

Public Document Pack

Mid Devon District Council

Scrutiny Committee

Monday, 1 March 2021 at 2.15 pm
Virtual Meeting

Next ordinary meeting
Monday, 15 March 2021 at 2.15 pm

Important - this meeting will be conducted and recorded by Zoom only. Please do not attend Phoenix House. The attached Protocol for Remote Meetings explains how this will work.

Join Zoom Meeting

<https://zoom.us/j/97604778188?pwd=VHdDTUhWTzI6eTNoK00wMkRpaFp0Zz09>

Meeting ID: 976 0477 8188

Passcode: 068904

One tap mobile

08002605801,,97604778188#,,,,*068904# United Kingdom Toll-free

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Dial by your location

0 800 260 5801 United Kingdom Toll-free

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0 800 031 5717 United Kingdom Toll-free Meeting ID: 976 0477 8188

Passcode: 068904

Find your local number: <https://zoom.us/u/adKAoQxQi>

Membership

Cllr F W Letch

Cllr G Barnell

Cllr W Burke

Cllr L J Cruwys

Cllr Mrs C P Daw

Cllr J M Downes

Cllr R L Stanley

Cllr B G J Warren

Cllr E J Berry

Cllr Mrs S Griggs

Cllr S J Penny

Cllr A Wilce

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute Members (if any).

- 2 **REMOTE MEETINGS PROTOCOL** *(Pages 5 - 12)*
Members to note the remote meetings protocol.

- 3 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.

- 4 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.

- 5 **MEMBER FORUM**
An opportunity for non-Cabinet Members to raise issues.

- 6 **MINUTES OF THE PREVIOUS MEETINGS** *(Pages 13 - 22)*
Members to consider whether to approve the minutes as a correct record of the meetings held on 15th February 2021 and 22nd February 2021 (to follow).

The Committee is reminded that only those members of the Committee present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.

- 7 **DECISIONS OF THE CABINET**
To consider any decisions made by the Cabinet on 18th February 2021 that have been called-in.

- 8 **CABINET MEMBER FOR CLIMATE CHANGE** *(Pages 23 - 26)*
Members to receive an update from the Cabinet Member for Climate Change

- 9 **3 RIVERS DEVELOPMENT LTD - BUSINESS CASE AND APPRAISAL HOUSING SCHEME, LAND ADJACENT TO ELIZABETH PENTON WAY, BAMPTON** *(Pages 27 - 132)*
Members to receive the 3 Rivers Developments Ltd Business Case and Appraisal for Housing Scheme, land adjacent Elizabeth Penton Way, Bampton

Stephen Walford
Chief Executive
Friday, 19 February 2021

Covid-19 and meetings

The Council will be holding some meetings in the next few weeks, but these will not be in person at Phoenix House until the Covid-19 crisis eases. Instead, the meetings will be held remotely via Zoom and you will be able to join these meetings via the internet. Please see the instructions on each agenda and read the Protocol on Remote Meetings before you join.

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by **no later than 4pm on the day before the meeting**. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible

For further information please contact Sally Gabriel:
E-Mail: sgabriel@middevon.gov.uk

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Mid Devon District Council - Remote Meetings Protocol

1. Introduction

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations permit remote attendance in Local Authority meetings.

Remote attendance is permitted as long as certain conditions are satisfied. These include that the Member is able to hear and be heard by the other Members in attendance. Also, being able to hear and be heard by any members of the public entitled to attend the meeting (in line with the public participation scheme). A visual solution is preferred, but audio is sufficient.

This also relates to members of the public attending the meeting also being heard.

The regulations are clear that a meeting is not limited to those present in the same place, but includes electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

2. Zoom

Zoom is the system the Council will be using for the time-being to host remote / virtual meetings. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

3. Access to documents

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a virtual meeting.

If any other Member wishes to have a paper copy, they must notify the Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated.

Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.

4. Setting up the Meeting

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members will receive a URL link to click on to join the meeting.

5. Public Access

Members of the public will be able to use a weblink and standard internet browser. This will be displayed on the front of the agenda.

6. Joining the Meeting

Councillors must join the meeting early (i.e. at least five minutes before the scheduled start time) in order to avoid disrupting or delaying the meeting. Councillors should remember that they may be visible and heard by others, including the public, during this time.

7. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present (viewing the participant list) and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public that **all microphones will be automatically muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use. Members would then need to turn their microphones back on when they wish to speak.

8. Public Participation

Participation by members of the public will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to Committee@middevon.gov.uk. If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will invite the public by name to speak at the appropriate time. At that point, all public microphones will be enabled. This means that, to avoid private conversations being overheard, no member of the public should speak until it is their turn and they should then refrain from speaking until the end of public question time, when all microphones will be muted again. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question.

Unless they have registered, a member of the public will not be called to speak.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to Committee@middevon.gov.uk as well.

9. Declaration of Interests

Councillors should declare their interests in the usual way. A councillor with a disclosable pecuniary interest is required to leave the room. For remote meetings, this means that they will be moved to a break-out room for the duration of this item and will only be invited back into the meeting when discussion on the relevant item has finished.

10. The Meeting and Debate

The Council will not be using the Chat function.

The Chair will call each member of the Committee to speak - the Chair can choose to do this either by calling (i) each member in turn and continuing in this way until no member has anything more to add, or (ii) only those members who indicate a wish to speak using the 'raise hand' function within Zoom. This choice will be left entirely to the Chair's discretion depending on how they wish to manage the meeting and how comfortable they are using the one or the other approach.

Members are discouraged from physically raising their hand in the video to indicate a wish to speak – it can be distracting and easily missed/misinterpreted. No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – the remote management of meetings is intensive and it is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Councillors should refer to the report and page number, so that all Members of the Committee have a clear understanding of what is being discussed at all times.

11. Voting

On a recommendation or motion being put to the vote, the Chair will go round the virtual room and ask each member entitled to vote to say whether they are for or against or whether they abstain. The Member Services Officer will announce the numerical result of the vote.

12. Meeting Etiquette Reminder

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

13. Part 2 Reports and Debate

There are times when council meetings are not open to the public, when confidential, or "exempt" issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It is important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings.

Any Councillor in remote attendance must ensure that there is no other person present – a failure to do so could be in breach of the Council’s Code of Conduct.

If there are members of the public and press listening to the open part of the meeting, then the Member Services Officer will, at the appropriate time, remove them to a break-out room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

14. Interpretation of standing orders

Where the Chair is required to interpret the Council’s Constitution and procedural rules in light of the requirements of remote participation, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair’s decision shall be final.

15. Disorderly Conduct by Members

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then they will be removed as a participant by the Member Services Officer.

16. Disturbance from Members of the Public

If any member of the public interrupts a meeting the Chair will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chair will ask the Member Services Officer to remove them as a participant from the meeting.

17. After the meeting

Please ensure you leave the meeting promptly by clicking on the red phone button to hang up.

18. Technical issues – meeting management

If the Chair, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council’s side, the Chair should either declare a recess while the fault is addressed or, if the fault is minor (e.g. unable to bring up a presentation), it may be appropriate to move onto the next item of business

in order to progress through the agenda. If it is not possible to address the fault and the meeting becomes inquorate through this fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

For members of the public and press who experience problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be suspended or adjourned.

19. Technical issues – Individual Responsibility (Members and Officers)

Many members and officers live in places where broadband speeds are poor, but technical issues can arise at any time for a number of reasons. The following guidelines, if followed, should help reduce disruption. Separate guidance will be issued on how to manage connectivity – this paragraph focusses on the procedural steps. Joining early will help identify problems – see paragraph 6.

- Join public Zoom meetings by telephone if there is a problem with the internet. Before all meetings, note down or take a photograph of the front page of the agenda which has the necessary telephone numbers. Annex 1 to this protocol contains a brief step-by-step guide to what to expect
- Consider an alternative location from which to join the meeting, but staying safe and keeping confidential information secure. For officers, this may mean considering whether to come into the office, subject to this being safe and practicable (childcare etc.)
- If hosting a meeting via Zoom (briefings etc.), consider creating an additional host when setting up the meeting. The additional host can step in if the main host has problems – remember that without a host, the meeting cannot close and any information on the screens will remain on view
- Have to hand the telephone number of another member or officer expected in the meeting – and contact them if necessary to explain the problem in connecting
- Officers should have an 'understudy' or deputy briefed and on standby to attend and present as needed (and their telephone numbers to hand)
- For informal meetings and as a last resort, members and officers may be able to call another member or officer in the meeting who can put the 'phone on loudspeaker for all to hear – not ideal, but it ensures some degree of participation and continuity

- Member Services will hold a list of contact details for all senior officers

Phone only access to zoom meetings

(Before you start **make sure you know the Meeting ID and the Meeting Password**) – Both of these are available on the agenda for the meeting

Call the toll free number either on the meeting agenda or on the Outlook appointment (this will start with 0800 --- ----)

(Ensure your phone is on 'speaker' if you can)

A message will sound saying *"Welcome to Zoom, enter your meeting ID followed by the hash button"*

- **Enter Meeting ID followed by #**

Wait for next message which will say *"If you are a participant, please press hash to continue"*

- **Press #**

Wait for next message which will say *"Enter Meeting Password followed by hash"*

- **Enter 6 digit Meeting Password followed by #**

Wait for the following two messages:

"You are currently being held in a waiting room, the Host will release you from 'hold' in a minute"

Wait.....

"You have now entered the meeting"

Important notes for participating in meetings

Press ***6** to toggle between **'mute' and 'unmute'** (you should always ensure you are muted until you are called upon to speak)

If you wish to speak you can **'raise your hand'** by pressing ***9**. Wait for the Chairman to call you to speak. The Host will lower your hand after you have spoken. Make sure you mute yourself afterwards.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 15 February 2021 at 2.15 pm

Present

Councillors

F W Letch (Chairman)
G Barnell, W Burke, L J Cruwys,
Mrs C P Daw, J M Downes, R L Stanley,
B G J Warren, E J Berry, Mrs S Griggs,
S J Penny and A Wilce

Also Present

Councillor(s)

S J Clist, R M Deed, R Evans, B A Moore, C R Slade and Mrs N Woollatt

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Matthew Page (Corporate Manager for People, Governance and Waste), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Maria De Leburne (Legal Services Team Leader), Nicola Cuskeran (Senior H R Business Partner), Vicky Lowman (Environment and Enforcement Manager), Deborah Sharpley (Solicitor), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

148 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.55)**

There were no apologies or substitute Members

149 **REMOTE MEETINGS PROTOCOL (0.04.10)**

The Committee had before it, and **NOTED**, the *Remote Meetings Protocol

Note: *Protocol previously circulated and attached to the minutes

150 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.04.17)**

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

151 **PUBLIC QUESTION TIME (0.04.37)**

Alderman Nation, a local resident, referring to item 9 on the agenda stated:

'I'd like to ask some questions please, I suppose more of the Chairman of the Working Group of Governance, Cllr Moore, than of the Scrutiny Committee. I would hope that the Scrutiny Committee would put these questions to Cllr Moore.

Between 27th January last year and 28th January this year the Governance Working Group held 6 secret meetings which I had to make for FOI requests to get minutes of those meetings. I am wondering is this conducive of an open democratic government? I would like to know as well why the Working Group has decided that the fundamental structure of governance does not require attention as it says in one of the most recent reports. They have totally failed to consider the pros and cons of returning to a committee structure and I would like to know why that is.

The wish of the public and many councillors to prevent the Cabinet acting contrary to their clear wishes will continue unfettered if the Working Groups proposals are enacted. Is this really what the Council wanted when they voted for a review of governance?

I think the proposal to scrap the PDG's in favour of two Scrutiny committees portrays the real wishes of the controlling councillors to clearly, purely control the Leader of the Council. PDG's were supposed to develop policy, if they are scrapped all backbenchers will be doing will to scrutinise actions of Cabinet. It does nothing to increase their powers at all.

The changes proposed do not challenge the outright power of the Cabinet. The Working Group has failed to address the concerns to the public and the Council and I hope Scrutiny Committee will ask Cllr Moore why that is and what their true intentions are.'

The Chairman advised that the questions would be addressed at the item.

152 **MEMBER FORUM (0.08.11)**

Cllr G Barnell stated:

At the last meeting of the Scrutiny Committee on 18th January the Leader, Cllr Deed, gave an undertaking that the forthcoming 3RDL Business Plan would be the subject of pre scrutiny by this committee at today's meeting. He gave a further undertaking that the Business Plan would return to Cabinet on 18th February, the forward plan confirms that, for further consideration before proceeding to Council on 24th February for a decision.

In accordance to the legislation on how local government business should be conducted, the Cabinet agenda report on the 3RDL Business Plan was published publicly a week before the Cabinet on 4th February together with the Plan which was circulated to Members only. The recommendation in the report was that Cabinet recommend the Business Plan and this was consistent both with Cllr Deed commitment to the Scrutiny Committee on the 18th and formal notice of Mid Devon key decisions which stated that the Cabinet be asked to consider the Business Plan.

The report and its recommendations remained unchanged prior to the Cabinet meeting on 4th February and during the meeting until the item was called for discussion, it stayed the same until the item was called. After the item had been

called, the Leader announced that the recommendation was to be changed very significantly, he removed the word recommends and replaced it with the word approves. This amendment immediately changed the entire purpose of the report and the consequences of the subsequent Cabinet discussion and the Cabinet proceeded to approve the Business Plan and significant loan amounts to 3RDL.

The questions are these:

1. The change of one word in the reports recommendation entirely changed the purpose of the report. It effectively became a new report. Is it lawful and/or constitutional for a report to be considered by Cabinet without prior notice?
2. Is it lawful or constitutional for a key decision to be made on a report to Cabinet without prior notice of its intention to consider making one?
3. Was the decision by Cabinet on 4th February to approve the 3RDL Business Plan and very significant loans, was that decision lawful and constitutional?

The events described above point to a strong possibility that the Leader of the Council set out to deliberately mislead the Scrutiny Committee and the wider membership of Mid Devon and also members of the public. To mislead them about purpose of intent of 3RDL Business Plan on 4th February. This could be seen as an attempt to avoid scrutiny of the business plan and to push through Cabinet approval at the earliest opportunity. Given the prima facie evidence that the Leader may have mislead Scrutiny Committee, together with the membership and the public, will the Monitoring Officer carry out an investigation into the matter of possible misconduct. In this conduct I would refer her to the Nolan principles of integrity, accountability, openness, honesty to which I might add leadership.

The Monitoring Officer explained that she would replying in detail and in writing which would be circulated to the Committee.

The Leader accepted that as the charges against him by Cllr Barnell as to his motives and conduct were serious he would not respond but leave a response to the Monitoring Officer.

153 **MINUTES OF THE PREVIOUS MEETING (0.13.59)**

The minutes of the meeting held on 18th January 2021 were approved as a correct record.

154 **DECISIONS OF THE CABINET (0.16.27)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 4th February 2021 had been called in.

155 **CHAIRMAN'S ANNOUNCEMENTS(0.16.37)**

The Chairman announced that he was going to be attending a meeting with the Leader, the Chief Executive and the Chairman of the Planning Enforcement Working Group to find a way forward.

156 MEETING MANAGEMENT

The Chairman indicated that he would take item 11 as the next item of business.

157 3 RIVERS DEVELOPMENTS LTD BUSINESS PLAN (0.18.06)

Member discussed the 3 Rivers Development Ltd (3RDL) Business Plan.

Consideration was given to:

- The decision to approve the Business Plan and recommend it to Council had already been made
- The St Georges site was due for completion in March 2022 and marketing would commence when the site was nearing completion as it could not be occupied until the whole development was completed
- 3RDL needed Members support
- The possible use of social media to promote the Company and to respond to negative posts
- The relationship between the Scrutiny Committee and the Audit Committee to scrutinise 3RDL and any associated risk to the Council

In response to a question asked about the role of pre scrutiny of business cases for 3RDL the Monitoring Officer explained that the Scrutiny Committee had enhanced rights and that she would provide a written response to Members.

The Cabinet Member for Finance explained that a business case for each site would be presented to the Cabinet by 3RDL and that each would be considered on its own merits. He reminded Members of the agreed process between Scrutiny Committee and Audit Committee and that the Audit Committee should have visibility of financial risks.

Members stated their frustration at 3RDL and felt that it was not the Scrutiny Committee's function to support the company but to show the public that they were robustly analysing it.

The Chairman of the Audit Committee stated that if Members had concerns about the financial risks of 3RDL then those concerns should be brought to the Audit Committee.

In response to a question asked, the Deputy Chief Executive (S151) explained that all lending to 3RDL had come from short term lending from the Council's reserves and was not directly from Council tax income. That £1.2m had been received from the company to date which was the equivalent to running the Council's 3 leisure centres for a year. He informed Members of the Treasury Management Strategy which was due to be presented to the Cabinet.

The Committee had further discussions and **AGREED** that:

- The 3 Rivers Development Limited - Business Case and Appraisal for the 9 dwellings at Bampton be brought before the Scrutiny Committee before being considered by the Cabinet

(Proposed by Cllr G Barnell and seconded by Cllr A Wilce)

Reason for the decision: To pre scrutinise the business case for the Bampton development

Notes:

- i.) Councillor R L Stanley declared a Disclosable Pecuniary Interest with regard to his involvement with 3 Rivers Developments Limited and left the meeting for the discussion and vote thereon
- ii.) Cllrs E J Berry, W Burke and Mrs C P Daw requested that their vote against the decision be recorded
- iii.) *Report previously circulated and attached to the minutes

158 **UPDATE ON THE GOVERNANCE WORKING GROUP (1.12.07)**

The Chairman of the Governance Working Group provided an update to Members and stated:

The Full Council meeting on 6 January 2021 ratified the Governance Working Group's way forward based on the 7 key conclusions from Group's activities to that date, notably including the outcome of internal and external consultation events. This report provides an update on work since that date.

A further meeting was held by the Working Group on 28 January 2021 at which the Monitoring Officer presented a paper providing options for discussion based on the agreed way forward. These were:

1. To continue with the current arrangements but enhance the scrutiny process; or,
2. To replace the 4 Policy Development Groups plus a Scrutiny Committee with one or more Overview & Scrutiny Committees.

After discussion it was agreed that a more detailed proposal be provided by Officers in consultation with the LGA for the second option. This was to look at 2 Overview & Scrutiny Committees addressing Corporate and Community topics respectively. The inclusion of a Programming Board to manage the work between the 2 Committees plus a Joint Overview & Scrutiny meeting to consider items of joint interest would also be developed. Working Groups could continue in the guise of Task & Finish Groups to support the work of the Committees.

This approach was considered to be worth exploring in more detail, as it appeared to offer the opportunity to improve Member involvement, improve cross-discipline working without unnecessary overlap, and enhance decision making through early engagement in the process. It was also thought that routine policy updates might become Cabinet Member responsibilities to allow the Committees to focus on matters of more criticality.

Member support for a new approach was recognised as crucial. Subsequent to the meeting the Monitoring Officer has started work and will contact the Chairs of Scrutiny Committee, Audit Committee and the 4 Policy Development Groups for input in due course.

As planned, the Working Group is scheduled to meet again on 2 March 2021 where more detailed proposals will be discussed. All Members are welcome to contribute to that meeting. The aim remains to bring a recommendation to an Extraordinary Full Council meeting on 17 March 2021.

The Chairman of the Governance Working Group stated that he would provide a written response to the public questions raised.

Consideration was given to:

- The working group considered public engagement in the process to have been adequate
- Members thoughts that it was clear from public consultation that there was no real appetite for huge constitutional change to the authority's governance arrangements
- Some Members views that the Working Group had made no serious attempt to reverse the Strong Leader and Cabinet System

A member of the Working Group explained that he had not initially gone into the review with an open mind and was convinced that a return to a committee structure was the way to go initially. However, during the work of the Working Group many alternatives had been explored and that he felt that option 2 could control the Cabinet in the proposed structure.

159 **ESTABLISHMENT ANNUAL UPDATE (1.39.07)**

The Committee had before it, and **NOTED**, a *report of the Corporate Manager for People, Governance and Waste presenting the Establishment annual update.

The officer outlined the contents of the report and stated that it included updates on the key establishment indicators of sickness and agency expenditure, turnover and the impact of COVID-19 on our workforce.

He explained the work that had been ongoing on the engagement, development and wellbeing of the workforce and priorities for the coming year.

In response to questions asked the Corporate Manager for People, Governance and Waste provided the following responses:

- Turnover was higher than the Council would have liked but there had been some challenges including proactive headhunting by another authority, restructuring and some challenging staffing issues to address
- Forecast sickness absence was running at 6 days lost per FTE employee which compared favourably to both the private sector and public sector
- When advising on people issues such as employee relation issues, retention and development that the impact on both the operational and financial performance had to be considered e.g. timescales, expenditure

- A new staff survey would be launched in the autumn

There was a general discussion with regard to how the workforce had changed and adapted during the pandemic and that some staff had particularly enjoyed working from home and had been more productive.

The Chief Executive reassured Members that the authority was looking at the new normal and how it transitioned in the future. He explained that the initial approach to working from home had been a make do and mend approach which had developed over time and that the infrastructure would need to be investigated moving forward.

Notes:

- i.) Cllr S J Penny left the meeting at 4.05pm
- ii.) *Report previously circulated and attached to the minutes

160 AMENDMENT(S) TO THE CONSTITUTION (1.54.16)

The Monitoring Officer provided a verbal update to Members and stated that subject to 17.3 (b) of the Constitution, changes to the Constitution would only be approved by the full Council following discussion by the Standards Committee.

The Monitoring Officer had the authority to make changes if it was:

1. A minor variation; or
2. Required to be made to remove any inconsistency or ambiguity; or
3. Required to be made so as to put into effect any decision of the Council or its committees or the Cabinet.

She informed Members that all changes to the constitution were recorded at the back of the published document.

The Monitoring Officer further explained that she had given instructions that the book of motions be amended to show if the motion had been carried and if a constitutional change was required and made. All constitutional changes would be reported to the Standards Committee.

161 PUBLIC SPACES PROTECTION ORDER (2.10.19)

The Committee had before it, and **NOTED**, a *report of the Legal Services Team Leader providing the process for the Public Spaces Protection Order (PSPO).

The officer provided a further update and confirmed that all maps had been sent to the Town and Parish Council's in order that their accuracy could be verified.

The Legal Services Team Leader explained to Members that the legislation was in place but this was not enforceable without an adopted PSPO in place.

She explained the lessons learned and the following processes moving forward:

- The Town and Parish Council's would be used to validate maps as they had the local knowledge

- There would be longer project management lead times to enable the process to go through its different stages in a timely manner
- Members to be involved to review any future drafts of a PSPO before it is sent to the PDG's for review and approval

The Cabinet Member for the Environment stated that he could not comment on why the process had taken so long as he had only taken over the portfolio in September. He reassured Members that he was now heavily involved in the process and would ensure that necessary and relevant enforcement was in place.

The Committee then **RECOMMENDED** to the Cabinet Member for the Environment that:

a) arising from the lessons learned, a procedure is put in place to ensure that all future renewals or reviews of PSPOs (or similar enforcement legislation) goes through each necessary stage or process required to ensure the effective and lawful application of that legislation

b) the responsible Cabinet Member to ensure that, once the PSPO (Dogs) is enforceable, there is sufficient officer resource committed to actively enforcing it.

(Proposed by Cllr A Wilce and seconded by Cllr B G J Warren)

Reason for the Decision: To ensure that there are robust processes in place for the implementation of a Public Spaces Protection Order

Notes

- i.) Cllr B G J Warren declared a personal interest as Chairman of the Environment PDG and Willand Parish Council
- ii.) *Report previously circulated and attached to the minutes

162 **WHISTLE BLOWING 6 MONTH UPDATE (2.44.21)**

The Director of Business Improvement and Operations explained to the Committee that there had been no whistleblowing instances in the previous 12 months.

163 **PERFORMANCE AND RISK (2.56.03)**

The Committee had before it, and **NOTED**, the *Performance and Risk report of the Operations Manager for Performance, Governance and Health & Safety.

The Director of Business Improvement and Operations noted the following questions from Members and stated she would provide a written response:

- Under Homes PDG why had the Emergency Repairs Completed on Time, the Urgent Repairs Completed on Time, Routine Repairs Completed on Time and the Repair Jobs When an Appointment was Kept targets been reduced?
- Why was the measure for the % of rents collected not included
- Under Homes PDG Members requested updated targets for Deliver Housing
- Under Corporate Plan PI why did the figures for % total NNDR collected – monthly go from red to pink but the figures were higher?

Members requested that their thanks to the waste and recycling officers be recorded.

Notes:

- i.) Cllr R J Stanley left the meeting at 17.19pm
- ii.) *Performance and Risk report previously circulated and attached to the minutes

164 **FORWARD PLAN (2.58.58)**

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

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

165 **MENOPAUSE WORKING GROUP (3.01.46)**

The Committee had before it the *report of the Scrutiny Officer presenting the final report of the Scrutiny Committee Menopause Working Group.

The Chairman of the Working Group thanked Members, staff and officers for the work that had been done on the Working Group.

Therefore it was **RECOMMENDED** to the Head of Paid Service:

1. That MDDC introduces 'Wellbeing Ambassadors'. These will be members of staff who will be supported by relevant training to be able to provide advice to employees on a range of issues, including menopause, mental health and other workplace issues. Ambassadors should have clear knowledge about where to signpost staff for further support if necessary.
2. That a review of support available to staff with menopause symptoms takes place. This could include whether desk fans are too large and how to ensure all staff know how to regulate the temperature in meeting rooms. Consideration should also be given to ensuring understanding needs of staff not working in an office space, and whether the current unisex toilets could be changed.
3. That MDDC has an awareness raising campaign on the menopause to normalise the issue and make staff aware of the support available. This could be through posters, internal communications and utilisation of the Wellbeing Ambassadors.
4. That a MDDC work place policy on the menopause is drawn up, agreed and promoted to all staff. The policy should help signpost support and links to other relevant policies as well as include clarity around: options available for staff experiencing symptoms; how to log time taken off; options for flexible working including the ability to work out of hours if needed.
5. That all line managers receive menopause in the workplace training. This will help ensure line managers are clear about the symptoms and impact of the

menopause, as well as the support available to staff. A booklet for staff and line managers should also be produced as guidance on options available.

6. That an online forum is set up, for staff and/or line managers as a safe space to discuss with other employees problems and issues they are having

(Proposed by the Chairman)

Reason for the Decision – To enable the recommendations of the Working Group to be progressed.

Note: *Report previously circulated and attached to the minutes

166 **SCRUTINY OFFICER UPDATE (3.10.24)**

The Scrutiny Officer provided an update to Members on areas she had been working on and stated:

- Following requests at the last meeting, Members will have received information on the budget of the Tiverton Town Centre Manager; and have updates on the Council's sickness absence and the percentage of staff completing online learning. The Cabinet Member for the Working Environment and Support Services also provided information regarding office and non-office based accidents.
- Members also asked for an update on the number of complaints relating to fly tipping – Confirmation has been received that due to the way they were recorded, this has been done manually. This is currently being collated and the team has apologised for the delay.
- Members were reminded that there was a meeting with Neil Parish MP on Monday 22nd February at 10.30am. Members were thanked for their questions and were reminded that Mr Parish requested questions in advance and that the deadline had now passed.
- The Chairman of Scrutiny and Audit hoped to have a meeting with Cllr Moore and Cllr Evans to discuss how to take forward some of the discussions that had taken place in the 3RDL briefing a few weeks ago.

167 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (3.12.22)**

The Scrutiny Officer was asked to provide a written update to Members of the Committee on the status of rural broadband.

(The meeting ended at 5.39 pm)

CHAIRMAN

BRIEFING PAPER

SCRUTINY COMMITTEE– CLIMATE CHANGE PORTFOLIO

DATE: 1ST MARCH 2021

Responsible Officer: Andrew Busby- Corporate Manager Property, Leisure & Climate Change

Reason for Report: To receive an update from the Cabinet Member for Climate Change

Contact for more Information: Andrew Busby Group Manager Corporate Property and Commercial Assets

Introduction

The Council has declared a Climate Emergency and aims to become carbon neutral by 2030. Carbon neutrality is a term used to describe the aim of actions that organisations, businesses and individuals can take to remove as much carbon dioxide from the atmosphere as each puts in to it. The overall goal of carbon neutrality is to achieve a zero carbon footprint. To become carbon neutral we needed to accurately measure our carbon footprint and create a baseline against which future changes can be measured. The assessment needed to establish a baseline from which to measure the reductions that we plan to make via our action plan and make informed recommendations to Members.

Following the recent climate change declaration by Councils across Devon, there are now two emerging work streams; an internal organisation focus on reducing CO₂ emissions to (net) zero; and the wider agenda looking at enabling the reduction of emissions across the whole Mid Devon area. Clearly, the first of these is a process that a) the Council can manage/monitor/influence; and b) can control to a significant degree, as it relates to our own assets and operational base. For the wider piece linked to the whole of the Mid Devon area achieving net zero emissions, this is work that DCC will be initiating linked to baselining work being undertaken for the whole county. However, as a District we will work as a partner with local businesses, organisations, community groups and other residents to support the District's journey to net zero. As we learn figures for the whole District's CO₂ footprint, we will be able to do this more effectively.

The definition of a carbon footprint is the amount of carbon dioxide released into the atmosphere as a result of the activities of a particular individual, organisation, or community. A carbon footprint is measured in tonnes of carbon dioxide equivalent (tCO₂e) and CO₂e is calculated by multiplying the emissions of each of the greenhouse gases (GHG) by its 100 year global warming potential (GWP). The Carbon Footprint of the Council's own gross emissions were 20,402 tCO₂e for the reporting period 1st April 2018 to the 31st March 2019. The Council should be in receipt of the carbon footprint data for the period between 1st of April 2019 to the 31st March 2020 during March 2021.

Having a net zero carbon footprint refers to achieving net zero carbon dioxide emissions by balancing carbon emissions with carbon removal (often through carbon offsetting) or ideally, by eliminating carbon emissions altogether (the transition to a post-carbon economy). It is used in the context of carbon dioxide releasing processes associated with transportation, energy production, agriculture and commercial/industrial processes.

Impacts of climate change on our wider ecosystem also needs to be considered as part of our climate change journey (i.e. availability of water, changing natural habitats and landscapes). Taking one example, the Council prepared and consulted upon a draft Green Infrastructure Plan (GIP) in 2011, the Green Infrastructure Assessment (Section 2 of the GIP) was then revised to take account of comments from residents and other stakeholders. Other planning policies have links to maintaining or improving biodiversity and these will be listed and signposted on a Council climate change website.

Devon Climate Emergency

The Council are part of the tactical group for the Devon-wide carbon plan. DCC are also business planning for the offer of a local power purchase agreement between large energy consumers in Devon and community-owned renewable energy, and we are talking to DCC about this.

More widely, the tactical group is a key link for the synchronising of our climate plans with Devon-wide plans. The Devon Climate Emergency put out a call for evidence to contribute to the Devon Carbon Plan -- the group received almost 900 submissions, mostly from individuals, and a summary of submissions by theme can be viewed here:

<https://www.devonclimateemergency.org.uk/devon-carbon-plan/call-for-evidence/>

Some of the suggestions have been reviewed and incorporated into our own plan, and others will need to be discussed as part of our NZAG and Mid Devon Climate Conversations.

Devon Carbon Plan:

This is a Devon-wide piece of work which aims to put Devon on a path to a clean, healthy and sustainable low-carbon future. MDDC's Environment PDG discussed the plan at length in its January 12th meeting, and feedback was passed on to Cabinet, and ultimately was shared as part of the consultation on the plan. The plan was open for consultation by partners as well as residents. Some sections of the plan are more controversial than others, and a Citizen's Assembly is planned in summer 2021 to explore and find a way forward on these areas. The plan will then be updated and revised, and a second public consultation will follow. Some areas of the plan are more relevant to Mid Devon than others and will help inform and revise our own Climate Action Plan, e.g. on topics like the built environment, economy, and energy supply.

Mid Devon Climate website

This will go live in the Spring. Its purpose is to 1) share updates on MDDC's carbon reduction work; 2) provide good information to residents, businesses, members and others; and 3) signpost opportunities, events and local groups that are working on the climate and biodiversity agenda locally and regionally.

Net Zero Advisory Group (NZAG)

This has been set up following Cabinet approval at its meeting on the 23 April 2020 and continue to meet to discuss work streams including but not limited to carbon reduction, biodiversity measures. A request has been made to research other structures for this group that will give it more weight, and allow public participation.

Working across service areas

A series of meetings are taking place with key officers from various services to explore opportunities, connections, ideas and challenges from different perspectives and service areas within the council. We see each team representative who joins the meeting acting as a 'Climate Connector' for the council, with the intention of building a joined-up approach in our journey to be net zero by 2030. Our new Climate and Sustainability Specialist will arrange these meetings going forward.

District-wide community engagement

There were planned Devon-wide Citizens Assemblies to discuss the climate crisis during 2020 and to seek input from residents, but the Covid19 crisis has pushed these back to later this year. At a more local level, Cllr Wainwright had hoped to host in-person 'Mid Devon Climate Conversations' with town, parish, community group and business representatives, to encourage networking and collaboration, and to listen to ideas, questions and information. The Covid19 crisis has meant we have had to put that on hold, but in the meantime, we have planned the first of a series of online discussions instead. Content from these discussions will be documented and considered as the Council moves forward with this work, and as part of the Net Zero Advisory Group. This agenda is one that many people are interested in and have expertise in, which the council can benefit from. It is a good opportunity to improve community engagement. We have had little capacity to manage these, however Cllr Wainwright and our Policy Research Officer have been hosting them and taking notes. They will be formalised and developed by our Climate and Sustainability Specialist.

We are mapping district-wide groups and initiatives that are working on the net zero carbon agenda, to support residents to connect and learn more. We will put this on our website.

Members are of course invited to be part of the Climate Conversations mentioned above. In addition, please feel free to share articles, ideas and suggestions as we move forward with this work. It is a topic that goes beyond any one political party, and a collaborative approach will help us tackle this complex issue at a local level. We continue to explore the potential of setting up 'Community Climate and Biodiversity Grants'; a similar scheme has been adopted at a neighbouring authority to support small-scale community projects.

Climate Action Plan

The first version of our Climate Action Plan is continuing to be developed. The action plan draws on input from various reports, research, case studies and conversations, and is very much a work in progress. It will include a Red / Amber / Green status marker to identify which proposed actions and schemes have a high, medium or low impact on reducing our carbon footprint. There are current projects within our Capital Medium Term Financial Plan (CMTFP) that present opportunities for reducing our carbon footprint. For example, replacing ageing boilers and reviewing the Combined Heat Plant (CHP) at Exe Valley Leisure Centre (EVLC). Taking the boilers and CHP at EVLC as an example, these assets run on gas, and the Council will review these schemes to see if we could reduce the carbon emissions further to a straight replacement for a modern alternative. As well as existing projects within the CMTFP, the plan will also include strategic and larger projects such as the hydroelectricity scheme in Tiverton that would have a high impact on the Council's emission reduction. Some projects will need extra budget / capacity. The plan will also be shared with the Net Zero Advisory Group for review. In addition, input from our 'Mid Devon Climate Conversations' will help shape our plan.

The Council has secured £18k for assistance with developing a Heat Decarbonisation Plan to 2030 with an additional £20k for skilled project support on developing our Carbon Action Plan.

Summary of recent work:

- Funding obtained to decarbonise Mid Devon leisure centres (circa £311k)
- Extended the solar array on our recycling centre Carlu Close
- 'Climate Conversations' to increase connection and information-sharing in Mid Devon (NB -- make engagement a key work stream in revised climate action plan)

- Solar Together scheme -- invitations to Mid Devon residents – 37 private residents have signed up to install solar panels with a further 8 private residents signing up to install retrofit battery solar pv systems
- Input to Devon Carbon Plan process
- Replacing ageing boilers (General Fund and HRA assets)

Current work / discussions

- New Mid Devon climate website soon to go live (purpose -- to share updates, create connections, and signpost good information and opportunities)
- Energy procurement options
- Hydroelectric scheme
- Possibility of bringing funded rapid charge points to towns in Mid Devon (in discussions with Rapid Charge Exeter and CoCars)
- Evolution of the Net Zero Advisory Group

Future work includes

- Our new Climate and Sustainability Specialist Jason Ball, is starting on March 1st 2021. Regular quarterly reports against our targets from then on.
- Jason to review and deepen our Climate Action Plan, with updated costings and timelines
- Carbon literacy / climate / biodiversity training for all members and officers
 - Review and revise our procurement processes, to reduce Scope 3 emissions. Due for review -- bring forward.
- Community climate / biodiversity fund, and wildlife wardens
- Roll out tree-planting in Tiverton and beyond

Contact for more Information: Cllr Elizabeth Wainwright-Cabinet Member for Climate Change and Andrew Busby Corporate Manager for Property, Leisure and Climate Change
abusby@middevon.gov.uk

SCRUTINY 1 MARCH 2021

3 Rivers Developments Limited – Project Appraisal (Bampton)

Cabinet Members: Councillor Bob Evans – Deputy Leader and Housing & Property
Councillor Andrew Moore – Finance

Responsible Officers: Deputy Chief Executive (S151) – Andrew Jarrett

Reason for Report: To provide Scrutiny with the opportunity to review the 3 Rivers Developments Limited's business case for the Bampton development (included within the recently approved company Business Plan) prior to it being considered by Cabinet.

RECOMMENDATION: That the Committee reviews the attached documents and then passes any relevant comments/observations to the Cabinet for consideration.

Relationship to Corporate Plan: 3 Rivers Developments Limited's (3Rivers) primary objective is to generate future returns in order to grow the business and to recycle monies made back to the Council to mitigate some of the cuts in Government funding.

Financial Implications: The Council has a duty to obtain value for money. All financial interactions between the Council and 3Rivers are carried out at commercially evidenced rates and subject to individual loan agreements.

Legal Implications: None to this report. However, this report is prepared in accordance with the Shareholder Agreement, Company's Memorandum and Articles of Association and currently Approved Business Plan.

Risk Assessment: Detailed within the report.

Equality impact assessment: No equality issues identified for this report.

Impact on climate change: 3Rivers is a commercial organisation and where deliverable sustainable options are available they are utilised; however, as a commercial organisation it is acknowledged that where there is a significant cost differential and what the market will sustain that this plays heavily in the choices made.

1.0 Introduction

1.1 At the previous meeting of this Committee it was decided that it would review the Bampton site business case prior to it being considered by Cabinet.

1.2 When the Cabinet approved the annual company business plan it included budgetary provision for the attached project. It has also been agreed at Cabinet in July 2020 that any development with an estimated build cost in

excess of £1m must be brought to Cabinet for consideration. This consideration would be based on the review of a business case report received from the company.

2.0 Business Case - Bampton

2.1 Attached to this report is the confidential company business case for a residential development of 9 market houses in Bampton. This overall appraisal includes estimates regarding: scheme build costs, contingency sums, sales predictions, overall project returns, risk issues, etc. As members can see from the attached report, all project costs and revenues have been produced with the benefit of assistance from professional organisations operating with local market knowledge/experience.

2.2 The Council's Deputy Chief Executive (S151) has reviewed the company's business case and all the attached paperwork and is assured that all estimated project costs and potential receipts have been produced to the best of the company's ability and has utilised external advice where appropriate.

3.0 Conclusion

3.1 Members will be aware that this project is included in the company's business plan for 2021/22.

Contact for more information: Andrew Jarrett, Deputy Chief Executive

Circulation of the report: Leadership Team and Cabinet

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