the Decent Homes Standard, and maintain the health and safety of its employees and tenants. The conditions of engagement were based on a standard JCT Measured Term Contract. This provided a robust framework for managing and controlling the performance of the contractor to meet our legal obligations.

Note * Report previously circulated.

120. MID DEVON DISTRICT COUNCIL- VINYL FLOORING RENEWAL CONTRACT 2024-2028

Cabinet had before it a report * from the Corporate Manager for Public Health, Regulation and Housing on the Vinyl Flooring Renewal contract 2024-2028.

The Leader of the Council outlined the contents of the report with particular reference to the following:

- The results for the tendering of the Vinyl Flooring Renewal Contract 2024-2028 and confirm the award of the contract.

RESOLVED that:

- The new Vinyl Flooring Renewal Contract 2024-2028 be awarded to Contractor 3.
- Delegated authority be granted to the S151 Officer (in consultation with the Cabinet Member for Housing and Property Services) to complete the associated Vinyl Flooring Renewal Contract 2024-2028.

(Proposed by the Leader of the Council)

Reason for Decision:

The Council had a legal duty to meet the Decent Homes Standard, and maintain the health and safety of our employees and tenants. The conditions of engagement are based on a standard JCT Measured Term Contract. This provides a robust framework for managing and controlling the performance of the contractor to meet our legal obligations.

Note * Report previously circulated.

121. NOTIFICATION OF KEY DECISIONS

The Cabinet had before it and NOTED the Notification of Key Decisions.

One change had been made to this since the publication of the document with the agenda for this meeting:

- New “Right to Buy” policy was now due to come to the Cabinet in July 2024 and not April 2024.

Note: * Notification of Key Decisions previously circulated.

(The meeting ended at Time Not Specified)

CHAIRMAN

Cabinet 6th February 2024 Public Questions and Answers

Name of person submitting	Questions
<p>Paul Elstone</p> <p>Page 23</p>	<p>Question 1: How much did this Council pay 3 Rivers to purchase Knowle Lane ?</p> <p>Response from Deputy Chief Executive (S151):</p> <p>The Council didn't pay 3Rivers anything to purchase Knowle Lane – it made lending available to them to acquire the site as agreed within an approved business plan. The current completion/transfer value paid by the Council on the 2/2/24 is still a commercially sensitive figure, therefore can't be disclosed.</p> <p>Question 2: Page 103 Appendix 7 of the Report Pack details the S151 Officer role responsibilities. Responsibilities including but not limited to</p> <p><i>“Ensuring that the capital strategy is prudent, sustainable affordable and prudent in the long term and provides value for money”.</i></p> <p>also</p> <p><i>“Ensuring that due diligence has been carried out on all treasury and non-financial investments”.</i></p> <p>Additionally, the Statutory Monitoring Officers position has related “Good Governance” role responsibilities.</p> <p>There has been massive financial loss incurred by this Council equivalent to circa £100 for every man woman and child in Mid Devon. A figure likely to rise significantly. This given the 3 Rivers</p>

debacle, the Post Hill site investment failure and losses still likely to be realised from and I quote ***“the pig in the poke”*** site at Bampton

Therefore, what caused both of these officers to fail so very badly in delivering on their role responsibilities?

Response from the Leader of the Council:

I suspect the questioner and I might have quite different views on who it was that failed ‘so very badly’ during the last administration as he alleges. Nevertheless, it is elected members who make decisions and it is right that they are held accountable.

Question 3: Given these serious roles and responsibilities failures.

How can the grossly excessive pay increases of circa £24,000 or 33 percent and by circa £18,000 or near 21 percent for these exact same officers be considered, and in any circumstances, a decision that would not stand up to any scrutiny in private business ?

Response from the Leader of the Council:

These changes represent a saving to the council of over £45,000 and I thank the officers in question for taking on these new roles and responsibilities, so that we can continue to ensure we are running the council in the most efficient way possible.

Question 4: I ask this question of the Council Leader and no one else.

Why did he knowingly allow one of these same Council Officers along with others to suppress evidence from being presented to the 3 Rivers Working Group including evidence from former Council Leaders. Evidence that would have called into full question these outrageous pay awards amongst many other things?

Response from the Leader of the Council:

No evidence was suppressed.

Question 5: Why would the former Council Leaders evidence - and I quote “*present an unbalanced view*” of the 3 Rivers failings?

Response from the Leader of the Council:

As I understand it, a range of views were heard and these were triangulated to allow for corroboration, precisely so as not to present any unbalanced view.

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